

**PROPOSED CITY OF JOONDALUP MEETING PROCEDURES LOCAL LAW 2013
SCHEDULE OF SUBMISSIONS AND COMMENTS**

No.	SUMMARY OF SUBMISSION	CITY COMMENT
Kingsley and Greenwood Resident Association		
1	<p>Clause 4.1 – Business specified in the agenda</p> <p>Why has CEO been given power to add/delete items from the Agenda without compliance with subclauses (1) to (3)? This would seem to encourage the last-minute changing of agendas and not assist an orderly process. The agenda is published on the Friday PM before the Tuesday Council meeting so that should be the minimum sufficient notice for late changes.</p>	<p>This is a standard provision in most local government local laws.</p> <p>The CEO may consider a matter to be of such significance to Council that it requires a report to be distributed after the agenda has been prepared and distributed, or alternatively cannot wait until the next meeting of Council.</p> <p>The CEO may become aware of further information in respect of a matter reported to Council for consideration, which may require the item to be withdrawn from the agenda to enable the additional information to be inserted or the recommendation reviewed.</p> <p>The comments are noted and no changes are recommended.</p>
2	<p>Clause 4.8 – Adoption by exception resolution</p> <p>The concept would seem to be counter to good governance as only items of interest to certain members get extracted to be debated. What assurance does the public have that Councillors have considered all the items presented? The CEO already has significant delegation and items on the agenda are those items that have to go to a Meeting of Council. Considering all the business processed under delegation the few items presented are already exceptional and should be considered and voted individually. If the process has to continue we support the constraints imposed by 4.8(3) "An adoption by exception resolution may not be used for a matter".</p>	<p>It is common practice across local governments to adopt recommendations by an exception resolution (or en bloc). Subclause (3) allows a matter to be extracted from being considered by exception resolution should a member wish to speak on that matter. All Elected Members as part of their decision-making role are to make themselves familiar with items that are presented for a decision.</p> <p>The comments are noted and no changes are recommended.</p>

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3	<p>Clause 5.11 – Petitions</p> <p>We support the Petition format at Schedule 1. The previous format with Agree/Disagree/No Opinion is impracticable as the petition proposition is inviting Agreement so that those who sign Agree as the default.</p> <p>The proposed change to a minimum of 25 electors is not supported and (1)(c) should be changed to read “<i>be made by at least 2 electors of the district</i>”.</p> <p>Some streets have a small number of houses with fewer than 25 electors. A local issue concerning them would be not able to be represented by a petition if the minimum 25 change was introduced. In addition it is considered that the current minimum of 2 allows issues to be raised which could have wider support.</p> <p>There should be an acceptance of faxed or email attachment petition forms and (1)(f) should read “<i>contain the legible names, addresses and signatures of the electors making the request, and the date each elector signed. The completed petition form may be the original or a facsimile of the original achieved by Fax or email attachment transmission.</i>”</p> <p>It is requested that a properly completed petition form be considered valid if it is a faxed or scanned copy email attachment (PDF or Image) of the original signed form. Signed Contracts are sent by fax and scanned copy, so why can’t signed petition forms be accepted in the same transmission format?</p>	<p>There is no legislative provision to determine what is a valid petition however 25 electors was considered by Council as a significant number for a matter to be brought to the attention of Council. A member of the community is not precluded from raising any matter with Elected Members directly or through the City’s administration.</p> <p>Petitions that conform to the requirements of the meeting procedures can be submitted to the City in person, electronically (i.e. through email) faxed, or given to an Elected Member for tabling at a Council meeting.</p> <p>The comments are noted and no changes are recommended.</p>

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4	<p>General comments of Confidentiality sections. We realise that a declaration of Confidentiality is only made after due consideration. In the interests of transparency we naturally would like to see its application minimised.</p>	<p>Matters to be discussed behind closed doors are minimised as much as possible. In accordance with the <i>Local Government Act 1995</i> items may need to be discussed behind closed doors.</p> <p>The comment is noted.</p>
5	<p>Clause 5.2 – Procedure to close meetings to the public</p> <p>Closing meetings to the public is a major exclusion of the public interest and should be only a rare and necessary event.</p> <p>The CEO or Council, Committee in the recommendation should also elaborate on the reasons for closing other than just a reference to the local government act para xyz. The reasons should be in a form understandable by the public.</p>	<p>Section 5.23(2) of the <i>Local Government Act 1995</i> details those circumstances when meetings can be closed to the public. Reports that are to be discussed behind closed doors are detailed with relevant confidentiality provision that applies to that report.</p> <p>The comments are noted and no changes are recommended.</p>
6	<p>Clause 5.14 - Confidentiality of information withheld</p> <p>Classifying Meeting items as Confidential is an exclusion of the public interest and should be only a rare and necessary event.</p> <p>The CEO should also elaborate on the reasons for confidentiality other than just a reference to the local government act para xyz. The reasons should be in a form understandable by the public.</p> <p>If only a part of an item document is regarded as Confidential then only that part should be classified and the balance of the document released to the public with redactions if possible.</p>	<p>Matters to be discussed behind closed doors are minimised as much as possible. However there are circumstances, in accordance with the <i>Local Government Act 1995</i> where items need to be discussed behind closed doors.</p> <p>Reports discussed behind closed doors are identified with the relevant confidentiality provision that applies to that report.</p> <p>The proposed clause requires members and employees to keep information confidential until Council, or committee resolves otherwise, or in the opinion of the CEO, the reason for confidentiality ceases to exist.</p>

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	<p>"Confidentiality" changes with time and project phase so at some point Confidentiality could be reassessed and lifted with the document marked for release to the public.</p>	<p>The comments are noted and no changes are recommended.</p>
Mr B Corr (current sitting Elected Member)		
1	<p>Clause 1.3 - Purpose and Effect</p> <p>Meetings to include Strategy Sessions and Budget Workshops</p> <p>Clause 1.5 - Interpretation</p> <p>Definition of Meeting to include Strategy Sessions and Budget Workshops.</p> <p>As Strategy Sessions and Budget Workshops are not classified as 'Meetings', there may be confusion as to what rules apply. Even though they are behind closed doors and the agenda is confidential, it is my understanding that, after the session/workshop, all documents not specifically marked 'Confidential' are then in the public domain.</p> <p>If we had a 'Strategy Committee' and a 'Budget Committee' with every Elected Member as a member, then these Meeting Procedures Local Laws 2013 would apply.</p>	<p>Strategy Sessions, Budget Sessions and Briefing Sessions are not formal meetings of Council and should not be covered by the provisions of the local law. The Department of Local Government and Communities recognises these sessions and workshops as an important mechanism for Elected Members to become informed about matters affecting a local government. The City has established rules for these sessions.</p> <p>Elected Members must comply with the <i>Local Government Act 1995</i> and the <i>Local Government (Rules of Conduct) Regulations 2007</i> in performing their role which includes how Elected Members are to treat confidential information and the release of such information.</p> <p>Council can establish committees as it sees fit to assist it with its decision-making responsibilities should it wish to do so.</p> <p>The comments are noted and no changes are recommended.</p>
2	<p>Clause 2.5 – Convening committee meetings</p> <p>Change 72 hours to 5 clear days. 72 hours is too short notice for committee meetings.</p>	<p>Under the <i>Local Government Act 1995</i> ordinary meetings of Council can be convened by giving 72 hours notice. It is appropriate that similar provisions apply to committees.</p> <p>The comment is noted and no change is recommended.</p>

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3	<p>Clause 4.6 – Motion of which previous notice has been given</p> <p>4.6 (2) change 7 to 6 clear days. This would allow, say, a Notice of Motion to be given to the CEO at a Briefing Session for the Council meeting the following week.</p>	<p>In view of the City’s monthly meeting cycle a seven clear day requirement enables Elected Members at a Briefing Session to be informed of a notice of motion for the next week’s Council meeting. It also provides additional time for the administration to prepare any comment in respect to the notice of motion.</p> <p>The comment is noted and no change is recommended.</p>
4	<p>Clause 5.11 – Petitions</p> <p>5.11 (c) change 25 to 2. Two is the current figure. What happens if there’s an issue on a street with, say, 5 houses?</p> <p>5.11 (2) referred to the CEO for action be changed to referred to the CEO for action with a report back to Council.</p> <p>The ‘Report back to Council’ is the wording used to date. This keeps Council, and the petitioners, informed.</p>	<p>There is no legislative provision to determine what is a valid petition however 25 electors was considered by Council as a significant number for a matter to be brought to the attention of Council. A member of the community is not precluded from raising any matter with Elected Members directly or through the City’s administration.</p> <p>Council is informed on the status of a petition through a specific report or through the quarterly Status of Petitions when it is deemed not necessary to report to Council.</p> <p>The comment is noted and no change is recommended.</p>
5	<p>Clause 5.12 – Participation at committee meetings</p> <p>5.12 (3) to read ‘A person may address the committee meeting’.</p> <p>5.12 (4) Remove.</p> <p>5.12 (5) Remove.</p>	<p>This clause relates to Elected Members who are not members of a committee. Elected Members who are not members of a committee have a right to attend any meeting however do not have a right to speak. The Presiding Member of a committee has the responsibility to preserve order and the business of the meeting, and this includes who can speak.</p>

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	<p>The current situation allows an Elected Member, attending a Committee Meeting, to debate but not vote. Councillors taking the time to attend such meetings, should not lose this right.</p>	<p>Elected Members who are not members of a committee can address a meeting or ask questions but cannot debate.</p> <p>The comment is noted and no change is recommended.</p>
6	<p>Clause 5.14 – Confidentiality of information withheld</p> <p>I understand that, because Strategy Sessions and Budget Workshops are not ‘Meetings’, and even though they are ‘Confidential’, after the session/workshop any documents not marked ‘Confidential’ are then in the public domain. Making these sessions/workshops ‘Meetings’ would help clarify matter and give consistency.</p>	<p>Elected Members must comply with the <i>Local Government Act 1995</i> and the <i>Local Government (Rules of Conduct) Regulations 2007</i> in the performance of their role, including how and when confidential information can be disclosed. This clause clarifies when an item is considered confidential and how such information is marked.</p> <p>The comment is noted and no change is recommended.</p>
7	<p>Clause 5.16 – Recording of proceedings</p> <p>I understand that every individual is bound by the federal telecommunications act, which lays down the rules etc. that allow/disallow recording. Are we allowed to overrule the federal law? If not, then this should be removed.</p>	<p>The <i>Telecommunications Act 1997</i> (Clth) applies to carriers of telecommunication facilities not public bodies. The <i>Surveillance Devices Act 1998</i> does not apply to public meetings including Council meetings.</p> <p>This clause is in reference to other persons recording meetings not the City. Such persons would require the permission of the presiding member before recording meetings. It is common practice throughout local governments that meetings are recorded by the administration.</p> <p>The comment is noted and no change is recommended.</p>

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8	<p>Clause 6.5 – Substitution of deputy at committee meetings</p> <p>Change ‘may invite’ to ‘is to invite’. Obviously, if a deputy is present, he/she should have an automatic right to act as deputy.</p>	<p>The comment is supported as it reflects the intent of section 5.11A (3) of the <i>Local Government Act 1995</i> that deputies have a right to act when a member for whatever reason cannot perform their function as a member.</p> <p>A change to the local law is supported as indicated in the submission.</p>
9	<p>Clause 7.10 – Questions during debate</p> <p>7.10 (1) Remove ‘, with the consent of the presiding member’. The current situation allows an Elected Member to ask more than 1 question. This should remain the same.</p>	<p>The Presiding Member is responsible for preserving order at meetings and the consent of the Presiding Member should be given before questions are asked.</p> <p>The comment is noted and no change is recommended.</p>
10	<p>Clause 7.15 – Withdrawal of offensive language or adverse reflection</p> <p>7.15 What happens when the presiding member is the offender? Is the presiding member exempt from these rules?</p> <p>(Note: this is an abridged version of the comment received as the original comment may be considered defamatory).</p>	<p>All Elected Members must abide by the meeting procedures as a contravention would be considered a breach that could be investigated under the disciplinary framework established under the <i>Local Government Act 1995</i> and the <i>Local Government (Rules of Conduct) Regulations 2007</i>.</p> <p>The comments are noted and no changes are recommended.</p>

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No.	SUMMARY OF SUBMISSION	CITY COMMENT
Department of Local Government and Communities		
1	<p>Clause 1.5 – Interpretation</p> <p>The Delegated Legislation Committee has recently voiced concerns at the use of the word “City” or “Town” in local laws as a replacement for the term “local government”. The Committee’s current position is that “local government” is the correct terminology to be used in local laws, since that is the term used in the Local Government Act 1995. As a result, it is suggested that the City removed the definition for “City” and insert the following definition into clause 1.5:</p> <p><i>local government</i> means the City of Joondalup;</p>	<p>The comment is supported and a change to the local law has been made accordingly. The term City has also been replaced with local government throughout the local law where required.</p>
2	<p>Clause 3.12 – Procedure where quorum not present during a meeting</p> <p>In clause 3.12(3) the words “must not speak again on resumption of the meeting” may have serious implications. The City should note that this is likely to mean that the member cannot speak again for the rest of the meeting. The City may wish to consider if this is its intention.</p>	<p>The intent of the clause is to indicate that where a motion is again discussed at a resumed meeting, a member who has already spoken on that motion cannot again then speak. It is not the intent that the member is prevented from speaking for the entire meeting once resumed.</p> <p>Notwithstanding, the clause has been amended accordingly (changes highlighted) to clarify the clauses intent:</p> <p>“The members who have spoken on the motion at the adjourned meeting, must not speak again <u>on the motion</u> on resumption of that meeting, except the mover who retains the right of reply.</p> <p>A change to the local law has been made accordingly.</p>

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3	<p>Clause 4.5 – Announcements by the presiding member</p> <p>The Committee requested that a similar clause to the proposed clause 4.5 be deleted from the <i>Southern Metropolitan Regional Council Standing Orders Local Law 2008</i>. It is suggested that the City delete clause 4.5.</p>	<p>The Department's comment is based around their interpretation that the clause prevents Elected Members from performing their decision-making role. However similar clauses are within the Cities of Wanneroo (3.6) and Gosnells (4.3) and the Shires of Augusta-Margaret River (4.7) and Busselton (5.4). It is suggested that the clause be amended to read as follows (changes highlighted):</p> <p>“At any meeting of the Council or committee the presiding member may announce or raise any matter of interest or <u>relevance to the local government</u> and there is not to be any discussion on the matter. “</p> <p>A change to the local law has been made accordingly.</p>
4	<p>Clause 4.8 - Adoption by exception resolution</p> <p>It is suggested that ‘in respect to the Council,’ be inserted at the beginning of clause 4.8(1)(a).</p> <p>It is suggested that ‘in respect to the Committee,’ be inserted at the beginning of clause 4.8(1)(b).</p>	<p>The comment is supported and the clauses amended as indicated.</p>
5	<p>Clause 5.7 - Other procedures for question time for the public</p> <p>The use of determinations avoids scrutiny by the Parliament and the determination may amount to a sub-delegation of legislative power. Clause 5.7(2) may be a determination clause which may be raised as an issue by the Committee. It is suggested that the procedure for answering questions should be included in this clause of the local law rather than be ‘determined by resolution of the Council’.</p>	<p>Under Regulation 7 of the <i>Local Government (Administration) Regulations 1996</i> power is already given to the person presiding in respect to responding to and answering questions raised by members of the public, or where the majority of members present at the meeting disagree with the person presiding, by the majority of those members. Clause 5.7(2) is not considered a determination or goes beyond that which is already provided by legislation.</p>

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		The comment is noted and no change is proposed.
6	<p>Clause 5.11 - Petitions</p> <p>Clause 5.11(i) subclauses (ii) and (iii) deal with matters that are covered by the <i>Local Government Act 1995</i>. The Committee has previously requested that these subparagraphs be deleted from the <i>Shire of Bridgetown-Greenbushes Standing Orders Local Law 2008</i>. It is suggested that the City delete these subparagraphs.</p>	<p>A petition in respect of a proposal to create a new district or the boundaries of the City (ii) or a request for a poll on a recommended amalgamation (iii) are to be given to the Local Government Advisory Board or the Minister for Local Government respectively, not the Council.</p> <p>The comment is supported and the clause amended by the deletion of subclauses (ii) and (iii).</p>
7	<p>Clause 5.16 – Recording of proceedings</p> <p>The City may find it helpful to add a new subclause as follows:</p> <p>(2) <i>If the presiding member gives permission under subclause (1), the presiding member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.</i></p> <p>The City should then number the existing clause 5.16 to subclause 5.16(1).</p>	<p>The suggestion is supported. Where the presiding member has given permission for a person to record the meeting (other than the City) a statement from the presiding member should be given to that effect.</p> <p>The comment is supported as indicated and the local law changed accordingly.</p>

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8	<p>Clause 6.5 – Substitution of deputy at committee meetings</p> <p>The City should note that clause 6.5 may not deal with the issue of conflict of interest. Even if there is a substitution of deputy for a member who discloses an interest, the deputy might have a similar conflict of interest. It is suggested that this clause be deleted.</p>	<p>Clause 6.5 clarifies that the presiding member is to invite a deputy member, if present, to act as the member if the member has withdrawn due to an interest. Section 5.11A(3) of the <i>Local Government Act 1995</i> provides for when a deputy member is to perform as a member. When they do so they are governed by the disclosure of interest provisions and this clause does not over-ride a deputy members' responsibility to leave a meeting and not participate where a particular interests applies.</p> <p>The comment is noted and no change is proposed.</p>
9	<p>Clause 6.8 – Committee members to disclose impartiality interests</p> <p>The delegated legislation committee noted in the <i>City of Swan Standing Orders Local Law 2010</i> that Part 13 (Disclosure of interest affecting impartiality) offended the Committee's term of reference. These provisions are not authorised or contemplated by the legislative power in section 3.5 of the <i>Local Government Act 1995</i>.</p> <p>The Committee considered the Act and the <i>Local Government (Rules of Conduct) Regulations 2007</i> (particularly regulations 11 which relates to members disclosing an interest affect impartiality). The Committee requested that the Part which relates to disclosure of impartiality interests be deleted.</p> <p>As the <i>Local Government (Rules of Conduct) Regulations</i></p>	<p>The clause in the City's proposed local law is in no way similar to that of the former Part 13 <i>City of Swan Standing Orders Local Law 2010</i>. Clause 6.8 of the City's local law relates to committee members (who are not Elected Members) and the need for such members to disclose interests affecting impartiality at meetings.</p> <p>The <i>Local Government Act 1995</i> applies to committee members in respect of declaring financial and proximity interests and the <i>Local Government (Rules of Conduct) Regulations 2007</i> apply to Elected Members only in relation to declaring interests that affect impartiality. Regulation 34C of the <i>Local Government (Administration) Regulations 1996</i> requires a local government's code of conduct to include provisions around impartiality interests for employees.</p>

