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Customers are to note closing time for lodging gazette copy with State Law Publisher will alter from the edition published on Friday 2 June 1995.

The new closing times will be:

12 noon on Wednesday for the Friday edition; and
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If you require further information please contact Mr John Thompson, phone 383 8851.

AGRICULTURE

AG401

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

Agriculture Protection Board,
South Perth.

The Agriculture Protection Board, acting pursuant to sections 15 and 16 of the Agriculture and Related Resources Protection Act 1976 hereby—

- (i) cancels the appointment of Douglas Mackenzie Hearman as a member of the Zone 4 Control Authority and Alan Hunt and Harry Lance Pennington as members of the Zone 5 Control Authority.
- (ii) appoints the persons whose names are listed below to be members of the authorities for the Zone designated to hold office until 1 August in the years specified—

Name	Zone	Retires
Steve Banney	1A	1998
David Leslie Robinson	3	1996
Gail Bessen	5	1996

- (iii) appoints the following persons to be deputies to members of the Zone Control Authority designated—

Deputy	Member	Zone
Leslie Buller	Robert Hayes-Thompson	8
James Stokes	Stan Pearse	8
Kevin Jones	Ian Mactaggart	8

Dated 19 May 1995.

ROGER L. O'DWYER, Acting Chairman,
Agriculture Protection Board.

AG402

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

Agriculture Protection Board,
South Perth.

Acting pursuant to the powers granted by Sections 35 and 36 of the Agriculture and Related Resources Protection Act 1976, the Agriculture Protection Board hereby—

- (i) declares Chinee Apple (*Ziziphus mauritiana*) to be a declared plant assigned to—
 - (a) categories P1 and P5 for all municipal districts in that portion of the State, constituted as Zones 1A and 1B under Section 13 of the act.
 - (b) category P1 for the remainder of the state.
- (ii) declares common horsetail (*Equisetum arvense*) to be a declared plant assigned to—
 - categories P1 and P2 for the whole of the state.

Dated 22 May 1995.

ROGER L. O'DWYER, Acting Chairman,
Agriculture Protection Board.

CEMETERIES

CC401

CEMETERIES ACT 1986

BUNBURY CEMETERY BOARD

Scale of Fees and Charges

In pursuance of the powers conferred upon it by section 53 of the Cemeteries Act, the Bunbury Cemetery Board hereby records having resolved on the 18th May 1995 that the following Bunbury Cemetery Board fees and charges shall apply from 1/7/95.

**BUNBURY CEMETERY BOARD
SCHEDULE OF FEES AND CHARGES**

GENERAL CEMETERY

\$

A: IN OPEN GROUND

Interment in grave any depth to 2.13m including registration fee and use of number plate 400.00

Interment of any stillborn child in ground set aside for that purpose 95.00

B: IN PRIVATE GROUND

Ordinary land for grave 2.44m x 1.22m where directed 580.00

Ordinary land for grave 2.44m x 2.44m where directed 1 100.00

Ordinary land for grave 2.44m x 0.30m where directed 200.00

Interment in grave any depth to 2.13m including registration fee and use of number plate 400.00

Interment of a stillborn child 95.00

Pre-need purchase of grave site 680.00

Reserved position 150.00

C: EXTRA CHARGES

Interment in open ground, without due notice 200.00

Interment in private ground, without due notice 200.00

Interment not in usual hours, as prescribed 200.00

Interment on a Saturday, Sunday or Public Holiday 280.00

Interment of cremated ashes 95.00

Fee of exhumation 800.00

Reinterment in new grave 400.00

Plaque for stillborn grave 78.00

LAWN CEMETERY

A: Ordinary land for grave 2.44m x 1.22m 580.00

Interment in grave any depth to 2.13m including registration fee and use of number plate 400.00

Interment of a stillborn child 95.00

Interment of cremated ashes 95.00

Limited access graves 400.00

B: EXTRA CHARGES

Interment without due notice 200.00

Interment not in usual hours as prescribed 200.00

Interment on Saturday, Sunday or Public Holiday 280.00

Fee of exhumation 800.00

Reinterment in new grave 400.00

Pre-need purchase of grave site 680.00

VAULTS

Standard vault including reservation for two interments (excluding land fee) 3 600.00