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	<p>2007 and the Act covers this issue, if the City imposes further restrictions than the primary legislations on disclosure of impartiality interests, it is likely that the Committee will request that this clause be deleted. It is suggested that the City reconsiders Part 6.</p>	<p>The provision within the City's local law requires members of a committee (who are not Elected Members) to declare interests affecting impartiality – similar to the provisions that are required of Elected Members under the <i>Local Government (Rules of Conduct) Regulations 2007</i>.</p> <p>Regulation 34C of the <i>Local Government (Administration) Regulations 1996</i> requires a local government's code of conduct to include provisions in respect of employees' disclosure of impartiality interests when attending meetings in their capacity as an employee however this does not account for when an employee is a committee member. When an employee is a committee member they are to comply with the <i>Meeting Procedures Local Law 2013</i>, and in this respect, declaring impartiality interests in accordance with this provision should apply while that are in that capacity.</p> <p>In the interest of transparency, accountability and good governance the clause should remain.</p> <p>The comment is noted and no change is proposed.</p>
10	<p>Clause 7.7 - Relevance</p> <p>It is suggested that subclause (2) and (3) is not required. If a member makes irrelevant comments, this should be dealt with as a normal point of order.</p>	<p>Subclause (2) and (3) allow the presiding member to call the attention of the meeting any irrelevant or repetitious remarks or direct the member to discontinue his or her speech, without the need of a point of order to be raised.</p> <p>The comment is noted and no change is proposed.</p>

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11	<p>Clause 7.14 – Adverse reflection and offensive language</p> <p>The Committee has requested that a similar clause to the City’s proposed clause 7.14(1) be deleted in the <i>Shire of Bridgetown-Greenbushes Standing Orders Local Law 2008</i>. It is suggested that the City delete this clause.</p> <p>Clause 7.14(2) (<i>sic</i>) will restrict the ability of Council to deal with certain matters, so the following addition below the clause is suggested:</p> <p><i>“unless the meeting resolves, without debate, that the matter before the meeting cannot otherwise be adequately considered”.</i></p>	<p>The current clause provides that a member must not reflect adversely on a decision of Council or a committee except on a motion that a decision be revoked or changed.</p> <p>It also provides that a member must not reflect adversely on the character of another member or employee, or impute any motive or use offensive or objectionable expressions.</p> <p>This clause has been used extensively in other local government’s local laws without question from the Joint Standing Committee.</p> <p>The comment is noted and no change is proposed.</p>
12	<p>Clause 8.4 – Ruling by the Presiding Member</p> <p>The Committee has requested that a similar subclause to the City’s proposed subclause 8.4(2)(a) be deleted in the <i>South Metropolitan Regional Council Standing Orders Local Law 2008</i>. It is suggested that subclause 8.4(2)(a) be deleted and subclause 8.4(2)(b) be renumbered accordingly.</p>	<p>This clause has been used extensively in other local government’s local laws.</p> <p>The comment is noted and no change is proposed.</p>
13	<p>Clause 8.5 – Continued Breach of order</p> <p>It is suggested that after ‘with a direction’ insert ‘under clause 8.4(3)(b)’. This will increase clarity what direction needs to be complied.</p>	<p>A direction from the presiding member can be more than just that as specified in clause 8.4(3)(b).</p> <p>The comment is noted and no change is proposed.</p>

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14	<p>Clause 17.3 – Penalty for breach</p> <p>The Delegated Legislation Committee has previously requested that the penalties in standing orders be reduced from \$5000 to \$1000 (<i>Shire of Nannup Standing Orders Local Law 2010</i>). It is suggested that the penalty be lowered in the City’s proposed clause 17.3.</p>	<p>The comment is supported and the clause amended as necessary. The daily penalty has also been reduced from \$500 to \$100 as this is consistent with the recent local laws of other local governments.</p>
15	<p>Other minor formatting issues</p> <ul style="list-style-type: none"> • Clause 1.1(2) – consider substituting ‘these Meeting Procedures’ with ‘this Local Law’. • Definitions of ‘clause’ and is not necessary. The City can consider deleting this. • In clause 3.13(b), suggested that ‘for want of a quorum’ be replaced with ‘under clause 3.12’. • In clause 5.14(1)(a), substitute ‘sit behind closed doors’ with ‘be closed to the public’ for consistency with WALGA’s model and the Act. • It is suggested that the clause 16.1 be deleted as the term ‘elector’ is already covered by the definitions in clause 1.5. • The City should note that clause 4.1(5) might potentially restrict the matters that should be addressed at a meeting. 	<p>Amendment supported. Meeting Procedures has also been replaced with local law throughout the document.</p> <p>Amendment supported and definition removed.</p> <p>Amendment supported and clause amended as suggested.</p> <p>Amendment supported. The order of business for Council and committees (clauses 4.3(1)(h) and (2)(h)) have also been changed to reflect this amendment.</p> <p>Amendment not supported as the clause reflects the extended definition as provided for in the <i>Local Government Act 1995</i> in regard to electors for electors meeting.</p> <p>There may be occasions where the CEO for a particular reason may need to withdraw an item from the agenda before the Council or committee is to consider it. The comment is noted and no change is proposed.</p>

Local Government Act 1995

City of Joondalup

Meeting Procedures Local Law 2013

Local Government Act 1995

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Meeting Procedures Local Law 2013

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SCHEDULE 1

Local Government Act 1995

City of Joondalup

Meeting Procedures Local Law 2013

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Joondalup resolved on 20 August 2013 to make the *City of Joondalup Meeting Procedures Local Law 2013*.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *City of Joondalup Meeting Procedures Local Law 2013*.

1.2 Commencement

This local law commences on the fourteenth day after it is published in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of this local law is to provide the rules that apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) The effect of 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; and
 - (d) more efficient and effective use of time at meetings.

1.4 Application

All meetings are to be conducted in accordance with the Act, the Regulations, the Rules of Conduct Regulations and this local law.

1.5 Interpretation

In this local law, unless the context requires otherwise -

absolute majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

amendment, in relation to a motion, means an amendment motion which does not alter the basic intent of the primary motion to which the amendment applies;

CEO means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the local government;

committee means a committee of the Council (established under clause 15.1 of this local law);

Council means the Council of the local government;

Councillor has the meaning given to it in the Act;

Deputy Mayor means the deputy mayor of the local government;

elector has the meaning given to it in the Act;

employee has the meaning given to it in the Act;

local government means the City of Joondalup;

Mayor means the mayor of the local government;

meeting means a meeting of the Council or of a committee, as the context requires;

member in respect of -

- (a) the Council, has the meaning given to it under the Act; and
- (b) a committee, means a person appointed under section 5.10 of the Act;

Minister means the Minister responsible for administering the Act;

presiding member means -

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act;

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

revocation motion means a motion to revoke or change a decision made at a Council or committee meeting under clause 13.2;

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

Rules of Conduct Regulations means the *Local Government (Rules of Conduct) Regulations 2007*;

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

special majority has the meaning given to it in the Act.

1.6 Repeal

The *City of Joondalup Standing Orders Local Law 2005* published in the *Government Gazette* on 20 December 2005, is repealed.

Part 2 - Calling and convening meetings

2.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council, held on a monthly basis or otherwise 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

The calling of Council meetings is dealt with in the Act.

2.3 Convening Council meetings

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

2.4 Calling committee meetings

A meeting of a committee is to be held -

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

2.5 Convening committee meetings

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

2.6 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

Part 3 - Presiding member and quorum

3.1 Who presides at Council meetings

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

3.2 When the Deputy Mayor can act

When the Deputy Mayor can act is dealt with in the Act.

3.3 Who acts if no Mayor or Deputy Mayor

Who acts if there is no Mayor or Deputy Mayor is dealt with in the Act.

3.4 Election of presiding members of committees

The election of presiding members of committees is dealt with in the Act.

3.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

3.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

3.7 Who acts if no presiding member or deputy presiding member

Who acts if no presiding member or deputy presiding member is dealt with in the Act.

3.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

3.9 Reduction of 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.

3.10 Reduction of quorum for committee meetings

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

3.11 Procedure where no quorum to begin a meeting

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

3.12 Procedure where quorum not present during a meeting

(1) If at any time during a meeting a quorum is not present –

- (a) the presiding member is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;

- (b) if a quorum is not present at the expiry of the suspension period under subclause (1)(a), the presiding member may either adjourn the meeting to some future time or date or may extend the extension period for a further period of 30 minutes; and
 - (c) if a quorum is not present at the expiry of the extended period of suspension under subclause (1)(b), the presiding member is to adjourn the meeting to a later time on the same day or to another day.
- (2) Where debate on any motion is interrupted at a meeting, which has been adjourned due to a lack of a quorum, that debate is to be resumed at the resumption of the meeting at the point where it was interrupted.
- (3) The members who have spoken on the motion at the adjourned meeting, must not speak again on the motion on resumption of that meeting, except the mover who retains the right of reply.

3.13 Names to be recorded

At any meeting -

- (a) at which there is not a quorum present to begin the meeting; or
- (b) which is adjourned under clause 3.12,

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

Part 4 - Business of a meeting

4.1 Business to be specified in agenda

- (1) No business is to be transacted at any ordinary meeting of the Council or committee other than that specified in the agenda, except matters which the Act or clause 4.7 permits to be dealt with.
- (2) No business is to be transacted at a special meeting of the Council or a committee other than that specified in the agenda, and to which notice as to the purpose of the meeting has been given.
- (3) No business is to be transacted at an adjourned meeting of the Council or a committee other than that -
 - (a) specified in the agenda of the meeting which had been adjourned; and
 - (b) which remains unresolved,except in the case of an adjournment to the next ordinary meeting of the Council or the committee, when the business unresolved at the adjourned meeting is to be the first business to be considered at that ordinary meeting.
- (4) Despite subclauses (1) to (3), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.
- (5) The CEO may withdraw an item from the agenda of a meeting.

4.2 Meeting to proceed to business

A meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

4.3 Order of business

- (1) Unless otherwise decided by the Council, the order of business at an ordinary meeting of the Council is to be as follows:
 - (a) Declaration of opening /announcement of visitors;
 - (b) Declarations of interests;
 - (c) Public question time;
 - (d) Public statement time;
 - (e) Apologies/leave of absence;
 - (f) Confirmation of minutes;
 - (g) Announcements by the presiding member without discussion;
 - (h) Identification of matters for which the meeting may be closed to the public;
 - (i) Petitions;
 - (j) Reports;
 - (k) Urgent business;
 - (l) Motions of which previous notice has been given;
 - (m) Announcements of notices of motion for the next meeting; and
 - (n) Closure.
- (2) Unless otherwise decided by the committee, the order of business at any ordinary meeting of the committee is to be as follows:
 - (a) Declaration of opening;
 - (b) Declarations of interests;
 - (c) Public question time (subject to section 5.24 of the Act);
 - (d) Public statement time (subject to clause 5.8(6));
 - (e) Apologies/leave of absence;
 - (f) Confirmation of minutes;
 - (g) Announcements by the presiding member without discussion;
 - (h) Identification of matters for which the meeting may be closed to the public;

- (i) Petitions and deputations;
 - (j) Reports;
 - (k) Urgent business;
 - (l) Motions of which previous notice has been given;
 - (m) Requests for reports for future consideration; and
 - (n) Closure.
- (3) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or a committee is to be the order in which that business stands in the notice of, or agenda for, the meeting.

4.4 Grant of leave of absence

The grant of leave of absence is dealt with in the Act.

4.5 Announcements by the presiding member

At any meeting of the Council or committee the presiding member may announce or raise any matter of interest or relevance to the local government and there is not to be any discussion on the matter.

4.6 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 such business of the local government as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) 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 the motion is to be raised.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) The CEO -
 - (a) with the concurrence of the presiding member, may exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of this local law or any other written law;
 - (b) with the concurrence of the submitting member, may make such amendments to the form, but not the substance, as will bring the notice of motion into due form; and
 - (c) may provide relevant and material facts and circumstances relating to the notice of motion on such matters as policy, budget and law.
- (5) If a notice of motion is excluded under subclause (4)(a), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (6) A motion of which notice has been given is to lapse unless -

- (a) the member who gave notice, or another member authorised by him or her in writing, moves the motion when called on; or
 - (b) the Council or committee on a motion agrees to defer consideration of the motion to a later stage or date.
- (7) Where a motion of which notice has been given lapses under subclause (6), any future notice of a motion in the same terms or the same effect is not to be given for at least three months from the date of the lapse.
- (8) For the purposes of clarification, where a notice of motion is moved and seconded at a meeting of Council or committee, it is to be treated as a primary motion.

4.7 Urgent business

- (1) The presiding member, at an ordinary meeting of the Council or committee, may move a motion involving business that is not included in the agenda for that meeting if the presiding member considers that either -
- (a) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or
 - (b) the delay in referring the business to the next meeting could have adverse legal or financial implications for the local government.
- (2) Before debate begins on a matter under this clause that is not the subject of a written report from the CEO to the meeting -
- (a) the presiding member is to ask the CEO to give; and
 - (b) the CEO, or the CEO's nominee, is to give,
- a verbal report to the meeting.
- (3) Where urgent business is considered at a meeting under this clause, the minutes of the meeting are to include -
- (a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.

4.8 Adoption by exception resolution

- (1) In this clause ***adoption by exception resolution*** means -
- (a) in respect to the Council, a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the committee or CEO's recommendation as the Council resolution; and
 - (b) in respect to a committee, a resolution of a committee that has the effect of adopting, for a number of specifically identified reports, the CEO's 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 adoption by an absolute majority or a special majority vote;
 - (b) in which a financial or proximity interest has been disclosed;
 - (c) that is a matter on which a member wishes to speak; or
 - (d) that is a matter on which a member wishes to move a motion that is different to the recommendation.

4.9 Representation on external bodies

- (1) In this clause **external body** includes -
 - (a) a Regional Council;
 - (b) an incorporated or unincorporated association;
 - (c) a trust;
 - (d) a tribunal;
 - (e) a government agency, instrumentality, board or committee; and
 - (f) any other external body,to which the local government is entitled, or has been invited, to provide a representative.
- (2) Correspondence inviting the Council to submit a nomination for appointment to an external body is to be referred by the CEO to the Council or an appropriate committee.

Part 5 - Public participation

5.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

5.2 Procedure to close meetings to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, 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 subclause (2) is carried -
 - (a) the presiding member is to -
 - (i) direct all members of the public, other than a person specified in the resolution, to leave the meeting; and

- (ii) upon consultation with the CEO, request specified employees to leave the meeting; and
- (b) the meeting is to remain closed to members of the public until the Council or the committee resolves to open the meeting.
- (4) A person who fails to comply with a direction under subclause (3) may, by order of the presiding member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice of the relevant motion.
- (6) Subject to subclause (7) unless the Council or the committee resolves otherwise, once the meeting is reopened to members of the public the presiding member is to ensure that -
 - (a) any resolution of the Council or committee made while the meeting was closed is to be read out; and
 - (b) the vote of a member or members is recorded in the minutes.
- (7) In the event that no member of the public returns to the meeting after it is reopened, the resolution, including the details of any voting, need not be read aloud but be recorded in the minutes of the meeting.

5.3 Question time for the public

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

5.4 Question time for the public at certain meetings

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

5.5 Minimum question time for the public

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

5.6 Procedures for question time for the public

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

5.7 Other procedures for question time for the public

- (1) The presiding member is responsible for the conduct of public question time.
- (2) The procedure for the asking of and responding to questions raised by members of the public may be determined by resolution of the Council.
- (3) A member of the public wanting to ask a question during public question time must first state their name and full address.
- (4) Questions asked by the public are to relate to the business of the local government and are not to be in the form of a statement or a personal opinion.
- (5) The presiding member is to endeavour to have every question responded to at the meeting at which it is asked but where this is not possible, the question is to be taken on notice and where practicable, a written response is to be provided to the person

who asked the question and a copy the response is to be included in the agenda of the next ordinary meeting of the council or committee as the case requires.

- (6) Notwithstanding clause 4.3(2) there is to be no public question time in meetings of committees other than a committee to which the Council has delegated a power or duty.

5.8 Public statement time

- (1) The presiding member is responsible for the conduct of public statement time.
- (2) The procedure for the making of statements by members of the public may be determined by resolution of the Council.
- (3) A member of the public wanting to make a public statement must first state their name and full address.
- (4) Public statements made by the public at an ordinary meeting are to relate to the business of the local government.
- (5) Public statements made by the public at a special meeting are to relate to the business in which the meeting has been called.
- (6) Notwithstanding clause 4.3(2) there is to be no public statement time in meetings of committees other than a committee to which the Council has delegated a power or duty.

5.9 Distinguished visitor and guest

If a distinguished visitor or guest is present at a meeting of the Council or a committee, the presiding member may -

- (a) invite the distinguished visitor or guest to sit beside the presiding member or at the meeting table;
- (b) acknowledge the presence of the distinguished visitor or guest at an appropriate time during the meeting; and
- (c) direct that the presence of the distinguished visitor or guest be recorded in the minutes.

5.10 Deputations to a committee

- (1) A person or a group not exceeding 5 people who wish to be received as a deputation by a committee must –
 - (a) apply in writing to the CEO; and
 - (b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the deputation.
- (2) The CEO is to refer to the presiding member a copy or summary of the application and the presiding member is to decide if the deputation is to be received by the committee.
- (3) Unless the committee resolves otherwise -

- (a) a deputation that complies with subclause (1) and approved by the presiding member under subclause (2) may address the committee for up to 15 minutes; and
 - (b) the presiding member may allow that period of 15 minutes to be shared between two or three members of the deputation and, in the absence of agreement by members of the deputation, the presiding member is to determine which members of the deputation are to address the committee and for how long (within the total period of 15 minutes).
- (4) Any matter which is the subject of a deputation to the committee is not to be decided by the committee until the deputation has completed its presentation.
 - (5) Where a deputation is to be received by the committee, the person or group comprising of the deputation is to address the meeting at the relevant part in the order of business as detailed in clause 4.3(2).
 - (6) Any item of business to be discussed at a committee meeting that is subject of a received deputation, may be brought forward in the order of business for the meeting as the next item of business after the deputation has been received.

5.11 Petitions

- (1) A petition must -
 - (a) be prepared, as far as practicable, in the form prescribed in Schedule 1;
 - (b) be addressed to the Council and forwarded to a member or the CEO;
 - (c) be made by at least 25 electors of the district;
 - (d) state the request on each page;
 - (e) contain a summary of the reasons for the request;
 - (f) contain the legible names, addresses and signatures of the electors making the request, and the date each elector signed;
 - (g) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
 - (h) be respectful and temperate in its language; and
 - (i) comply with any form prescribed by the Act or any other written law, such as the *Local Government (Constitution) Regulations 1998* if, for example, it is -
 - (i) a proposal to change the method of filling the office of Mayor; or
 - (ii) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.
- (2) On the presentation of a petition -
 - (a) the member presenting it or the CEO is confined to reading the petition; and

- (b) the only motion that is in order is that the petition be received and, if necessary, that it be referred to the CEO for action.
- (3) At any meeting, the Council or committee is not to vote on any matter that is the subject of a petition presented to that meeting, unless -
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council or committee has considered the issues raised in the petition.

5.12 Participation at committee meetings

- (1) In this clause, **person** means the Mayor or a Councillor who is not a member of the relevant committee.
- (2) A person may attend, as an observer, any meeting of a committee and is to sit in an area set aside for observers separated from the committee members.
- (3) Without the consent of the presiding member, no person is to address a committee meeting.
- (4) A person addressing the committee with the consent of the presiding member must cease that address immediately after being directed to do so by the presiding member.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the meeting room.

5.13 Public inspection of agenda material

The right of a member of the public to inspect the documents relating to a Council or committee meeting are dealt with in the Regulations.

5.14 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be -
 - (a) identified in the agenda of a Council or committee meeting under the item "Identification of matters for which the meeting may be closed to the public";
 - (b) marked "Confidential" in the agenda; and
 - (c) kept confidential by members and employees until the Council or committee resolves otherwise, or in the opinion of the CEO, the reason for confidentiality ceases to exist.
- (2) A member or an employee who has -
 - (a) confidential information under subclause (1); or
 - (b) information that is provided or disclosed for the purposes of or during a meeting or part of a meeting that is closed to the public,

must not disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.

- (3) Subclause (2) does not prevent a member or employee from disclosing information –
- (a) at a closed meeting;
 - (b) to the extent specified by the Council and subject to such other conditions as the Council decides;
 - (c) that is already in the public domain;
 - (d) to an officer of the Department;
 - (e) to the Minister;
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

5.15 Media attendance

Media persons are to be permitted to attend meetings of the Council or committees that are open to the public, in such part of the meeting room as may be set aside for their accommodation, but must withdraw during any period when the meeting is closed to the public.

5.16 Recording of proceedings

- (1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting, without the permission of the presiding member.
- (2) If the presiding member gives permission under subclause (1), the presiding member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

5.17 Prevention of disturbance

- (1) A reference in this clause to a “person” is to a person other than a member.
- (2) A person must ensure that his or her mobile telephone or other audible electronic device is not switched on or used during any meeting of the Council or a committee.
- (3) A person addressing the Council or a committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the presiding member.
- (4) A person present at or observing a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (5) The presiding member may warn a person who fails to comply with this clause.
- (6) If -
 - (a) after being warned, the person again acts contrary to this clause, or to this local law; or
 - (b) a person refuses or fails to comply with a direction by the presiding member,

the presiding member may expel the person from the meeting by ordering him or her to leave the meeting room.

- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding member, be removed from the meeting room and, if the presiding member orders, from the premises.

Part 6 - Disclosure of interests

6.1 Disclosure of members' financial and proximity interests

The disclosure of direct and indirect financial interests and proximity interests by members and employees is dealt with in the Act.

6.2 Meeting to be informed of financial and proximity interests

Procedures for informing the meeting of disclosures in clause 6.1 are dealt with in the Act.

6.3 Disclosing member not to participate

The participation at meetings of a member that has disclosed an interest in clause 6.1 is dealt with in the Act.

6.4 When disclosing members can participate

When disclosing members can participate is dealt with in the Act.

6.5 Substitution of deputy at committee meetings

Where a member discloses an interest on an item under clause 6.1 and withdraws from a meeting of a committee, the presiding member is to invite the disclosing member's deputy, if present, to participate as a member of the committee in place of the disclosing member during the consideration of that item only.

6.6 Disclosure of impartiality interests

The disclosure of impartiality interests at meetings is dealt with in the Rules of Conduct Regulations.

6.7 Disclosure by members who are observers at committee meetings

The obligation to disclose an interest in clauses 6.1 and 6.6 is to apply to a person under clause 5.12.

6.8 Committee members to disclose impartiality interests

- (1) In this clause, a reference to -

- (a) **person** means a member of a committee appointed under the Act who is not either the Mayor or a Councillor; and
- (b) **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 person who has an interest in any matter to be discussed at a meeting attended by the person must disclose the nature of the interest -
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) 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) a person fails to disclose an interest because the person did not know he or she had an interest in the matter; or
 - (b) a person fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a person discloses an interest in a written notice given to the CEO before a meeting then -
 - (a) before the meeting the CEO is to cause the notice to be given to the presiding member of the meeting; and
 - (b) at the meeting the presiding member is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.
- (6) If -
 - (a) under subclause (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,the nature of the interest is to be recorded in the minutes of the meeting.

6.9 On-going disclosure required

The obligation to disclose an interest under this Part applies in regard to each meeting at which the matter the subject of the interest arises.

Part 7 - Conduct of members

7.1 Members to occupy own seats

At Council meetings, members must be seated in the order as determined by the CEO following each ordinary election.

7.2 Official titles to be used

A speaker, when speaking or referring to the Mayor or Deputy Mayor, or to a Councillor or employee, must use the title of that person's office.

7.3 Entering or leaving a meeting

During the course of a meeting, a member must not enter or leave the meeting without first giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

7.4 Members who wish to speak

A member who wishes to speak -

- (a) is to indicate his or her intention to speak by the method determined by the presiding member; and
- (b) when invited by the presiding member to speak, must address the meeting through the presiding member.

7.5 Priority of speaking

- (1) If two or more members of the Council or a committee indicate, at the same time, their intention to speak, the presiding member is to decide which member is to be heard first.
- (2) A decision of the presiding member under this clause is not open to discussion or dissent.

7.6 Presiding member may take part in debate

Subject to compliance with procedures for the debate of motions contained in this local law, the presiding member may take part in a discussion of any matter before the meeting.

7.7 Relevance

- (1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The presiding member, at any time, may -
 - (a) call the attention of the meeting to any irrelevant or repetitious remarks by a member; or
 - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member must comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

7.8 Limitation on members speaking

- (1) A member must not address the Council more than once on any motion or amendment except -
 - (a) as the mover of a primary motion or amendment, to exercise a right of reply;
 - (b) to raise a point of order; or
 - (c) to make a personal explanation.

- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.

7.9 Duration of speeches

A member may speak on a motion or an amendment, or reply, for a period of only five minutes, unless an extension of time is granted by the Council without debate, but a member's total speaking time must not exceed 10 minutes.

7.10 Questions during debate

- (1) At any time during the debate on a motion before the motion is put, a member may ask a question and, with the consent of the presiding member, may ask one or more further questions.
- (2) Questions asked by a member, and responses given by a member or an employee -
- (a) are to be brief and concise; and
 - (b) are not to be accompanied by -
 - (i) expression of opinion, statement of fact or other comment, except where necessary to explain the question or answer; or
 - (ii) any discussion or further question, except with the consent of the presiding member.
- (3) In answering any question, a member or an employee may qualify his or her answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend his or her original answer.

7.11 No speaking after conclusion of debate

A member must not speak on any motion or amendment -

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

7.12 No interruption

A member must not interrupt another member who is speaking unless -

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 7.16; or
- (d) to move a procedural motion that the member be no longer heard (see clause 10.1(g)).

7.13 No reopening of discussion

A member must not reopen a discussion on any decision of the Council or committee, except for the purposes on moving a revocation motion (see Part 13).

7.14 Adverse reflection and offensive language

- (1) A member must not reflect adversely on a decision of the Council or a committee except on a motion that the decision be revoked or changed (see Part 13).
- (2) A member must not -
 - (a) reflect adversely on the character or actions of another member or employee;
 - (b) impute any motive to a member or employee; or
 - (c) use an expression that is offensive or objectionable in reference to any other member, employee or other person.

7.15 Withdrawal of offensive language or adverse reflection

A member who, in the opinion of the presiding member -

- (a) reflects adversely on the character or actions of another member or employee;
- (b) imputes any motive to a member or employee; or
- (c) uses an expression that is offensive or objectionable,

must, when directed by the presiding member, withdraw the reflection, imputation or expression and make a satisfactory apology.

7.16 Personal explanation

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation must confine his or her observations to a succinct statement relating to the specific part of the speech at which he or she may have been misunderstood.

Part 8 - Preserving order

8.1 Presiding member to preserve order

- (1) The presiding member is to preserve order and, whenever he or she considers it necessary, may call any member to order.
- (2) When the presiding member, during the progress of a debate, is to raise or rule on a point of order, any member or person then speaking, or offering to speak, is to be silent so that the presiding member may be heard without interruption.

8.2 Points of order

- (1) Any of the following acts may be considered to constitute a point of order for the purposes of this local law:

- (a) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 7.7);
 - (b) a speaker's use of offensive or objectionable expressions (see clause 7.14); or
 - (c) the violation of any written law, including this local law, provided that the member making the point of order states the written law believed to be breached.
- (2) A member who is expressing a difference of opinion or contradicting a speaker is not to be taken as raising a point of order.
- (3) Despite anything in this local law to the contrary, a point of order -
- (a) takes precedence over any discussion; and
 - (b) until determined by the presiding member, suspends the consideration or discussion of any other matter.

8.3 Procedures on a point of order

- (1) Upon a matter of order arising during the progress of a debate, any member may raise a point of order with the presiding member including interrupting the speaker.
- (2) Any member who is speaking when a point of order is raised in subclause (1) is to immediately stop speaking while the presiding member listens to the point of order.
- (3) A member raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.

8.4 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order -
 - (a) is not to be the subject of debate or comment; and
 - (b) is to be final unless the majority of members then present and voting, on a procedural motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that -
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

8.5 Continued breach of order

If a member -

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) fails or refuses to comply with a direction from the presiding member,

the presiding member may direct the member to refrain from taking any further part in the debate on that item, other than by voting, and the member must comply with that direction.

8.6 Presiding member may adjourn meeting

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.
- (4) If there is an adjournment under this clause, the names of the members who have spoken on the motion or amendment before the adjournment are to be recorded in the minutes and those members are not to speak to the motion when the meeting is resumed.

Part 9 - Motions and amendments

9.1 Recommendations in reports

- (1) Where the Council or a committee adopts a recommendation contained in a report, either with or without amendment, the recommendation so adopted is taken to be a decision of the Council or the committee (as the case may be).
- (2) Where a motion, if carried, would be significantly different from the relevant written recommendation of an employee or committee, the reason for the decision is to be recorded in the minutes of the meeting in accordance with the Regulations.
- (3) A committee may make a recommendation to the Council which -
 - (a) is relevant to the purpose for which the committee is established by the Council; and
 - (b) the committee considers requires consideration by the Council.
- (4) Where a committee makes a recommendation for consideration by the Council, the CEO must prepare or cause to be prepared a report to the Council with respect to the recommendation.

9.2 Presentation of committee reports

The proposed adoption by the Council of recommendations of a committee is to be moved –

- (a) if the presiding member of the committee is a Council member and is in attendance – by the presiding member;
- (b) if the presiding member of the committee is not a Council member or is absent – by a member of the committee who is also a Council member; or
- (c) otherwise – by a Council member who is not a member of the committee.

9.3 Permissible motions on recommendations

A recommendation made by a committee or contained in a report from the CEO may be -

- (a) adopted by the Council without amendment;
- (b) replaced by an alternative motion and adopted by the Council;
- (c) amended, and adopted as amended, by the Council;
- (d) referred back to the committee for further consideration; or
- (e) referred back to the CEO.

9.4 Motions to be stated and in writing

(1) A member who wishes to move a primary motion, or an amendment to a primary motion -

- (a) is to state the substance of the motion before speaking to it; and
- (b) is to put the motion or amendment in writing if -
 - (i) in the opinion of the presiding member, the motion or amendment is significantly different to the relevant written recommendation of a committee or an employee; or
 - (ii) he or she is otherwise required to do so by the presiding member.

(2) 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.

9.5 Motions to be seconded

- (1) A primary motion or an amendment to a primary motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council or a committee meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations (see clause 13.1).
- (3) A member seconding a motion has the right to speak on the motion later in the debate.
- (4) A motion is not to be amended by the mover without the consent of the seconder.
- (5) A nomination for any appointment under clause 4.9 is not required to be seconded.

9.6 Unopposed business

- (1) Immediately after a primary motion or amendment has been moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the presiding member may put the motion to the vote without debate.
- (3) If a member opposes a motion, the motion is to be dealt with under this Part.

9.7 Only one primary motion at a time

The Council or committee -

- (a) is not to accept a primary motion while another primary motion is being debated; and
- (b) is not to consider more than one primary motion at any time.

9.8 Complex motions

The presiding member may require that a complex primary motion, or a complex amendment to a primary motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

9.9 Order of call in debate

The presiding member is to call speakers to a primary motion in the following order:

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) other speakers for or against the motion; and
- (f) mover takes right of reply which closes debate.

9.10 Limit of debate

The presiding member may offer the right of reply and put a primary motion to the vote if he or she believes that sufficient discussion has taken place and where no other member has given an indication to speak to the motion.

9.11 Member may require motion to be read

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

9.12 Amendments

- (1) A member may move an amendment to a primary motion at any time during debate on the motion, except -
 - (a) if the mover has been called by the presiding member to exercise the right of reply;
 - (b) if the member has already spoken to the primary motion;
 - (c) if another amendment is being debated, or has not been withdrawn, carried or lost; or
 - (d) during debate on a procedural motion.

- (2) An amendment must be relevant to the primary motion to which it is moved and must not have the effect of negating the primary motion.
- (3) An amendment to a primary motion is to take only one of the following forms:
 - (a) that certain words be omitted;
 - (b) that certain parts be omitted and others substituted or added; or
 - (c) that certain words be added.
- (4) Only one amendment is to be debated at a time, but as often as an amendment is withdrawn, carried or lost, another amendment may be moved before the primary motion is put to the vote.
- (5) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate, to be treated as the primary motion.
- (6) The mover of an amendment has the right of reply at the conclusion of the discussion on the amendment and the right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

9.13 Withdrawal of motion and amendments

- (1) The Council or a committee may, without debate, grant leave to withdraw a primary motion or amendment on the request of the mover of the motion or amendment if -
 - (a) it has the approval of the seconder; and
 - (b) there is no voice expressed to the contrary by any member.
- (2) If either paragraph (a) or (b) of subclause (1) do not apply, the discussion on the motion or amendment is to continue.
- (3) Where an amendment has been proposed to a primary motion, the primary motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

9.14 Right of reply

- (1) The mover of a primary motion has the right of reply.
- (2) The right of the reply may be exercised only -
 - (a) where no amendment is moved to the primary motion – at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the primary motion – at the conclusion of the discussion on the primary motion and any amendments.
- (3) After the mover of the primary motion has commenced the reply -
 - (a) no other member is to speak on the motion; and
 - (b) there is to be no further discussion on, or any further amendment to, the motion.

- (4) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (5) At the conclusion of the right of reply, the primary motion, or the primary motion as amended, is immediately to be put to the vote.

Part 10 - Procedural motions

10.1 Permissible procedural motions

In addition to the right to move an amendment to a primary motion (under Part 9), a member may move any of the following procedural motions:

- (a) that the motion be deferred;
- (b) that the motion be now put;
- (c) that the item be referred back to a committee (or the CEO);
- (d) that the meeting now adjourn;
- (e) that the meeting be closed to members of the public (see clause 5.2);
- (f) that the meeting be now closed;
- (g) that the member be no longer heard;
- (h) that the ruling of the presiding member be disagreed with; and
- (i) that the debate be adjourned.

10.2 No debate

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

10.3 Who may move

With the exception of subclause 10.1(h), a member who has moved, seconded, or spoken for or against the primary motion, or any amendment to the primary motion, cannot move any procedural motion which, if carried, would close the debate on the primary motion or amendment.

10.4 Right of reply on 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 motion or amendment.

10.5 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 motion “that the motion be deferred’ must not be moved in respect of the election of a presiding member, Mayor or Deputy Mayor.

10.6 Motion be now put – effect of motion

- (1) If a motion “that the motion be now put”, is carried during discussion on a primary motion without amendment, the presiding member is to offer the right of reply and then immediately put the motion to the vote without further debate.
- (2) If the motion “that the motion be now put” is carried during debate of the amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) If the motion “that the motion be now put”, is lost, debate is to continue.

10.7 The item be referred back to a committee (or the CEO) – effect of motion

- (1) If a motion “that the item be referred back to a committee (or the CEO)” is carried, debate on the primary motion and any amendment is to cease and the primary motion, excluding any amendment, is to be referred back to the appropriate committee or the CEO for further consideration.
- (2) If the motion in subclause (1) is lost, debate on the primary motion or amendment is to continue.

10.8 Meeting now adjourn – effect of motion

- (1) If a motion “that the meeting now adjourn”, is carried then the meeting is to be 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 member declares, or to the next ordinary meeting.
- (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;
 - (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 7.8 apply when the debate is resumed.
- (3) If a motion “that the meeting now adjourn” is lost, no similar motion is to be moved until -
 - (a) after the conclusion of the business under discussion at the time the motion was moved;
 - (b) if the motion was moved on the conclusion of an item of business, after the conclusion of the next item of business; or

- (c) after the conclusion of any other business allowed precedence by the meeting.
- (4) A member must not, at the same meeting, move or second more than one motion for the adjournment of the meeting.

10.9 The meeting be closed to members of the public – effect of motion

If a motion “that the meeting be closed to members of the public” is carried then the presiding member is to close the meeting in accordance with clause 5.2.

10.10 The meeting be now closed – effect of motion

- (1) If a motion “that the meeting be now closed”, is carried, then -
 - (a) the presiding member is to close the meeting, and no further business may be transacted; and
 - (b) any business outstanding on the agenda for that meeting shall be carried forward to the agenda for the next ordinary meeting.
- (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 7.8 apply when the outstanding business is resumed.

10.11 Member to be no longer heard – effect of motion

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

10.12 Ruling of the presiding member be disagreed with – effect of motion

If the motion “that the ruling of the presiding member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

10.13 Debate be adjourned – effect of motion

- (1) If a motion “that the debate be adjourned”, is carried –
 - (a) all debate on the primary motion or amendment is to cease and is to continue at a time and date specified in the motion;
 - (b) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (c) the provisions of clause 7.8 apply when the debate is resumed.
- (2) A motion “that the debate be adjourned” must not be moved in respect of the election of a presiding member, Mayor or Deputy Mayor.
- (3) A member must not, at the same meeting, move or second more than one motion “that the debate be adjourned” in respect of the same item.

Part 11 - Voting

11.1 Motion - when put

Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member -

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

11.2 Crossing the floor of meeting room

- (1) When the presiding member is putting any motion to the vote, a member must not leave or cross the meeting room.
- (2) A member must not, while any other member is speaking, pass between the speaker and the presiding member or pass behind the presiding member.

11.3 Voting

Voting is dealt with in the Act and the Regulations.

11.4 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

11.5 Method of taking vote

In taking the vote on any motion, the presiding member -

- (a) is to put the motion, first in the affirmative, and then in the negative;
- (b) 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;
- (c) 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
- (d) subject to this clause, is to declare the result.

Part 12 - Minutes

12.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

12.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by the Regulations, the minutes of a meeting are to include -

- (a) where an application for approval is refused or the authorisation of a licence, permit or certificate is otherwise withheld or cancelled, the reasons for the decision; and
- (b) the names of members voting in the affirmative and the names of the members voting in the negative.

12.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

12.4 Confirmation of minutes

- (1) Confirmation of minutes is dealt with in the Act.
- (2) When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.

Part 13 - Implementing decisions and revocation motions

13.1 Meaning of terms

In this Part -

authorisation means a licence, permit, approval or other means of authorising a person to do anything;

implement, in relation to a decision, includes -

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) take any other action to give effect to the decision; and

valid notice of revocation motion means a notice of a revocation motion that -

- (a) complies with the requirements of the Act, Regulations and this local law and may be considered, but has not yet been considered, by the Council or a committee as the case may be; and
- (b) if carried and implemented, would result in the decision being revoked or being substantially different.

13.2 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in the Regulations.

13.3 Revocation motion at the same meeting – procedure

- (1) A member who wishes to move a revocation motion at the same meeting where the decision is made must -
 - (a) clearly identify the decision to be revoked or changed; and

- (b) clearly state the reason for the decision to be revoked or changed.
- (2) If the CEO receives a notice of a revocation motion to revoke a decision made at a meeting before the close of that meeting, the CEO must immediately advise the Presiding Member of the substance of the revocation motion and raise it as an item of urgent business under clause 4.7.
- (3) Where the Presiding Member is advised of a revocation motion under subclause (2), he or she is to -
 - (a) advise the meeting of the notice;
 - (b) state the substance of the revocation motion;
 - (c) determine whether there is sufficient support under clause 13.2; and
 - (d) if there is sufficient support, deal with the revocation motion.

13.4 Revocation motion after meeting – procedures

- (1) A member wishing to move a revocation motion at a future meeting of the Council or a committee 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 supported by the number of members required under the Regulations;
 - (e) specify the date of the ordinary or special meeting of the Council or the committee where it is to be presented, as the case may be; and
 - (f) be given to the CEO in accordance with the notice of motion provisions in clause 4.6.
- (2) Any notice of revocation motion given to the CEO must be dealt with in accordance with 4.6.

13.5 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee is not to consider a revocation motion -
 - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 13.6 to implement the decision;
 - (b) where the decision concerns the grant of an authorisation, and where that authorisation has been communicated in writing by the local government to the applicant; or
 - (c) where the decision is procedural in its form or effect.

- (2) The Council or a committee may consider a revocation motion of the kind described in subclause (1)(a) or (b) if the motion is accompanied by a written statement, by or on behalf of the CEO, of the legal and financial consequences of the motion being carried.

13.6 Implementing a decision

- (1) Subject to subclause (4), and unless a resolution is made under subclause (2), a decision made at a meeting is not to be implemented by the CEO or any other person until after 12 noon of the first clear working day after the commencement of the meeting at which the decision was made.
- (2) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, request the CEO to take immediate action to implement the decision.
- (3) A decision made at a meeting is not to be implemented by the CEO or any other person -
- (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (4) The CEO is to ensure that members of the public attending a meeting are informed, by an appropriate notice, that a decision to grant an authorisation -
- (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

Part 14 - Suspension and non-application of local law

14.1 Suspension of this local law

- (1) A member may, at any time, move that the operation of one or more of the clauses of this local law be suspended.
- (2) A member moving a motion under subclause (1) is to identify the clause or clauses to be suspended, and state the reasons for the motion, but no other discussion is to take place.
- (3) A motion under subclause (1) which is seconded and carried is to suspend the operation of the clause or clauses to which the motion relates for the duration of the discussion on any matter, unless the meeting resolves otherwise.

14.2 When this local law does not apply

- (1) In situations where -
- (a) this local law has been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or this local law,

the presiding member is to decide questions relating to the conduct of the meeting.

- (2) The decision of the presiding member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 10.1(h).

Part 15 - Committees

15.1 Establishment and appointment of committees

- (1) The establishment of committees is dealt with in the Act.
- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include -
- (a) the terms of reference or functions of the committee;
 - (b) either -
 - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
 - (ii) the number of members, officers and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
 - (c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

15.2 Types of committees

The types of committees are dealt with in the Act.

15.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

15.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

15.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

15.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

15.7 Appointment of deputies

The appointment of a person to be a deputy of a member of committee is dealt with in the Act.

15.8 Resignation of committee members

The resignation of committee members is dealt with in the Regulations.

15.9 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

15.10 Local law to apply

This local law applies generally to committee meetings except for clause 7.1, in respect of members seating and clause 7.8 in respect of limitation on member's speaking.

Part 16 - Meeting of electors

16.1 Term used: electors

For the purposes of this Part of this local law the term **electors** has additional meaning as giving to it under the Act.

16.2 Electors' general meetings

Electors' general meetings are dealt with in the Act.

16.3 Matters for discussion at general electors' meeting

The matters to be discussed at a general electors' meeting are dealt with in the Regulations.

16.4 Electors' special meetings

Electors' special meetings are dealt with in the Act.

16.5 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

16.6 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

16.7 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

16.8 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.
- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to this local law.

16.9 Participation of non-electors

A person who is not an elector must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits him or her to do so.

16.10 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

16.11 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

16.12 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

Part 17 - Breach of this local law

17.1 Breach of this local law by Mayor or Councillors

A breach of a provision of this local law by the Mayor or Councillors is dealt with in the Rules of Conduct Regulations and the Act.

17.2 Who can complain

Who can complain in respect of a breach of this local law is dealt with in the Act.

17.3 Penalty for breach

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

Penalty: \$1,000, and daily penalty of \$100

17.4 Who can prosecute

Who can prosecute is dealt with in the Act.

Local Government Act 1995
City of Joondalup
Meeting Procedures Local Law 2013

SCHEDULE 1

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 Council:

(Set out concise statement of facts and the action sought)

Correspondence in respect of this petition should be addressed to:

(State the name and full address of the relevant person)

The names and addressed of the petitioners are as follows:

DATE	FULL NAME	ADDRESS	SIGNATURE
------	-----------	---------	-----------

Dated dd of mm 2013.

The Common Seal of the City of Joondalup)
was affixed by authority of a resolution)
of the Council in the presence of:)

.....

TROY PICKARD
MAYOR

.....

GARRY HUNT
CHIEF EXECUTIVE OFFICER

Local Government Act 1995

City of Joondalup

Meeting Procedures Local Law 2013

Local Government Act 1995

City of Joondalup

Meeting Procedures Local Law 2013

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Local Government Act 1995

City of Joondalup

Meeting Procedures Local Law 2013

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Joondalup resolved on 20 August 2013 to make the *City of Joondalup Meeting Procedures Local Law 2013*.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *City of Joondalup Meeting Procedures Local Law 2013*.

1.2 Commencement

This local law commences on the fourteenth day after it is published in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of this local law is to provide the rules that apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) The effect of 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; and
 - (d) more efficient and effective use of time at meetings.

1.4 Application

All meetings are to be conducted in accordance with the Act, the Regulations, the Rules of Conduct Regulations and this local law.

Note: Throughout this local law, provisions of the Act, Regulations, Rules of Conduct and the City's Code of Conduct are reproduced in a boxed format.

The purpose of reproducing these provisions is to assist the reader by giving a fuller picture or related legislative provisions that also apply to meetings of the Council, committees and electors.

The reproduced provisions of the Act, Regulations, Rules of Conduct or the City's Code of Conduct are to be treated as footnotes and are not part of this local law and reproduce only the provisions that were in force at the time Council resolved to make this local law. While all attempts will be made to ensure the reproduced provisions are correct, they may not necessarily be correct at a future date.

1.5 Interpretation

In this local law, unless the context requires otherwise -

absolute majority has the meaning given to it in the Act;

absolute majority means –

- (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*;

amendment, in relation to a motion, means an amendment motion which does not alter the basic intent of the primary motion to which the amendment applies;

CEO means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the local government;

committee means a committee of the Council (established under clause 15.1 of this local law);

Council means the Council of the local government;

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).

[Section 1.4 of the Act]

Deputy Mayor means the deputy mayor of the local government;

elector has the meaning given to it in the Act;

elector in relation to a district or ward, means a person who is eligible to be enrolled to vote at elections for the district or ward.

[Section 1.4 of the Act]

employee has the meaning given to it in the Act;

employee means a person employed by a local government under section 5.36.

[Section 1.4 of the Act]

local government means the City of Joondalup;

Mayor means the mayor of the local government;

meeting means a meeting of the Council or of a committee, as the context requires;

member in respect of -

- (a) the Council, has the meaning given to it under the Act; and
- (b) a committee, means a person appointed under section 5.10 of the Act;

member means:

in relation to the council of the local government -

- (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]

Minister means the Minister responsible for administering the Act;

presiding member means -

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act;

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

revocation motion means a motion to revoke or change a decision made at a Council or committee meeting under clause 13.2;

Note: Section 5.25(1)(e) of the Act states –

5.25. Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to -
 - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);

Regulation 10 of the *Local Government (Administration) Regulations 1996* states -

10. Revoking or changing decisions made at council or committee meetings — s. 5.25(1)(e)

- (1) 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 —
 - (a) 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
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) 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 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) 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 —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) 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.

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

Rules of Conduct Regulations means the *Local Government (Rules of Conduct) Regulations 2007*;

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

special majority has the meaning given to it in the Act.

Note: Section 1.10 of the Act states –

1.10. Decisions by special majority

The footnote “Special majority required” applying to a power conferred in this Act on a local government, means that —

- (a) if there are more than 11 offices of member of the council, the power can only be exercised by, or in accordance with, a decision of a 75% majority of the council; or
- (b) if there are not more than 11 offices of member of the council, the power can only be exercised by, or in accordance with, a decision of an absolute majority of the council.

1.6 Repeal

The *City of Joondalup Standing Orders Local Law 2005* published in the *Government Gazette* on 20 December 2005, is repealed.

Part 2 - Calling and convening meetings

2.1 Ordinary and special Council meetings

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

Note: Section 5.3 of the Act states -

5.3. Ordinary and special council meetings

- (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.

- (2) An ordinary meeting of the Council, held on a monthly basis or otherwise 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

The calling of Council meetings is dealt with in the Act.

Note: Section 5.4 of the Act states -

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- (a) if called for by either —
 - (i) the mayor or president; 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.

2.3 Convening Council meetings

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

Note: Section 5.5 of the Act states -

5.5. Convening council meetings

- (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.

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 council 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 -

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

2.5 Convening committee meetings

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

2.6 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

Note: Regulation 12 of the *Local Government (Administration) Regulations 1996* states -

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the 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,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Part 3 - Presiding member and quorum

3.1 Who presides at Council meetings

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

Note: Section 5.6 of the Act states -

5.6. Who presides at council meetings

- (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.

3.2 When the Deputy Mayor can act

When the Deputy Mayor can act is dealt with in the Act.

Note: Section 5.34 of the Act states -

5.34. When deputy mayors and deputy presidents can act

If —

- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

3.3 Who acts if no Mayor or Deputy Mayor

Who acts if there is no Mayor or Deputy Mayor is dealt with in the Act.

Note: Section 5.35 of the Act states -

5.35. Who acts if no mayor, president or deputy

- (1) 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,

and the mayor or president or deputy will not be able to perform the functions of the mayor or president for a time known to the council, then the council may appoint a councillor to perform during that time the functions of mayor or president, as the case requires.

- (2) 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,

and a person has not been appointed under subsection (1), the CEO, after consultation with, and obtaining the agreement of, 2 councillors selected by the CEO, may perform the functions of mayor or president, as the case requires.

3.4 Election of presiding members of committees

The election of presiding members of committees is dealt with in the Act.

Note: Section 5.12 (1) of the Act states –

5.12. Presiding members and deputies, election of

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
 - (a) to “office” were references to “office of presiding member”; and
 - (b) to “council” were references to “committee”; and
 - (c) to “councillors” were references to “committee members”.

Note: Clauses 2 to 5 of Schedule 2.3 of the Act states –

2. When the council elects the mayor or president

- (1) The office is to be filled as the first matter dealt with —
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How the mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with the procedures set out in Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the CEO is

to declare and give notice of the result in accordance with regulations, if any.

5. Votes may be cast a second time

- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

3.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

Note: Section 5.12 (2) of the Act states –

5.12. Presiding members and deputies, election of

- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
 - (a) to “office” were references to “office of deputy presiding member”; and
 - (b) to “council” were references to “committee”; and
 - (c) to “councillors” were references to “committee members”; and
 - (d) to “mayor or president” were references to “presiding member”.

Note: Clauses 6 to 9 of Schedule 2.3 of the Act states –

6. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of deputy mayor or deputy president.

7. When the council elects the deputy mayor or deputy president

- (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —

- (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

8. How deputy mayor or deputy president is elected

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

9. Votes may be cast a second time

- (1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- (3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at

an election.

3.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

Note: Section 5.13 of the Act states –

5.13. Deputy presiding members, functions of

If, in relation to the presiding member of a committee —

- (a) the office of presiding member is vacant; or
- (b) the presiding member is not available or is unable or unwilling to perform the functions of presiding member,

then the deputy presiding member, if any, may perform the functions of presiding member.

3.7 Who acts if no presiding member or deputy presiding member

Who acts if no presiding member or deputy presiding member is dealt with in the Act.

Note: Section 5.14 of the Act states –

5.14. Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) the office of presiding member and the office of deputy presiding member are vacant; or
- (b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,

then the committee members present at the meeting are to choose one of themselves to preside at the meeting.

3.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

Note: Section 5.19 of the Act states –

5.19. Quorum for meetings

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.

3.9 Reduction of 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.

Note: Section 5.7 of the Act states –

5.7. Minister may reduce number for quorum and certain majorities

- (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.

3.10 Reduction of quorum for committee meetings

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

Note: Section 5.15 of the Act states –

5.15. Reduction of quorum for committees

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.*

3.11 Procedure where no quorum to begin a meeting

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

Note: Regulation 8 of the *Local Government (Administration) Regulations 1996* states –

8. No quorum, procedure if (Act s. 5.25(1)(c))

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; or
- (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; or
- (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; or
- (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 authorised by the CEO.

3.12 Procedure where quorum not present during a meeting

- (1) If at any time during a meeting a quorum is not present –
 - (a) the presiding member is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
 - (b) if a quorum is not present at the expiry of the suspension period under subclause (1)(a), the presiding member may either adjourn the meeting to some future time or date or may extend the extension period for a further period of 30 minutes; and
 - (c) if a quorum is not present at the expiry of the extended period of suspension under subclause (1)(b), the presiding member is to adjourn the meeting to a later time on the same day or to another day.
- (2) Where debate on any motion is interrupted at a meeting, which has been adjourned due to a lack of a quorum, that debate is to be resumed at the resumption of the meeting at the point where it was interrupted.
- (3) The members who have spoken on the motion at the adjourned meeting, must not speak again on the motion on resumption of that meeting, except the mover who retains the right of reply.

3.13 Names to be recorded

At any meeting -

- (a) at which there is not a quorum present to begin the meeting; or
- (b) which is adjourned under clause 3.12,

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

Part 4 - Business of a meeting

4.1 Business to be specified in agenda

- (1) No business is to be transacted at any ordinary meeting of the Council or committee other than that specified in the agenda, except matters which the Act or clause 4.7 permits to be dealt with.
- (2) No business is to be transacted at a special meeting of the Council or a committee other than that specified in the agenda, and to which notice as to the purpose of the meeting has been given.
- (3) No business is to be transacted at an adjourned meeting of the Council or a committee other than that -
 - (a) specified in the agenda of the meeting which had been adjourned; and
 - (b) which remains unresolved,

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

- (4) Despite subclauses (1) to (3), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.
- (5) The CEO may withdraw an item from the agenda of a meeting.

4.2 Meeting to proceed to business

A meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

4.3 Order of business

- (1) Unless otherwise decided by the Council, the order of business at an ordinary meeting of the Council is to be as follows:
 - (a) Declaration of opening /announcement of visitors;
 - (b) Declarations of interests;
 - (c) Public question time;
 - (d) Public statement time;
 - (e) Apologies/leave of absence;
 - (f) Confirmation of minutes;
 - (g) Announcements by the presiding member without discussion;
 - (h) Identification of matters for which the meeting may be closed to the public;
 - (i) Petitions;
 - (j) Reports;
 - (k) Urgent business;
 - (l) Motions of which previous notice has been given;
 - (m) Announcements of notices of motion for the next meeting; and
 - (n) Closure.
- (2) Unless otherwise decided by the committee, the order of business at any ordinary meeting of the committee is to be as follows:
 - (a) Declaration of opening;
 - (b) Declarations of interests;
 - (c) Public question time (subject to section 5.24 of the Act);
 - (d) Public statement time (subject to clause 5.8(6));
 - (e) Apologies/leave of absence;

- (f) Confirmation of minutes;
 - (g) Announcements by the presiding member without discussion;
 - (h) Identification of matters for which the meeting may be closed to the public;
 - (i) Petitions and deputations;
 - (j) Reports;
 - (k) Urgent business;
 - (l) Motions of which previous notice has been given;
 - (m) Requests for reports for future consideration; and
 - (n) Closure.
- (3) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or a committee is to be the order in which that business stands in the notice of, or agenda for, the meeting.

Note: in exercising its discretion relating to the order of business under subclauses (1) and (2), a meeting must comply with the requirements of the Act and Regulations relating to public question time (see clauses 5.3-5.5 below)

4.4 Grant of leave of absence

The grant of leave of absence is dealt with in the Act.

Note: Section 2.25 of the Act states –

2.25. Disqualification for failure to attend meetings

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) 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.
- (3A) Leave is not to be granted in respect of —
 - (a) a meeting that has concluded; or
 - (b) the part of a meeting before the granting of leave.
- (3) 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.
- (4) A member who is absent, without 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 a council holds 3 or more ordinary 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 —
 - (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 —
 - (i) while 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); or
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
 - (iiia) while the member is suspended under section 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 1 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.

4.5 Announcements by the presiding member

At any meeting of the Council or committee the presiding member may announce or raise any matter of interest or relevance to the local government and there is not to be any discussion on the matter.

4.6 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 such business of the local government as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) 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 the motion is to be raised.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) The CEO -
 - (a) with the concurrence of the presiding member, may exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of this local law or any other written law;
 - (b) with the concurrence of the submitting member, may make such amendments to the form, but not the substance, as will bring the notice of motion into due form; and

- (c) may provide relevant and material facts and circumstances relating to the notice of motion on such matters as policy, budget and law.

Note: under section 5.41(b) of the Local Government Act, the CEO may provide to members any information that he or she considers relevant to the notice of motion

- (5) If a notice of motion is excluded under subclause (4)(a), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (6) A motion of which notice has been given is to lapse unless -
 - (a) the member who gave notice, or another member authorised by him or her in writing, moves the motion when called on; or
 - (b) the Council or committee on a motion agrees to defer consideration of the motion to a later stage or date.
- (7) Where a motion of which notice has been given lapses under subclause (6), any future notice of a motion in the same terms or the same effect is not to be given for at least three months from the date of the lapse.
- (8) For the purposes of clarification, where a notice of motion is moved and seconded at a meeting of Council or committee, it is to be treated as a primary motion.

4.7 Urgent business

- (1) The presiding member, at an ordinary meeting of the Council or committee, may move a motion involving business that is not included in the agenda for that meeting if the presiding member considers that either -
 - (a) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or
 - (b) the delay in referring the business to the next meeting could have adverse legal or financial implications for the local government.
- (2) Before debate begins on a matter under this clause that is not the subject of a written report from the CEO to the meeting -
 - (a) the presiding member is to ask the CEO to give; and
 - (b) the CEO, or the CEO's nominee, is to give,
a verbal report to the meeting.
- (3) Where urgent business is considered at a meeting under this clause, the minutes of the meeting are to include -
 - (a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.

4.8 Adoption by exception resolution

- (1) In this clause ***adoption by exception resolution*** means -
- (a) in respect to the Council, a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the committee or CEO's recommendation as the Council resolution; and
 - (b) in respect to a committee, a resolution of a committee that has the effect of adopting, for a number of specifically identified reports, the CEO's 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 adoption by an absolute majority or a special majority vote;
 - (b) in which a financial or proximity interest has been disclosed;
 - (c) that is a matter on which a member wishes to speak; or
 - (d) that is a matter on which a member wishes to move a motion that is different to the recommendation.

4.9 Representation on external bodies

- (1) In this clause ***external body*** includes -
- (a) a Regional Council;
 - (b) an incorporated or unincorporated association;
 - (c) a trust;
 - (d) a tribunal;
 - (e) a government agency, instrumentality, board or committee; and
 - (f) any other external body,
- to which the local government is entitled, or has been invited, to provide a representative.
- (2) Correspondence inviting the Council to submit a nomination for appointment to an external body is to be referred by the CEO to the Council or an appropriate committee.

Part 5 - Public participation

5.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

Note: Section 5.23 of the Act states -

5.23. Meetings generally open to 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; and
 - (b) the personal affairs of any person; and
 - (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; and
 - (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; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (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; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;and
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) 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.

5.2 Procedure to close meetings to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, 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 subclause (2) is carried -
 - (a) the presiding member is to -
 - (i) direct all members of the public, other than a person specified in the resolution, to leave the meeting; and
 - (ii) upon consultation with the CEO, request specified employees to leave the meeting; and
 - (b) the meeting is to remain closed to members of the public until the Council or the committee resolves to open the meeting.
- (4) A person who fails to comply with a direction under subclause (3) may, by order of the presiding member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice of the relevant motion.
- (6) Subject to subclause (7) unless the Council or the committee resolves otherwise, once the meeting is reopened to members of the public the presiding member is to ensure that -
 - (a) any resolution of the Council or committee made while the meeting was closed is to be read out; and
 - (b) the vote of a member or members is recorded in the minutes.
- (7) In the event that no member of the public returns to the meeting after it is reopened, the resolution, including the details of any voting, need not be read aloud but be recorded in the minutes of the meeting.

Note: restrictions on the disclosure of information considered at a meeting closed to the public are set out in clause 5.14 below.

5.3 Question time for the public

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

Note: Section 5.24 of the Act states -

5.24. Question time for public

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
 - (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.

5.4 Question time for the public at certain meetings

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

Note: Regulation 5 of the *Local Government (Administration) Regulations 1996* states -

5. Question time for public, meetings that require prescribed (Act s. 5.24)

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.

5.5 Minimum question time for the public

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

Note: Regulation 6 of the *Local Government (Administration) Regulations 1996* states -

6. Question time for public, minimum time for (Act s. 5.24(2))

- (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.

5.6 Procedures for question time for the public

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

Note: Regulation 7 of the *Local Government (Administration) Regulations 1996* states -

7. Question time for public, procedure for (Act s. 5.24(2))

- (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 —
 - (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), (3) and (5).

- (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 —
 - (a) a council to answer a question that does not relate to a matter affecting the local government; or
 - (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 —
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.

5.7 Other procedures for question time for the public

- (1) The presiding member is responsible for the conduct of public question time.
- (2) The procedure for the asking of and responding to questions raised by members of the public may be determined by resolution of the Council.
- (3) A member of the public wanting to ask a question during public question time must first state their name and full address.
- (4) Questions asked by the public are to relate to the business of the local government and are not to be in the form of a statement or a personal opinion.
- (5) The presiding member is to endeavour to have every question responded to at the meeting at which it is asked but where this is not possible, the question is to be taken on notice and where practicable, a written response is to be provided to the person who asked the question and a copy the response is to be included in the agenda of the next ordinary meeting of the council or committee as the case requires.
- (6) Notwithstanding clause 4.3(2) there is to be no public question time in meetings of committees other than a committee to which the Council has delegated a power or duty.

5.8 Public statement time

- (1) The presiding member is responsible for the conduct of public statement time.
- (2) The procedure for the making of statements by members of the public may be determined by resolution of the Council.
- (3) A member of the public wanting to make a public statement must first state their name and full address.
- (4) Public statements made by the public at an ordinary meeting are to relate to the business of the local government.
- (5) Public statements made by the public at a special meeting are to relate to the business in which the meeting has been called.
- (6) Notwithstanding clause 4.3(2) there is to be no public statement time in meetings of committees other than a committee to which the Council has delegated a power or duty.

5.9 Distinguished visitor and guest

If a distinguished visitor or guest is present at a meeting of the Council or a committee, the presiding member may -

- (a) invite the distinguished visitor or guest to sit beside the presiding member or at the meeting table;
- (b) acknowledge the presence of the distinguished visitor or guest at an appropriate time during the meeting; and
- (c) direct that the presence of the distinguished visitor or guest be recorded in the minutes.

5.10 Deputations to a committee

- (1) A person or a group not exceeding 5 people who wish to be received as a deputation by a committee must –
 - (a) apply in writing to the CEO; and
 - (b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the deputation.
- (2) The CEO is to refer to the presiding member a copy or summary of the application and the presiding member is to decide if the deputation is to be received by the committee.
- (3) Unless the committee resolves otherwise -
 - (a) a deputation that complies with subclause (1) and approved by the presiding member under subclause (2) may address the committee for up to 15 minutes; and

- (b) the presiding member may allow that period of 15 minutes to be shared between two or three members of the deputation and, in the absence of agreement by members of the deputation, the presiding member is to determine which members of the deputation are to address the committee and for how long (within the total period of 15 minutes).
- (4) Any matter which is the subject of a deputation to the committee is not to be decided by the committee until the deputation has completed its presentation.
- (5) Where a deputation is to be received by the committee, the person or group comprising of the deputation is to address the meeting at the relevant part in the order of business as detailed in clause 4.3(2).
- (6) Any item of business to be discussed at a committee meeting that is subject of a received deputation, may be brought forward in the order of business for the meeting as the next item of business after the deputation has been received.

5.11 Petitions

- (1) A petition must -
 - (a) be prepared, as far as practicable, in the form prescribed in Schedule 1;
 - (b) be addressed to the Council and forwarded to a member or the CEO;
 - (c) be made by at least 25 electors of the district;
 - (d) state the request on each page;
 - (e) contain a summary of the reasons for the request;
 - (f) contain the legible names, addresses and signatures of the electors making the request, and the date each elector signed;
 - (g) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
 - (h) be respectful and temperate in its language; and
 - (i) comply with any form prescribed by the Act or any other written law, such as the *Local Government (Constitution) Regulations 1998* if, for example, it is -
 - (i) a proposal to change the method of filling the office of Mayor; or
 - (ii) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.
- (2) On the presentation of a petition -
 - (a) the member presenting it or the CEO is confined to reading the petition; and
 - (b) the only motion that is in order is that the petition be received and, if necessary, that it be referred to the CEO for action.
- (3) At any meeting, the Council or committee is not to vote on any matter that is the subject of a petition presented to that meeting, unless -

- (a) the matter is the subject of a report included in the agenda; and
- (b) the Council or committee has considered the issues raised in the petition.

5.12 Participation at committee meetings

- (1) In this clause, **person** means the Mayor or a Councillor who is not a member of the relevant committee.
- (2) A person may attend, as an observer, any meeting of a committee and is to sit in an area set aside for observers separated from the committee members.
- (3) Without the consent of the presiding member, no person is to address a committee meeting.
- (4) A person addressing the committee with the consent of the presiding member must cease that address immediately after being directed to do so by the presiding member.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the meeting room.

5.13 Public inspection of agenda material

The right of a member of the public to inspect the documents relating to a Council or committee meeting are dealt with in the Regulations.

Note: Regulation 14 of the *Local Government (Administration) Regulations 1996* states -

14. Notice papers, agenda etc., public inspection of (Act s. 5.25(1)(j))

- (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 from the time the notice papers, agenda or documents were made available to the members of the council or committee.
- (2) Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation 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).

Note: Regulation 29 of the *Local Government (Administration) Regulations 1996* states -

29. Information to be available for public inspection (Act s. 5.94)

- (1) Subject to subregulation (2), the information prescribed for the purposes of section 5.94(u)(ii) is —
 - (a) the information contained in a register to which section 5.18 applies;
 - (b) the information contained in a register to which section 5.46(1) applies;

- (ba) the information contained in an electoral gift register established and maintained under regulation 30G(1) of the Local Government (Elections) Regulations 1997;
 - (baa) the information contained in a register maintained under regulation 12(5) of the Local Government (Rules of Conduct) Regulations 2007;
 - (bb) the information contained in a register of notifiable gifts referred to in regulation 34B(5);
 - (bc) details of a regional price preference policy adopted in accordance with Part 4A of the Local Government (Functions and General) Regulations 1996;
 - (c) unconfirmed minutes of council or committee meetings;
 - (d) notice papers and agenda relating to any council or committee meeting and reports and other documents which —
 - (i) are to be tabled at the meeting; or
 - (ii) 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;
 - (e) the information contained in a tenders register kept under the Local Government (Functions and General) Regulations 1996.
- (2) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in subregulation (1)(c) if the meeting or that part of the meeting to which the information refers —
- (a) was closed to members of the public; or
 - (b) in the CEO's opinion, could have been closed to members of the public but was not closed,
- unless the information to be inspected is a record of a decision made at the meeting.
- (3) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in subregulation (1)(d) 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.

5.14 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be -
- (a) identified in the agenda of a Council or committee meeting under the item "Identification of matters for which the meeting may be closed to the public";
 - (b) marked "Confidential" in the agenda; and
 - (c) kept confidential by members and employees until the Council or committee resolves otherwise, or in the opinion of the CEO, the reason for confidentiality ceases to exist.

- (2) A member or an employee who has -
- (a) confidential information under subclause (1); or
 - (b) information that is provided or disclosed for the purposes of or during a meeting or part of a meeting that is closed to the public,
- must not disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not prevent a member or employee from disclosing information –
- (a) at a closed meeting;
 - (b) to the extent specified by the Council and subject to such other conditions as the Council decides;
 - (c) that is already in the public domain;
 - (d) to an officer of the Department;
 - (e) to the Minister;
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

Note: Section 5.93 of the Act states -

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.

Note: Regulation 6 of the *Local Government (Rules of Conduct) Regulations 2007* states -

6. Use of information

- (1) In this regulation —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;

non-confidential document means a document that is not a confidential document.

- (2) A person who is a council member must not disclose —

- (a) information that the council member derived from a confidential document; or
 - (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subregulation (2) does not prevent a person who is a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

5.15 Media attendance

Media persons are to be permitted to attend meetings of the Council or committees that are open to the public, in such part of the meeting room as may be set aside for their accommodation, but must withdraw during any period when the meeting is closed to the public.

5.16 Recording of proceedings

- (1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting, without the permission of the presiding member.
- (2) If the presiding member gives permission under subclause (1), the presiding member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

5.17 Prevention of disturbance

- (1) A reference in this clause to a “person” is to a person other than a member.
- (2) A person must ensure that his or her mobile telephone or other audible electronic device is not switched on or used during any meeting of the Council or a committee.
- (3) A person addressing the Council or a committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the presiding member.
- (4) A person present at or observing a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (5) The presiding member may warn a person who fails to comply with this clause.

- (6) If -
- (a) after being warned, the person again acts contrary to this clause, or to this local law; or
 - (b) a person refuses or fails to comply with a direction by the presiding member,
- the presiding member may expel the person from the meeting by ordering him or her to leave the meeting room.
- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding member, be removed from the meeting room and, if the presiding member orders, from the premises.

Note: section 75 of the *Criminal Code* states:

Any person who by violence, or by threats or intimidation of any kind, hinders or interferes with the free exercise of any political right by another person, is guilty of a crime, and is liable to imprisonment for 3 years.

Part 6 - Disclosure of interests

6.1 Disclosure of members' financial and proximity interests

The disclosure of direct and indirect financial interests and proximity interests by members and employees is dealt with in the Act.

Note: Section 5.59 to 5.63 and 5.70 of the Act state -

5.59. Terms used

In this Subdivision, unless the contrary intention appears —

extent, in relation to an interest, includes the value and amount of the interest;

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 applies.

5.60. When 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; or
 - (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; or
 - (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; or
 - (b) the person is an employer of the relevant person; or
 - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
 - (ca) the person belongs to a class of persons that is prescribed; or
 - (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;

or

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

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

- (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or

- (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;

or

- (eb) the relevant person is a council member and since the relevant person was last elected the person —

- (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or

- (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;

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.

- (2) In subsection (1) —

notifiable 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; or

- (b) an interest in the imposition of any rate, charge or fee by the local government; or

- (c) an interest relating to 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

- (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;

or

[(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; or
- (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; or
 - (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; or
 - (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.
- (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 —
 - (a) any proposed change to a planning scheme for any area in the district; or
 - (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 nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (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.

Note: Section 5.70 of the Act states:

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.
- (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.

6.2 Meeting to be informed of financial and proximity interests

Procedures for informing the meeting of disclosures in clause 6.1 are dealt with in the Act.

Note: Section 5.65 and 5.66 of the Act state:

5.65. Members' interests in matters to be discussed at meetings to be disclosed

- (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 —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.

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

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
 - (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (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
- (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.

6.3 Disclosing member not to participate

The participation at meetings of a member that has disclosed an interest in clause 6.1 is dealt with in the Act.

Note: Section 5.67 of the Act states:

5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not —

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

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

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

6.4 When disclosing members can participate

When disclosing members can participate is dealt with in the Act.

Note: Section 5.68 and 5.69 of the Act state:

5.68. Councils and committees 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 members present at the meeting who are entitled to vote on the matter —
 - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (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 —
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest —
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (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.
- (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.

6.5 Substitution of deputy at committee meetings

Where a member discloses an interest on an item under clause 6.1 and withdraws from a meeting of a committee, the presiding member is to invite the disclosing member's deputy, if present, to participate as a member of the committee in place of the disclosing member during the consideration of that item only.

6.6 Disclosure of impartiality interests

The disclosure of impartiality interests at meetings is dealt with in the Rules of Conduct Regulations.

Note: Regulation 11 of the *Local Government (Rules of Conduct) Regulations 2007* states:

11. Disclosure of interest

- (1) In this regulation —

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 person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subregulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subregulation (2) does not apply if —
 - (a) a person who is a council member fails to disclose an interest because the person did not know he or she had an interest in the matter; or

- (b) a person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5) If, under subregulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then —
 - (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
 - (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.
- (6) If —
 - (a) under subregulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b) under subregulation (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minutes of the meeting.

Note: Clause 4.2 of the City's Code of Conduct states:

4.2 Disclosure of Interest (Affecting Impartiality)

Employees of the City of Joondalup are required to disclose any interest, where the interest could, or could reasonably be perceived to, adversely affect the impartiality of the employee having the interest and includes an interest arising from kinship, friendship or membership of an association.

- 1 Where an employee has an interest in a matter that may affect impartiality, and that matter is to be discussed at a council or committee meeting attended by the employee, the employee shall disclose the nature of the interest:
 - a) in writing to the CEO before the meeting; or
 - b) at the meeting immediately before the matter is discussed.
- 2 Where an employee who has given advice, or will give advice in respect to any matter to be discussed at a council or committee meeting but not attended by the employee, the employee shall disclose the nature of any interest the employee has in the matter:
 - a) in a written notice given to the CEO before the meeting; or
 - b) at the time the advice is given.
- 3 The employee is exempt from the requirement to disclose an interest in 1 or 2 above if:-
 - a) the employee's failure to disclose occurs because the employee did not know he or she had an interest in the matter; or
 - b) the employee's failure to disclose occurs because the employee did not know the matter in which he or she had an interest would be discussed at the meeting and the employee discloses the nature of the interest as soon as possible after becoming aware of the discussion of the matter.
- 4 Where an employee has made a written disclosure as required by 1 or 2 above to the

CEO, then:

- a) The CEO is to provide the written notice to the presiding person of the meeting; and
- b) immediately before the matter is discussed at the meeting, the presiding person is to advise the meeting of the disclosures and its nature.

6.7 Disclosure by members who are observers at committee meetings

The obligation to disclose an interest in clauses 6.1 and 6.6 is to apply to a person under clause 5.12.

6.8 Committee members to disclose impartiality interests

- (1) In this clause, a reference to -
 - (a) **person** means a member of a committee appointed under the Act who is not either the Mayor or a Councillor; and
 - (b) **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 person who has an interest in any matter to be discussed at a meeting attended by the person must disclose the nature of the interest -
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) 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) a person fails to disclose an interest because the person did not know he or she had an interest in the matter; or
 - (b) a person fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a person discloses an interest in a written notice given to the CEO before a meeting then -
 - (a) before the meeting the CEO is to cause the notice to be given to the presiding member of the meeting; and
 - (b) at the meeting the presiding member is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.

(6) If -

- (a) under subclause (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
- (b) under subclause (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minutes of the meeting.

6.9 On-going disclosure required

The obligation to disclose an interest under this Part applies in regard to each meeting at which the matter the subject of the interest arises.

Part 7 - Conduct of members

7.1 Members to occupy own seats

At Council meetings, members must be seated in the order as determined by the CEO following each ordinary election.

7.2 Official titles to be used

A speaker, when speaking or referring to the Mayor or Deputy Mayor, or to a Councillor or employee, must use the title of that person's office.

7.3 Entering or leaving a meeting

During the course of a meeting, a member must not enter or leave the meeting without first giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

Note: regulation 11(b) of the Regulations requires the content of minutes of a meeting of a Council or committee to include –

- (b) where a member enters or leaves a 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.

7.4 Members who wish to speak

A member who wishes to speak -

- (a) is to indicate his or her intention to speak by the method determined by the presiding member; and
- (b) when invited by the presiding member to speak, must address the meeting through the presiding member.

7.5 Priority of speaking

- (1) If two or more members of the Council or a committee indicate, at the same time, their intention to speak, the presiding member is to decide which member is to be heard first.
- (2) A decision of the presiding member under this clause is not open to discussion or dissent.

7.6 Presiding member may take part in debate

Subject to compliance with procedures for the debate of motions contained in this local law, the presiding member may take part in a discussion of any matter before the meeting.

7.7 Relevance

- (1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The presiding member, at any time, may -
 - (a) call the attention of the meeting to any irrelevant or repetitious remarks by a member; or
 - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member must comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

7.8 Limitation on members speaking

- (1) A member must not address the Council more than once on any motion or amendment except -
 - (a) as the mover of a primary motion or amendment, to exercise a right of reply;
 - (b) to raise a point of order; or
 - (c) to make a personal explanation.
- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.

7.9 Duration of speeches

A member may speak on a motion or an amendment, or reply, for a period of only five minutes, unless an extension of time is granted by the Council without debate, but a member's total speaking time must not exceed 10 minutes.

7.10 Questions during debate

- (1) At any time during the debate on a motion before the motion is put, a member may ask a question and, with the consent of the presiding member, may ask one or more further questions.

- (2) Questions asked by a member, and responses given by a member or an employee -
 - (a) are to be brief and concise; and
 - (b) are not to be accompanied by -
 - (i) expression of opinion, statement of fact or other comment, except where necessary to explain the question or answer; or
 - (ii) any discussion or further question, except with the consent of the presiding member.
- (3) In answering any question, a member or an employee may qualify his or her answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend his or her original answer.

7.11 No speaking after conclusion of debate

A member must not speak on any motion or amendment -

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

7.12 No interruption

A member must not interrupt another member who is speaking unless -

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 7.16; or
- (d) to move a procedural motion that the member be no longer heard (see clause 10.1(g)).

7.13 No reopening of discussion

A member must not reopen a discussion on any decision of the Council or committee, except for the purposes on moving a revocation motion (see Part 13).

7.14 Adverse reflection and offensive language

- (1) A member must not reflect adversely on a decision of the Council or a committee except on a motion that the decision be revoked or changed (see Part 13).
- (2) A member must not -
 - (a) reflect adversely on the character or actions of another member or employee;
 - (b) impute any motive to a member or employee; or

- (c) use an expression that is offensive or objectionable in reference to any other member, employee or other person.

Note: Regulation 10 of the *Local Government (Rules of Conduct) Regulations 2007* states:

10. Relations with local government employees

- (1) A person who is a council member must not —
 - (a) direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee.
- (2) Subregulation (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (3) If a person, in his or her capacity as a council member, is attending a council meeting, committee meeting or other organised event and members of the public are present, the person must not, either orally, in writing or by any other means —
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use offensive or objectionable expressions in reference to a local government employee.
- (4) Subregulation (3)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

7.15 Withdrawal of offensive language or adverse reflection

A member who, in the opinion of the presiding member -

- (a) reflects adversely on the character or actions of another member or employee;
- (b) imputes any motive to a member or employee; or
- (c) uses an expression that is offensive or objectionable,

must, when directed by the presiding member, withdraw the reflection, imputation or expression and make a satisfactory apology.

Note: clause 8.5 applies where a member fails or refuses to comply with a direction by the presiding member under this clause.

7.16 Personal explanation

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.

- (3) A member making a personal explanation must confine his or her observations to a succinct statement relating to the specific part of the speech at which he or she may have been misunderstood.

Part 8 - Preserving order

8.1 Presiding member to preserve order

- (1) The presiding member is to preserve order and, whenever he or she considers it necessary, may call any member to order.
- (2) When the presiding member, during the progress of a debate, is to raise or rule on a point of order, any member or person then speaking, or offering to speak, is to be silent so that the presiding member may be heard without interruption.

8.2 Points of order

- (1) Any of the following acts may be considered to constitute a point of order for the purposes of this local law:
- (a) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 7.7);
 - (b) a speaker's use of offensive or objectionable expressions (see clause 7.14); or
 - (c) the violation of any written law, including this local law, provided that the member making the point of order states the written law believed to be breached.
- (2) A member who is expressing a difference of opinion or contradicting a speaker is not to be taken as raising a point of order.
- (3) Despite anything in this local law to the contrary, a point of order -
- (a) takes precedence over any discussion; and
 - (b) until determined by the presiding member, suspends the consideration or discussion of any other matter.

8.3 Procedures on a point of order

- (1) Upon a matter of order arising during the progress of a debate, any member may raise a point of order with the presiding member including interrupting the speaker.
- (2) Any member who is speaking when a point of order is raised in subcause (1) is to immediately stop speaking while the presiding member listens to the point of order.
- (3) A member raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.

8.4 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.

- (2) A ruling by the presiding member on a point of order -
 - (a) is not to be the subject of debate or comment; and
 - (b) is to be final unless the majority of members then present and voting, on a procedural motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that -
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

8.5 Continued breach of order

If a member -

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) fails or refuses to comply with a direction from the presiding member,

the presiding member may direct the member to refrain from taking any further part in the debate on that item, other than by voting, and the member must comply with that direction.

8.6 Presiding member may adjourn meeting

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.
- (4) If there is an adjournment under this clause, the names of the members who have spoken on the motion or amendment before the adjournment are to be recorded in the minutes and those members are not to speak to the motion when the meeting is resumed.

Part 9 - Motions and amendments

9.1 Recommendations in reports

- (1) Where the Council or a committee adopts a recommendation contained in a report, either with or without amendment, the recommendation so adopted is taken to be a decision of the Council or the committee (as the case may be).

- (2) Where a motion, if carried, would be significantly different from the relevant written recommendation of an employee or committee, the reason for the decision is to be recorded in the minutes of the meeting in accordance with the Regulations.

Note: Regulation 11 (da) of the *Local Government (Administration) Regulations 1996* states The content of minutes of a meeting of a council or a committee is to include 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).

- (3) A committee may make a recommendation to the Council which -
- (a) is relevant to the purpose for which the committee is established by the Council; and
 - (b) the committee considers requires consideration by the Council.
- (4) Where a committee makes a recommendation for consideration by the Council, the CEO must prepare or cause to be prepared a report to the Council with respect to the recommendation.

9.2 Presentation of committee reports

The proposed adoption by the Council of recommendations of a committee is to be moved –

- (a) if the presiding member of the committee is a Council member and is in attendance – by the presiding member;
- (b) if the presiding member of the committee is not a Council member or is absent – by a member of the committee who is also a Council member; or
- (c) otherwise – by a Council member who is not a member of the committee.

9.3 Permissible motions on recommendations

A recommendation made by a committee or contained in a report from the CEO may be -

- (a) adopted by the Council without amendment;
- (b) replaced by an alternative motion and adopted by the Council;
- (c) amended, and adopted as amended, by the Council;
- (d) referred back to the committee for further consideration; or
- (e) referred back to the CEO.

9.4 Motions to be stated and in writing

- (1) A member who wishes to move a primary motion, or an amendment to a primary motion -
- (a) is to state the substance of the motion before speaking to it; and

- (b) is to put the motion or amendment in writing if -
 - (i) in the opinion of the presiding member, the motion or amendment is significantly different to the relevant written recommendation of a committee or an employee; or
 - (ii) he or she is otherwise required to do so by the presiding member.
- (2) 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.

9.5 Motions to be seconded

- (1) A primary motion or an amendment to a primary motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council or a committee meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations (see clause 13.1).
- (3) A member seconding a motion has the right to speak on the motion later in the debate.
- (4) A motion is not to be amended by the mover without the consent of the seconder.
- (5) A nomination for any appointment under clause 4.9 is not required to be seconded.

9.6 Unopposed business

- (1) Immediately after a primary motion or amendment has been moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the presiding member may put the motion to the vote without debate.
- (3) If a member opposes a motion, the motion is to be dealt with under this Part.

9.7 Only one primary motion at a time

The Council or committee -

- (a) is not to accept a primary motion while another primary motion is being debated; and
- (b) is not to consider more than one primary motion at any time.

9.8 Complex motions

The presiding member may require that a complex primary motion, or a complex amendment to a primary motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

9.9 Order of call in debate

The presiding member is to call speakers to a primary motion in the following order:

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) other speakers for or against the motion; and
- (f) mover takes right of reply which closes debate.

9.10 Limit of debate

The presiding member may offer the right of reply and put a primary motion to the vote if he or she believes that sufficient discussion has taken place and where no other member has given an indication to speak to the motion.

9.11 Member may require motion to be read

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

9.12 Amendments

- (1) A member may move an amendment to a primary motion at any time during debate on the motion, except -
 - (a) if the mover has been called by the presiding member to exercise the right of reply;
 - (b) if the member has already spoken to the primary motion;
 - (c) if another amendment is being debated, or has not been withdrawn, carried or lost; or
 - (d) during debate on a procedural motion.
- (2) An amendment must be relevant to the primary motion to which it is moved and must not have the effect of negating the primary motion.
- (3) An amendment to a primary motion is to take only one of the following forms:
 - (a) that certain words be omitted;
 - (b) that certain parts be omitted and others substituted or added; or
 - (c) that certain words be added.
- (4) Only one amendment is to be debated at a time, but as often as an amendment is withdrawn, carried or lost, another amendment may be moved before the primary motion is put to the vote.

- (5) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate, to be treated as the primary motion.
- (6) The mover of an amendment has the right of reply at the conclusion of the discussion on the amendment and the right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

9.13 Withdrawal of motion and amendments

- (1) The Council or a committee may, without debate, grant leave to withdraw a primary motion or amendment on the request of the mover of the motion or amendment if -
 - (a) it has the approval of the seconder; and
 - (b) there is no voice expressed to the contrary by any member.
- (2) If either paragraph (a) or (b) of subclause (1) do not apply, the discussion on the motion or amendment is to continue.
- (3) Where an amendment has been proposed to a primary motion, the primary motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

9.14 Right of reply

- (1) The mover of a primary motion has the right of reply.
- (2) The right of the reply may be exercised only -
 - (a) where no amendment is moved to the primary motion – at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the primary motion – at the conclusion of the discussion on the primary motion and any amendments.
- (3) After the mover of the primary motion has commenced the reply -
 - (a) no other member is to speak on the motion; and
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (4) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (5) At the conclusion of the right of reply, the primary motion, or the primary motion as amended, is immediately to be put to the vote.

Part 10 - Procedural motions

10.1 Permissible procedural motions

In addition to the right to move an amendment to a primary motion (under Part 9), a member may move any of the following procedural motions:

- (a) that the motion be deferred;

- (b) that the motion be now put;
- (c) that the item be referred back to a committee (or the CEO);
- (d) that the meeting now adjourn;
- (e) that the meeting be closed to members of the public (see clause 5.2);
- (f) that the meeting be now closed;
- (g) that the member be no longer heard;
- (h) that the ruling of the presiding member be disagreed with; and
- (i) that the debate be adjourned.

10.2 No debate

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

10.3 Who may move

With the exception of subclause 10.1(h), a member who has moved, seconded, or spoken for or against the primary motion, or any amendment to the primary motion, cannot move any procedural motion which, if carried, would close the debate on the primary motion or amendment.

10.4 Right of reply on 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 motion or amendment.

10.5 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 motion “that the motion be deferred” must not be moved in respect of the election of a presiding member, Mayor or Deputy Mayor.

10.6 Motion be now put – effect of motion

- (1) If a motion “that the motion be now put”, is carried during discussion on a primary motion without amendment, the presiding member is to offer the right of reply and then immediately put the motion to the vote without further debate.
- (2) If the motion “that the motion be now put” is carried during debate of the amendment, the presiding member is to put the amendment to the vote without further debate.

- (3) If the motion “that the motion be now put”, is lost, debate is to continue.

10.7 The item be referred back to a committee (or the CEO) – effect of motion

- (1) If a motion “that the item be referred back to a committee (or the CEO)” is carried, debate on the primary motion and any amendment is to cease and the primary motion, excluding any amendment, is to be referred back to the appropriate committee or the CEO for further consideration.
- (2) If the motion in subclause (1) is lost, debate on the primary motion or amendment is to continue.

10.8 Meeting now adjourn – effect of motion

- (1) If a motion “that the meeting now adjourn”, is carried then the meeting is to be 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 member declares, or to the next ordinary meeting.
- (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;
 - (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 7.8 apply when the debate is resumed.
- (3) If a motion “that the meeting now adjourn” is lost, no similar motion is to be moved until -
- (a) after the conclusion of the business under discussion at the time the motion was moved;
 - (b) if the motion was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
 - (c) after the conclusion of any other business allowed precedence by the meeting.
- (4) A member must not, at the same meeting, move or second more than one motion for the adjournment of the meeting.

10.9 The meeting be closed to members of the public – effect of motion

If a motion “that the meeting be closed to members of the public” is carried then the presiding member is to close the meeting in accordance with clause 5.2.

10.10 The meeting be now closed – effect of motion

- (1) If a motion “that the meeting be now closed”, is carried, then -
- (a) the presiding member is to close the meeting, and no further business may be transacted; and

- (b) any business outstanding on the agenda for that meeting shall be carried forward to the agenda for the next ordinary meeting.
- (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 7.8 apply when the outstanding business is resumed.

10.11 Member to be no longer heard – effect of motion

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

10.12 Ruling of the presiding member be disagreed with – effect of motion

If the motion “that the ruling of the presiding member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

10.13 Debate be adjourned – effect of motion

- (1) If a motion “that the debate be adjourned”, is carried –
 - (a) all debate on the primary motion or amendment is to cease and is to continue at a time and date specified in the motion;
 - (b) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (c) the provisions of clause 7.8 apply when the debate is resumed.
- (2) A motion “that the debate be adjourned” must not be moved in respect of the election of a presiding member, Mayor or Deputy Mayor.
- (3) A member must not, at the same meeting, move or second more than one motion “that the debate be adjourned” in respect of the same item.

Part 11 - Voting

11.1 Motion - when put

Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member -

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

11.2 Crossing the floor of meeting room

- (1) When the presiding member is putting any motion to the vote, a member must not leave or cross the meeting room.

- (2) A member must not, while any other member is speaking, pass between the speaker and the presiding member or pass behind the presiding member.

11.3 Voting

Voting is dealt with in the Act and the Regulations.

Note: Section 5.21 of the Act states -

5.21. Voting

- (1) 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.
- (2) 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.
- (3) 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.
- (4) If a member of a council or a committee specifically requests that there be recorded —
 - (a) his or her vote; or
 - (b) the vote of all members present,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.
- (5) A person who fails to comply with subsection (2) or (3) commits an offence.

Note: Regulations 9 of the *Local Government (Administration) Regulations 1996* states -

9. Voting to be open (Act s. 5.25(1)(d))

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

11.4 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

Note: Section 5.20 of the Act states -

5.20. Decisions of councils and committees

- (1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (2) A decision of a committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.

- (3) This section does not apply to elections —
 - (a) by a council of the local government's mayor or president under section 2.11; or
 - (b) by a council of the local government's deputy mayor or president under section 2.15; or
 - (c) by a committee of the committee's presiding member or deputy presiding member under section 5.12.

11.5 Method of taking vote

In taking the vote on any motion, the presiding member -

- (a) is to put the motion, first in the affirmative, and then in the negative;
- (b) 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;
- (c) 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
- (d) subject to this clause, is to declare the result.

Part 12 - Minutes

12.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

Note: Section 5.22 of the Act states -

5.22. Minutes of council and committee meetings

- (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.
- (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.
- (3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

12.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.

Note: Regulation 11 of the *Local Government (Administration) Regulations 1996* states -

11. Minutes, content of (Act s. 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include —

- (a) the names of the members present at the meeting; and
- (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; and
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion; and
- (d) details of each decision made at the meeting; and
- (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); and
- (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
- (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.

(2) In addition to the matters required by the Regulations, the minutes of a meeting are to include -

- (a) where an application for approval is refused or the authorisation of a licence, permit or certificate is otherwise withheld or cancelled, the reasons for the decision; and
- (b) the names of members voting in the affirmative and the names of the members voting in the negative.

12.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

Note: Regulation 13 of the *Local Government (Administration) Regulations 1996* states -

13. Unconfirmed minutes, public inspection of (Act s. 5.25(1)(i))

A local government is to ensure that unconfirmed minutes of each council and committee meeting are available for inspection by members of the public —

- (a) in the case of a council meeting, within 10 business days after the meeting; and
- (b) in the case of a committee meeting, within 5 business days after the meeting.

12.4 Confirmation of minutes

- (1) Confirmation of minutes is dealt with in the Act.
- (2) When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.

Note: Section 5.22 of the Act states -

5.22. Minutes of council and committee meetings

- (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.
- (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.
- (3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

Part 13 - Implementing decisions and revocation motions

13.1 Meaning of terms

In this Part -

authorisation means a licence, permit, approval or other means of authorising a person to do anything;

implement, in relation to a decision, includes -

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) take any other action to give effect to the decision; and

valid notice of revocation motion means a notice of a revocation motion that -

- (a) complies with the requirements of the Act, Regulations and this local law and may be considered, but has not yet been considered, by the Council or a committee as the case may be; and
- (b) if carried and implemented, would result in the decision being revoked or being substantially different.

13.2 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in the Regulations.

Note: Regulation 10 of the *Local Government (Administration) Regulations 1996* states -

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) 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 —
 - (a) 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

- (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee,

inclusive of the mover.

- (1a) 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 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) 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 —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) 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.

13.3 Revocation motion at the same meeting – procedure

- (1) A member who wishes to move a revocation motion at the same meeting where the decision is made must -
 - (a) clearly identify the decision to be revoked or changed; and
 - (b) clearly state the reason for the decision to be revoked or changed.
- (2) If the CEO receives a notice of a revocation motion to revoke a decision made at a meeting before the close of that meeting, the CEO must immediately advise the Presiding Member of the substance of the revocation motion and raise it as an item of urgent business under clause 4.7.
- (3) Where the Presiding Member is advised of a revocation motion under subclause (2), he or she is to -
 - (a) advise the meeting of the notice;
 - (b) state the substance of the revocation motion;
 - (c) determine whether there is sufficient support under clause 13.2; and
 - (d) if there is sufficient support, deal with the revocation motion.

13.4 Revocation motion after meeting – procedures

- (1) A member wishing to move a revocation motion at a future meeting of the Council or a committee 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 supported by the number of members required under the Regulations;
 - (e) specify the date of the ordinary or special meeting of the Council or the committee where it is to be presented, as the case may be; and
 - (f) be given to the CEO in accordance with the notice of motion provisions in clause 4.6.
- (2) Any notice of revocation motion given to the CEO must be dealt with in accordance with 4.6.

13.5 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee is not to consider a revocation motion -
- (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 13.6 to implement the decision;
 - (b) where the decision concerns the grant of an authorisation, and where that authorisation has been communicated in writing by the local government to the applicant; or
 - (c) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a revocation motion of the kind described in subclause (1)(a) or (b) if the motion is accompanied by a written statement, by or on behalf of the CEO, of the legal and financial consequences of the motion being carried.

13.6 Implementing a decision

- (1) Subject to subclause (4), and unless a resolution is made under subclause (2), a decision made at a meeting is not to be implemented by the CEO or any other person until after 12 noon of the first clear working day after the commencement of the meeting at which the decision was made.
- (2) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, request the CEO to take immediate action to implement the decision.
- (3) A decision made at a meeting is not to be implemented by the CEO or any other person -
- (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (4) The CEO is to ensure that members of the public attending a meeting are informed, by an appropriate notice, that a decision to grant an authorisation -
- (a) is to take effect only in accordance with this clause; and

- (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

Note: one of the statutory functions of the CEO under section 5.41(c) of the Act is to “cause Council decisions to be implemented”.

Part 14 - Suspension and non-application of local law

14.1 Suspension of this local law

- (1) A member may, at any time, move that the operation of one or more of the clauses of this local law be suspended.
- (2) A member moving a motion under subclause (1) is to identify the clause or clauses to be suspended, and state the reasons for the motion, but no other discussion is to take place.
- (3) A motion under subclause (1) which is seconded and carried is to suspend the operation of the clause or clauses to which the motion relates for the duration of the discussion on any matter, unless the meeting resolves otherwise.

14.2 When this local law does not apply

- (1) In situations where -
- (a) this local law has been suspended; or
- (b) a matter is not regulated by the Act, the Regulations or this local law,
- the presiding member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the presiding member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 10.1(h).

Part 15 - Committees

15.1 Establishment and appointment of committees

- (1) The establishment of committees is dealt with in the Act.

Note: Section 5.8 of the Act states –

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

*Absolute majority required.

- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include -

- (a) the terms of reference or functions of the committee;
- (b) either -
 - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
 - (ii) the number of members, officers and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
- (c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

15.2 Types of committees

The types of committees are dealt with in the Act.

Note: Section 5.9 of the Act states –

5.9. Committees, types of

- (1) In this section –

other person means a person who is not a council member or an employee.

- (2) A committee is to comprise –
 - (a) council members only;
 - (b) council members and employees;
 - (c) council members, employees and other persons;
 - (d) council members and other persons;
 - (e) employees and other persons; or
 - (f) other persons only.

15.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

Note: Section 5.16 of the Act states –

5.16. Delegation of some powers and duties to certain committees

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

**Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* –
 - (a) a delegation made under this section has effect for the period of time

- specified in the delegation or if no period has been specified, indefinitely;
and
- (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

15.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

Note: Section 5.17 of the Act states –

5.17. Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate –
 - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except –
 - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
 - (ii) any other power or duty that is prescribed;
 - and
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of –
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

15.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

Note: Section 5.10 of the Act states –

Committee members, appointment of

- (1) A committee is to have as its members –
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* *Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish –
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,
 the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

15.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

Note: Section 5.11 of the Act states –

5.11. Committee membership, tenure of

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until –
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
 - (b) the person resigns from membership of the committee;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
 which ever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until –
 - (a) the term of the person's appointment as a committee member expires;
 - (b) the local government removes the person from the office of committee

- member or the office of committee member otherwise becomes vacant;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.

15.7 Appointment of deputies

The appointment of a person to be a deputy of a member of committee is dealt with in the Act.

Note: Section 5.11A of the Act states –

5.11A. Deputy committee members

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

*Absolute majority required.
- (2) A person who is appointed as a deputy of a member of a committee is to be –
 - (a) if the member of the committee is a council member – a council member; or
 - (b) if the member of the committee is an employee – an employee; or
 - (c) if the member of the committee is not a council member or an employee- a person who is not a council member or an employee; or
 - (d) if the member of the committee is a person appointed under section 5.10(5) – a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

15.8 Resignation of committee members

The resignation of committee members is dealt with in the Regulations.

Note: Regulation 4 of the *Local Government (Administration) Regulations 1996* states –

4. Committee members, resignation of

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation.

15.9 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

Note: Section 5.18 of the Act states –

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

15.10 Local law to apply

This local law applies generally to committee meetings except for clause 7.1, in respect of members seating and clause 7.8 in respect of limitation on member's speaking.

Part 16 - Meeting of electors

16.1 Term used: electors

For the purposes of this Part of this local law the term ***electors*** has additional meaning as giving to it under the Act.

Note: Section 5.26 of the Act states –

5.26. Term used: electors

In this Subdivision —

electors includes ratepayers.

16.2 Electors' general meetings

Electors' general meetings are dealt with in the Act.

Note: Section 5.27 of the Act states –

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.

16.3 Matters for discussion at general electors' meeting

The matters to be discussed at a general electors' meeting are dealt with in the Regulations.

Note: Regulation 15 of the *Local Government (Administration) Regulations 1996* states –

15. Matters to be discussed at general meeting (Act 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.

16.4 Electors' special meetings

Electors' special meetings are dealt with in the Act.

Note: Section 5.28 of the Act states –

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.

16.5 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

Note: Regulation 16 of the *Local Government (Administration) Regulations 1996* states –

16. Request for special meeting, form of (Act 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.

16.6 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

Note: Section 5.29 of the Act states –

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.

16.7 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

Note: Section 5.30 of the Act states –

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.

16.8 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.

Note: Section 5.31 of the Act states –

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.

Note: Regulation 18 of the *Local Government (Administration) Regulations 1996* states –

18. Procedure at meeting (Act 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.

- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to this local law.

16.9 Participation of non-electors

A person who is not an elector must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits him or her to do so.

16.10 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

Note: Regulation 17 of the *Local Government (Administration) Regulations 1996* states –

17. Voting at meeting (Act 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.

16.11 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

Note: Section 5.32 of the Act states –

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.

16.12 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

Note: Section 5.33 of the Act states –

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.

Part 17 - Breach of this local law

17.1 Breach of this local law by Mayor or Councillors

A breach of a provision of this local law by the Mayor or Councillors is dealt with in the Rules of Conduct Regulations and the Act.

Note: Section 5.105 of the Act states –

5.105. Breaches by council members

- (1) A council member commits a minor breach if he or she contravenes —
 - (a) a rule of conduct under section 5.104(1); or
 - (b) a local law under this Act, contravention of which the regulations specify to be a minor breach.
- (2) A minor breach is a recurrent breach if it occurs after the council member has been found under this Division to have committed 2 or more other minor breaches.
- (3) A council member who commits any offence under a written law, other than a local law made under this Act, of which it is an element that the offender is a council member or is a person of a description that specifically includes a council member commits a serious breach.

Note: Regulation 4 of the *Local Government (Rules of Conduct) Regulations 2007* states –

4. Contravention of certain local laws

- (1) In this regulation —

local law as to conduct means a local law relating to conduct of people at council or committee meetings.
- (2) The contravention of a local law as to conduct is a minor breach for the purposes of section 5.105(1)(b) of the Act.

17.2 Who can complain

Who can complain in respect of a breach of this local law is dealt with in the Act.

Note: Section 5.107 to 5.109 of the Act states –

5.107. Complaining to complaints officer of minor breach

- (1) A person who has reason to believe that a council member has committed a minor breach may complain of the breach by sending to the complaints officer a complaint in accordance with subsection (2).
- (2) The complaint has to be made in writing, in a form approved by the Minister, giving details of —
 - (a) who is making the complaint; and
 - (b) who is alleged to have committed the breach; and

- (c) the contravention that is alleged to have resulted in the breach; and
 - (d) any other information that the regulations may require.
- (3) Within 14 days after the day on which the complaints officer receives the complaint, the complaints officer is required to —
- (a) give to the person making the complaint an acknowledgment in writing that the complaint has been received; and
 - (b) give to the council member about whom the complaint is made a copy of the complaint; and
 - (c) send —
 - (i) the complaint; and
 - (ii) anything the complaints officer has that is relevant to the complaint including, where relevant, details of any 2 or more minor breaches that the council member has previously been found to have committed,
 to the member of the primary standards panel who is appointed under Schedule 5.1 clause 2(a).
- (4) A person can make a complaint under this section within 2 years after the breach alleged in the complaint occurred, but not later.

5.108. Departmental CEO may send complaint of minor breach to complaints officer

- (1) If it appears to the Departmental CEO that a complaint a person seeks to make under section 5.114 discloses a minor breach, the Departmental CEO may send the complaint to the complaints officer of the local government concerned.
- (2) Within 14 days after the day on which the complaints officer receives the complaint, the complaints officer is required to —
 - (a) give to the person who sent the complaint to the Departmental CEO written notice that the complaint is to be dealt with as a complaint of a minor breach; and
 - (b) give to the council member about whom the complaint is made a copy of the complaint; and
 - (c) send —
 - (i) the complaint; and
 - (ii) anything the complaints officer has that is relevant to the complaint including, where relevant, details of any 2 or more minor breaches that the council member has previously been found to have committed,
 to the member of the primary standards panel who is appointed under Schedule 5.1 clause 2(a).
- (3) The Departmental CEO can send a complaint to a complaints officer under this section within 2 years after the breach alleged in the complaint occurred, but not later.

5.109. Complaint initiated by complaints officer

- (1) A person who is a complaints officer may make a complaint of a minor breach by —

- (a) preparing the complaint in the form required under section 5.107(2); and
 - (b) giving the council member about whom the complaint is made a copy of the complaint; and
 - (c) sending —
 - (i) the complaint; and
 - (ii) anything the complaints officer has that is relevant to the complaint including, where relevant, details of any 2 or more minor breaches that the council member has previously been found to have committed,to the member of the primary standards panel who is appointed under Schedule 5.1 clause 2(a).
- (2) A complaints officer can make a complaint under this section within 2 years after the breach alleged in the complaint occurred, but not later.

17.3 Penalty for breach

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

Penalty: \$1,000, and daily penalty of \$100

17.4 Who can prosecute

Who can prosecute is dealt with in the Act.

Note: Section .9.24(2) of the Act states –

9.24. Prosecutions, commencing

- (2) 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.

Local Government Act 1995
City of Joondalup
Meeting Procedures Local Law 2013

SCHEDULE 1

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 Council:

(Set out concise statement of facts and the action sought)

Correspondence in respect of this petition should be addressed to:

(State the name and full address of the relevant person)

The names and addressed of the petitioners are as follows:

DATE	FULL NAME	ADDRESS	SIGNATURE
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Dated dd of mm 2013.

The Common Seal of the City of Joondalup)
was affixed by authority of a resolution)
of the Council in the presence of:)

.....
TROY PICKARD
MAYOR

.....
GARRY HUNT
CHIEF EXECUTIVE OFFICER

City of Joondalup Meeting Procedures Local Law 2013 – Comparison Matrix

New local law clause	Clause Title	Existing local law clause	Comment
PART 1 – PRELIMINARY			
1.1	Citation	1	Change. To modernise the local law, the new local law will be known as the <i>City of Joondalup Meeting Procedures Local Law 2013</i> instead of Standing Orders.
1.2	Commencement	2	The local law commences on the 14 th day after it is published in the <i>Government Gazette</i> .
1.3	Purpose and effect	3	There is a requirement under section 3.15 of the Act that inhabitants of the City's district are informed of the purpose and effect of local laws.
1.4	Application	-	New clause. Informative clause indicating all meetings are to be conducted in accordance with the Act, Regulations, Rules of Conduct Regulations and the Meeting Procedures. It also includes a note that throughout the local law text boxes are used to replicate legislative provisions that aid in the understanding of the local law. These text boxes do not form part of the official local law.
1.5	Interpretation	5	Additional definitions have been inserted to aid with the understanding of the terms used throughout the local law.
1.6	Repeal	4	The <i>City of Joondalup Standing Orders Local Law 2005</i> will be repealed on the day the new local law comes into operation.
PART 2 – CALLING AND CONVENING MEETINGS			
2.1	Ordinary and special Council Meetings	-	New clause reflects legislative provisions (section 5.3 of the Act). Clause also states the purpose of ordinary and special meetings.
2.2	Calling Council meetings	6	Reflects legislative provision (section 5.4 of the Act).

New local law clause	Clause Title	Existing local law clause	Comment
2.3	Convening Council meetings	7	Reflects legislative provision (section 5.5 of the Act).
2.4	Calling committee meetings	72	
2.5	Convening committee meetings	-	New clause provides that the CEO is to convene an ordinary committee meeting by giving 72 hours notice of the date, time and place of the meeting and an agenda. Special meetings of committees do not have a 72 hour time limit on being convened. All committee agendas are to be distributed to Elected Members.
2.6	Public notice of meetings	7	Clause reflects legislative provision (Regulations 12 of the Regulations).
PART 3 – PRESIDING MEMBER AND QUORUM			
3.1	Who presides at Council meetings	-	New clause reflects legislative provision (Section 5.6 of the Act).
3.2	When the Deputy Mayor can act	-	New clause reflects legislative provision (Section 5.34 of the Act).
3.3	Who acts if no Mayor or Deputy Mayor	-	New clause reflects legislative provision (Section 5.35 of the Act).
3.4	Election of presiding members of committees	70	Reflects legislative provision (section 5.12(1) and clauses 2 to 5 of Schedule 2.1 of the Act).
3.5	Election of deputy presiding members of committees	70	Reflects legislative provision (section 5.12(2) and clauses 6 to 8 of Schedule 2.1 of the Act).

New local law clause	Clause Title	Existing local law clause	Comment
3.6	Functions of deputy presiding members	70	New clause reflects legislative provision (section 5.13 of the Act).
3.7	Who acts if no presiding member or deputy presiding member	70	Reflects legislative provision (section 5.14 of the Act).
3.8	Quorum at meetings	10	Reflects legislative provision (section 5.19 of the Act).
3.9	Reduction of quorum for Council meetings	10	Reflects legislative provision (section 5.7 of the Act).
3.10	Reduction of quorum for committee meetings	-	Reflects legislative provision (section 5.15 of the Act).
3.11	Procedure where no quorum to begin meeting	11	Reflects legislative provision (regulation 8 of the Regulations).
3.12	Procedure where quorum not present during a meeting	12	New clause gives the presiding member and additional 30 minutes of suspension before the meeting is to be adjourned.
3.13	Name to be recorded	12(6)	
PART 4 - BUSINESS OF A MEETING			
4.1	Business to be specified in agenda	14(3) and (5) & 25(2)	New clause states that no business is to be transacted at meetings that is not specified in the agenda other than urgent business (new clause 4.7) or that the Act permits. Clause allows the CEO to place any item on the agenda or withdraw an item from the agenda as the case requires. There may be instances where the CEO becomes aware of additional information that requires the report to be amended or the recommendation changed and therefore a report should be extracted.

New local law clause	Clause Title	Existing local law clause	Comment
4.2	Meeting to proceed to business	-	New clause indicating as soon as a quorum is constituted the meeting is to commence.
4.3	Order of business	14(1), (2) & (4)	<p>New clause has new item of business listed in agenda being “Urgent business” (see clause 4.7).</p> <p>New order of business for meetings has “Declarations of interest” occurring directly after opening and before public question time. This is in view of regulation 7(5) of the Regulations in respect of persons having an interest responding to questions. By re-positioning declarations before public question time it becomes clear to members of the public and those at the meeting as to whether a person at the meeting can respond to any question or otherwise.</p>
4.4	Grant of leave of absence	17	Reflects legislative provision (section 2.25 of the Act).
4.5	Announcements by the presiding member	19	
4.6	Motions of which previous notice has been given	26	<p>New clause better clarifies that notices of motion must relate to the good government of persons in the district. This reflects the wording used in section 3.1 of the Act that the general function of a local government is to provide for the good government of persons in the district.</p> <p>New clause also clarifies the CEO, with the consent of the submitting member, is also able to bring the notice into due form (such as numbering and structure). Notwithstanding it remains that the substance of the notice cannot be altered. The CEO can also provide relevant and material facts in relation to the notice of motion such as policy, budget and law, as per current City practice. The new clause provides clarification that where a notice of motion is moved and seconded it is to be treated as a primary motion, thereby able to be amended.</p> <p>Existing subclause (4) (which details the ability to dispense with the requirements to give notice in urgent situations) has been removed as new clause 4.7 has been included on how matters of urgent business are to be dealt with at meetings (see below).</p>

New local law clause	Clause Title	Existing local law clause	Comment
			Existing subclause (10) relating to notices of revocation motions has been removed as it is not required and revocation motions must comply with legislative provisions (See Part 13 of new local law).
4.7	Urgent business	26(4)	<p>This is a new clause that provides how urgent business is dealt with at meetings that is not included in the agenda. It provides that the presiding member may raise business which cannot wait for the inclusion in the agenda for the next meeting or where delaying the business could have adverse legal or financial implications for the City.</p> <p>Any matter of urgent business requires a verbal report from the CEO (if a written report cannot be provided). The CEO is to also make a recommendation in respect of the urgent business and if the Council or committee resolve otherwise, a reason for the decision being different is to be given and recorded in the minutes.</p>
4.8	Adoption by exception resolution	48	Now termed as “adoption by exception resolution” rather than “en bloc” to modernise drafting standards. Clause has also been amended to clarify that an adoption by exception resolution can be used for interests that may affect impartiality. Impartiality interests tend to be commonly disclosed in relation to Council / committee meetings and do not affect a disclosing member’s right to participate in discussion and the decision-making process.
4.9	Representation on external bodies	78	Clause includes definition of ‘external body’.
PART 5 – PUBLIC PARTICIPATION			
5.1	Meetings generally open to the public	67(1)	Reflects legislative provision (section 5.23 of the Act).
5.2	Procedure to close the meetings to the public	67	New clause details the procedures to follow in respect of closing meetings. It includes the presiding member is to direct all members of the public to leave the meeting, other than those specified in the motion and that the CEO is to be consulted on those employees that are to remain in the meeting

New local law clause	Clause Title	Existing local law clause	Comment
			room to provide advice or support to the meeting. New clause also gives the presiding member the option of not reading aloud any motion passed or voting conducted behind closed doors where no member of the public returns to the meeting room once the meeting has been re-opened. For note, all decisions made behind closed doors, and voting, must be recorded in the minutes.
5.3	Question time for the public	15	Reflects legislative provision (section 5.24 of the Act).
5.4	Question time for the public at certain meetings	15	Reflects legislative provision (regulation 5 of the Regulations).
5.5	Minimum question time for the public	15	Reflects legislative provision (regulation 6 of the Regulations).
5.6	Procedures for question time for the public	15	Reflects legislative provision (regulation 7 of the Regulations).
5.7	Other procedures for question time for the public	15	Clause clarifies that a member of the public to state their full address.
5.8	Public statement time	16	Clarifies certain procedural matters around public statement time including the need for a person to state their full address. Also states public statement time for ordinary meetings is to relate to business of the City, whereas public statement time at special meetings is to relate to the purpose of the meeting being called.
5.9	Distinguished visitor or guest	30	New clause also refers to distinguished visitors and guests as guests are often invited to meetings (such as external professionals being invited to committee meetings).

New local law clause	Clause Title	Existing local law clause	Comment
5.10	Deputation to committee meetings	23	New clause allows the presiding member to extend deputation time beyond 15 minutes unless the committee resolves otherwise. Also allows the matter the subject of the deputation, being brought forward in the order of business after the deputation has been received.
5.11	Petitions	22	<p>New clause retains requirement for petitions to be, as far as practicable in the form attached as Schedule 1. Requirements for a valid petition have also been stated in the new clause.</p> <p>Council has suggested that 25 electors must sign the petition for it to be considered valid. If a petition is received at a meeting where the matter is the subject of a report at that same meeting, the Council or committee is to consider the issues raised in the petition when deciding on the matter. This does not restrict a person from raising a matter of particular interest with the City or an Elected Member directly.</p> <p>New clause also specifies the legislative requirements for petitions under the <i>Local Government (Constitution) Regulations 1998</i> (in respect of methods of voting for the office of Mayor or changes to ward boundaries or ward representation levels).</p> <p>It is not a requirement that all petitions submitted require a report to be submitted to Council or committee unless the CEO considers that a matter requires a decision of Council or a committee, in which case, a report will be prepared. Council is informed of the status of all petitions through the quarterly summary report on the status of petitions where a report is not directly submitted to Council.</p>
5.12	Participation at committee meetings	73 & 74	Clause details ability for observers to attend committee meetings and how they can interact with the committee, such as raising questions or making statements.
5.13	Public inspection of agenda material	8	Reflects legislative provisions (regulations 14 and 29 of the Regulations).

New local law clause	Clause Title	Existing local law clause	Comment
5.14	Confidentiality of information withheld	-	New clause indicates how confidential information at meetings (including reports) is to be treated and supports regulation 14(2) of the Regulations and regulation 6 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> . This has been included as the Rules of Conduct do not apply to members of committees (that are not Elected Members) or employees.
5.15	Media attendance	31	
5.16	Recording of proceedings	-	New clause prevents a person (other than the City) using any recording device or instrument at a meeting without the presiding member's consent. Where the presiding member grants such permission he or she is to advise the meeting accordingly and the extent to which permission has been granted.
5.17	Prevention of disturbance	45	New clause requires a person to switch off mobile telephones and other audible electronic devices.
PART 6 – DISCLOSURE OF INTERESTS			
6.1	Disclosure of members' financial and proximity interests	20	Reflects legislative provisions (Sections 5.59 to 5.63 of the Act and section 5.70 of the Act).
6.2	Meeting to be informed of financial and proximity interests	20	Reflects legislative provisions (Sections 5.65 and 5.66 of the Act).
6.3	Disclosing member not to participate	20	Reflects legislative provision (Section 5.67 of the Act).
6.4	When disclosing member can participate	20	Reflects legislative provisions (Section 5.68 and 5.69 of the Act).

New local law clause	Clause Title	Existing local law clause	Comment
6.5	Substitution of deputy at committee meetings	-	New clause clarifies where a disclosing member is required to leave the room, their appointed deputy (if present) is to be invited by the Presiding Member to act in the position of member for the item in which the substantive member has declared an interest. Where that deputy member has disclosed an interest that requires them to leave a room, they are to also leave the meeting room.
6.6	Disclosure of impartiality interests	21	Reflects legislative provision for Elected Members (Regulation 11 of the <i>Local Government (Rules of Conduct) Regulations 2007</i>).
6.7	Disclosure of members who are observers at committee meetings	75	New clause clarifies observers at meetings are required to disclose interests in matters discussed at meetings. This requirement is in recognition that observers are able to address the committee and ask questions at committees even though they are not members of the particular committee.
6.8	Committee members to disclose impartiality interests	-	New clause requires committee members (that are not Elected Members) to disclose impartiality interests and the clause reflects the same provisions in the <i>Local Government (Rules of Conduct) Regulations 2007</i> that apply to Elected Members. This had been included as the <i>Local Government (Rules of Conduct) Regulations 2007</i> only apply to Elected Members, not committee members (that are not Elected Members). Disclosure of impartiality interests by employees is provided for in the City's Code of Conduct but this does not account for where an employee is a member of a committee. In view of good governance practices and transparency, committee members should also declare impartiality interests.
6.9	On-going disclosure required	-	New clause requiring on-going disclosure at meetings in which the matter may be discussed.
Part 7 – CONDUCT OF MEMBERS			
7.1	Member to occupy own seats	29	New clause simplifies wording in respect of seating arrangements in the Council Chamber.
7.2	Official titles to be used	28	

New local law clause	Clause Title	Existing local law clause	Comment
7.3	Entering or leaving a meeting	-	New clause requires a member leaving the meeting room to indicate to the presiding member their departure from the room. This facilitates the recording of movement in the minutes as required by regulation 11(b) of the Regulations.
7.4	Members who wish to speak	-	New clause provides how members are to indicate their desire to speak (as determined by the presiding member) and speakers must address the meeting through the presiding member.
7.5	Priority of speaking	32	
7.6	The presiding member may take part in debates	35	
7.7	Relevance	39 & 40	New clause is expanded to enable the presiding member to call the attention of irrelevant remarks by a member and direct the member to discontinue their speech.
7.8	Limitation on member speaking	54	New clause clarifies that a member can speak twice to also raise a point of order or to make a personal explanation. Also clarifies that a member asking a question is not to be considered as speaking.
7.9	Duration of speeches	54(4)	
7.10	Questions during debate	55	
7.11	No speaking after conclusion of debate	54(3)	New clause also provides that a member cannot speak after the motion has been put.
7.12	No interruption	33	New clause also allows a member to interrupt a speaker to bring the attention to the absence of a quorum.
7.13	No reopening discussion	-	New clause provides that discussion on a matter cannot be re-opened except for the purpose of moving a revocation motion.

New local law clause	Clause Title	Existing local law clause	Comment
7.14	Adverse reflection and offensive language	37	New clause has removed existing ability for any member to request words used by another member to be recorded in the minutes. Also reflect legislative provisions (Regulation 10 of the <i>Local Government (Rules of Conduct) Regulations 2007</i>).
7.15	Withdrawal of offensive language and adverse reflection	38	
7.16	Personal explanation	41	
PART 8 – PRESERVING ORDER			
8.1	Presiding member to preserve order	36, 44 & 45	
8.2	Points of order	43	
8.3	Procedures on a point of order	43	
8.4	Ruling by the presiding member	43	Clause clarifies the procedures to follow when the presiding member rules on a point of order and that ruling is not subject to debate unless a motion of dissent on the ruling is carried.
8.5	Continual breach of order	44(3)	New clause reflects the WA Parliamentary Joint Standing Committee on Delegated Legislation's ruling that a presiding member can only rule that a member that is persisting in conduct the presiding member has ruled out of order, not take part in discussion on the item, other than voting. The current local law prohibits the member from taking any further part in the meeting rather than just the item of business. The Joint Standing Committee's view is that restricting a member's participation in a meeting is contrary to the provisions of Section 2.10(d) of the Act (being that a Councillor is to participate in the local government's decision making processes at Council and committee meetings) as well as their fundamental rights of speech (such as the freedom of political communication).

New local law clause	Clause Title	Existing local law clause	Comment
8.6	Presiding member may adjourn meeting	46	
PART 9 – MOTIONS AND AMENDMENTS			
9.1	Recommendations in reports	47 & 25(3) & (4)	New clause provides where Council or a committee adopts a recommendation in a report (with or without amendment), the recommendation so adopted is to be taken as the decision of Council or the committee.
9.2	Presentation of committee reports	-	New clause clarifies a recommendation of a committee is to be moved, at a Council meeting, by the presiding member of that committee, or a member of the committee (if the presiding member is not present), or in any other case, by any other Elected Member.
9.3	Permissible motions on recommendations	-	New clause specifies the type of motions that are permissible on a recommendation from a committee or as detailed in a report.
9.4	Motions to be stated in writing	49(1)	
9.5	Motions to be seconded	51	
9.6	Unopposed business	50	
9.7	Only one primary motion at a time	53	
9.8	Complex motions	49(2)	New clause has removed the requirement for the meeting, by resolution, to require a complex motion to be split into parts, The presiding member retains this right however.
9.9	Order of call in debate	-	New clause provides clarity in respect of the order of debate once a motion has been moved and seconded.

New local law clause	Clause Title	Existing local law clause	Comment
9.10	Limit of debate	-	New clause allows the presiding member to offer the right of reply and put the matter to the vote if he or she believes that sufficient discussion has take place and where no other member has given their indication to speak.
9.11	Member may require motion to be read	-	New clause allows a member to require a motion to be read aloud, but any such member cannot interrupt any other member who is speaking.
9.12	Amendments	56	<p>The new clause provides that an amendment cannot be moved by a person who has already spoken on the primary motion, however it does not preclude a member from speaking to the amendment who has already spoken to the primary motion.</p> <p>The new clause removes the existing provision that only two amendments can be made to any primary motion. However with the restriction that an amendment cannot be moved by a member that has already spoken to the primary motion, the number of amendments have been capped. There are also other provisions in the local law that prevent a member from continually making a disturbance.</p>
9.13	Withdrawal of motion and amendments	52	New clause provides that a primary motion or amendment can be withdrawn with the consent of the seconder (not Council) and where there is no voice expressed to the contrary by any other member. If this does not occur, discussion on the motion or amendment is to continue.
9.14	Right of reply	-	New clause provides when the right of reply is to be offered to a mover of the primary motion.
PART 10 – PROCEDURAL MOTIONS			
10.1	Permissible procedural motions	58	<p>The new clause provides for two new procedural motions, being:</p> <ul style="list-style-type: none"> • that the item be referred back to a committee (or CEO); and • that the member be no longer heard.
10.2	No debate	59	

New local law clause	Clause Title	Existing local law clause	Comment
10.3	Who may move	60	New clause removes the provision that a member cannot move more than one certain type of procedural motion. There may be instances where the moving of such procedural motions is necessary, and where a member is being disruptive in respect of continually moving procedural motions of a certain type, the presiding member may take action under the local law (such as adjourning the meeting), or a procedural motion can be moved that the respective member be no longer heard.
10.4	Right of reply on motion	61	
10.5	Motion be deferred – effect of motion	62	
10.6	Motion be now put – effect of motion	65	
10.7	The item be referred back to a committee (or the CEO) – effect of motion	-	New clause provides that if this procedural motion is carried, the primary motion (without any amendment) is to be referred back to the particular committee or the CEO for further consideration.
10.8	Meeting now adjourn – effect of motion	63	
10.9	The meeting be closed to members of the public – effect of motion	67(2)	
10.10	The meeting be now closed – effect of motion	66	

New local law clause	Clause Title	Existing local law clause	Comment
10.11	Member be no longer heard – effect of motion	-	This new clause provides that where a procedural motion of this type is carried, the speaker against whom the motion has been moved cannot speak further on the current primary motion or any amendment relating to it, except to exercise the right of reply if they have so moved the primary motion or amendment.
10.12	Ruling of the presiding member be disagreed with – effect of motion	68	
10.13	Debate be adjourned – effect of motion	64	
PART 11 – VOTING			
11.1	Motion – when put	-	New clause clarifies when the motion is to be put to the vote (after the right of reply has been exercised).
11.2	Crossing the floor of meeting room	34	
11.3	Voting	13	Reflects legislative provisions (section 5.21 of the Act and regulation 9 of the Regulations).
11.4	Majorities required for decisions	-	New clause reflects legislative provision (section 5.20 of the Act).
11.5	Method of taking vote	13	
PART 12 – MINUTES			
12.1	Keeping of minutes	18	Clause reflects legislative provision (section 5.22 of the Act).
12.2	Content of minutes	18	Clause reflects legislative provision (regulation 11 of the Regulations).

New local law clause	Clause Title	Existing local law clause	Comment
12.3	Public inspection of unconfirmed minutes	9	Clause reflects legislative provision (regulation 13 of the Regulations).
12.4	Confirmation of minutes	18	Clause reflects legislative provision (section 5.23 of the Act).
PART 13 – IMPLEMENTING DECISIONS AND REVOCATION MOTIONS			
13.1	Meaning of terms	-	New clause stating the various terms used in this Part of the local law.
13.2	Requirements to revoke or change decisions	57	Clause reflects legislative provision (regulation 10 of the Regulations).
13.3	Revocation motion at the same meeting – procedure	-	New clause clarifies the procedure to follow where a member wishes to revoke a decision made at the same meeting of Council or committee. The member is to advise the CEO, who in turn is to advise the presiding member, and the matter is to be dealt with as urgent business.
13.4	Revocation motion after meeting – procedure	-	New clause clarifies the procedure to follow where a member wishes to move a revocation motion of a previous decision of Council or a committee. In essence, the notice is required to have the necessary support stated in legislation as well as follow the notice of motion provisions under clause 4.6.
13.5	Limitations on powers to revoke or change decisions	-	<p>New clause clarifies the limitation on powers to revoke or change decisions that have been previously made. Council or a committee is not to consider a motion to revoke or change a decision where:</p> <ul style="list-style-type: none"> • action has been taken to implement the decision • where an authorisation has been communicated to an applicant <p>or</p> <ul style="list-style-type: none"> • where the decision is procedural in its form or effect.

New local law clause	Clause Title	Existing local law clause	Comment
13.6	Implementing a decision	-	<p>The CEO, under the Act, is required to implement decisions that have been made, however conflict with the CEO's statutory role can occur when the CEO is aware that a revocation motion may be evident.</p> <p>This new clause provides protection to the CEO that decisions are not to be implement by the CEO until after 12 noon of the first clear working day after the meeting, thereby giving members the opportunity to submit a revocation motion in due form, with the required support.</p>
PART 14 – SUSPENSION AND NON-APPLICATION OF LOCAL LAW			
14.1	Suspension of this local law	-	New clause provides that any clause of the meeting procedures can be suspended.
14.2	When this local law does not apply	81	
PART 15 – COMMITTEES			
15.1	Establishment and appointment of committees	69	Clause reflects legislative provision (section 5.8 of the Act). The new clause requires that the Council resolution when establishing a committee is to include the committee's terms or reference and the composition of the committee.
15.2	Types of committees	69	Clause reflects legislative provision (section 5.9 of the Act).
15.3	Delegation of some powers and duties to certain committees	71	Clause reflects legislative provision (section 5.16 of the Act).
15.4	Limit on delegation of powers and duties to certain committees	71	Clause reflects legislative provision (section 5.17 of the Act).

New local law clause	Clause Title	Existing local law clause	Comment
15.5	Appointment of committee members	69	Clause reflects legislative provision (section 5.10 of the Act).
15.6	Tenure of committee membership	69	Clause reflects legislative provision (section 5.11 of the Act).
15.7	Appointment of deputies	-	New clause reflects legislative provision (section 5.11A of the Act).
15.8	Resignation of committee members	-	New clause reflects legislative provision (regulation 4 of the Regulations).
15.9	Register of delegations to committees	71	Clause reflects legislative provision (section 5.18 of the Act).
15.10	Local law to apply	77	
PART 16 – MEETING OF ELECTORS			
16.1	Term used: electors	80	As per the Act the term electors includes ratepayers.
16.2	Electors' general meetings	80	Clause reflects legislative provision (section 5.27 of the Act).
16.3	Matters for discussion at general electors' meetings	80	Clause reflects legislative provision (regulation 15 of the Regulations).
16.4	Electors' special meeting	80	Clause reflects legislative provision (section 5.28 of the Act).
16.5	Requests for electors' special meetings	80	Clause reflects legislative provision (regulation 16 of the Regulations).

New local law clause	Clause Title	Existing local law clause	Comment
16.6	Convening electors' meetings	80	Clause reflects legislative provision (section 5.29 of the Act).
16.7	Who presides at electors' meetings	80	Clause reflects legislative provision (section 5.30 of the Act).
16.8	Procedure for electors' meetings	80	Clause reflects legislative provision (section 5.31 of the Act).
16.9	Participation on non-electors	-	New clause clarifies that non-electors cannot participate at electors' meetings unless the meeting by resolution permits otherwise.
16.10	Voting at electors' meetings	80	Clause reflects legislative provision (regulation 17 of the Regulations).
16.11	Minutes of electors' meetings	80	Clause reflects legislative provision (section 5.32 of the Act).
16.12	Decisions made at electors' meetings	80	Clause reflects legislative provision (section 5.33 of the Act).
PART 17 – BREACH OF THIS LOCAL LAW			
17.1	Breach of this local law by Mayor and Councillors	-	New clause reflects legislative provision (section 5.105 of the Act and Regulation 4 of the <i>Local Government (Rules of Conduct) Regulations 2007</i>).
17.2	Who can complain	-	New clause reflects legislative provisions (sections 5.107 to 5.109 of the Act).
17.3	Penalty for breach	-	New clause provides for a penalty for a breach of the meeting procedures.

New local law clause	Clause Title	Existing local law clause	Comment
17.4	Who can prosecute	82	Clause reflects legislative provision (section 9.24(2) of the Act).
SCHED 1	Schedule 1	Sched 1	Prescribed form for a petition.

Clauses not provided in new local law

Old local law clause	Clause Title	Comment
24	Identification of matters for which the meeting may sit behind closed doors	As part of the order of business for Council and committee meetings and for the public's information, matters for which the meeting may be closed are usually listed as such in the agenda (under this item of business) or identified by the Presiding Member at the meeting. As the order of business can be changed by resolution (see new clause 4.3) this existing clause is not required in the new local law.
27	Meeting closure	When the meeting has considered the items of business at the meeting it is thereby closed. This clause is therefore not required in the new local law.
42	Ruling on questions of personal explanation	Matters relating to personal explanations are provided in clause 7.16 of the new local law and the ruling of the Presiding Member within clause 8.4. Members may move a procedural motion (under clause 10.12) that the ruling of the presiding member be disagreed with. The existing clause is therefore not required.
76	Meetings closed to the public	Any committee that does not have delegated authority is not required to be open to the public. This clause specifies that committees that are not required to be open under the Act, are to be closed to the public unless the Council decides otherwise. This clause is not required as Council, when establishing a committee, would indicate if the meeting has delegated authority and therefore open to members of the public.
79	Improper use of information	A note has been included under new clause 5.14 (Confidentiality of information withheld) relating to this statutory provision under the Act in respect to the improper use of information (section 5.93 of the Act).