First interment 400.00

Second Interment 400.00

Interment without due notice 200.00

Interment not in usual hours as prescribed 200.00

Interment on Saturday, Sunday or Public Holiday 280.00

MISCELLANEOUS CHARGES

Funeral Director's Annual Licence fee 150.00

Single Funeral Permit (Funeral Directors Only) 75.00

Single Funeral Permit (Other than Funeral Director) 250.00

Monumental Mason's Annual fee 150.00

Single Monument Permit (Monumental Masons Only) 75.00

Permit to erect a headstone 110.00

Copy of By-laws and regulations 20.00

Copy of Grant of Right of Burial 40.00

	\$
Refund of an unexpired Grant of Right of Burial, not to exceed the amount originally paid, less an administration fee of	60.00
Renewal of Grant of Right of Burial	120.00
Annual maintenance of grave 2.44m x 1.22m	220.00
Annual Maintenance of grave 2.44m x 2.44m	330.00
CREMATORIUM	
A: CREMATION FEES	
Persons thirteen (13) years or over	400.00
Child under thirteen (13) years	260.00
Stillborn child	95.00
Pre-need purchase of cremation	450.00
B: EXTRA CHARGES	
Cremation without due notice	200.00
Cremation not in usual hours as prescribed	200.00
Cremation on a Saturday, Sunday or Public Holiday	280.00
Refund of Pre-need Cremation Certificate not to exceed the amount originally paid, less an administration fee of	60.00
C: DISPOSAL OF ASHES	
1: NICHE WALLS	
Placement in single niche including bronze plaque and inscription	240.00
Placement in double niche including bronze plaque and first inscription	350.00
Second inscription	120.00
Plaque for reserved position: Single Niche	90.00
Plaque for reserved position: Double Niche	150.00
2: GARDEN OF REMEMBRANCE	
Interment including chrome plated plaque and reservation for a second interment	245.00
Second interment	125.00
Second inscription	120.00
2:1 GARDEN OF REMEMBRANCE	
Interment including bronze plaque 80mm x 66mm and reservation for a second interment	255.00
Second interment	125.00
Second inscription	130.00
3: KERBED GARDEN MEMORIALS	
Interment including bronze plaque and reservation for a second interment	250.00
Second interment	125.00
Second inscription	125.00
4: MEMORIAL GARDEN OF REMEMBRANCE	
Interment including bronze plaque and reservation for three additional interments	460.00
Second, third and fourth interments (each)	125.00
Second, third and fourth inscriptions (each)	130.00
5: MEMORIAL GARDEN	
Interment under Family Rose Bush or Shrub, including 143mm x 118mm bronze plaque and reservation for three additional interments	760.00
Second, third and fourth interments (each)	150.00
Additional inscription (each)	145.00
Plaque for reserved position	145.00
6: SELECTED FAMILY SHRUB	
Interment under selected Shrub or Tree including 229mm x 229mm bronze plaque and reservation for three additional interments	980.00
Second, third and fourth interments (each)	150.00
Additional inscriptions (each)	150.00
Plaque for reserved position	165.00
7: MEMORIAL WALLS	
Single position including bronze plaque and interment	370.00
Reservation for second position	60.00

\$

8: NATURE SERIES GROUND NICHES

Interment in selected position including bronze plaque 229mm x 229mm and reservation for one additional interment:

Bushland Niche	520.00
Parkland Niche	530.00
Lakeside Niche	630.00

9: OTHER FEES

Interment in family grave	95.00
Scattering to the winds	60.00
Postage of ashes within Australia	75.00
Postage of ashes overseas	130.00
Collection of ashes from crematorium	60.00
Transfer of ashes to a new position (plus cost of plaque if required)	60.00
Acceptance and registration of ashes from other crematoria	60.00
Storage of cremated ashes per month after six months	5.00
Garden position reservation (no plaque)	60.00
Other memorials	by quotation

D. LUTTRELL, Chairman.
P. B. DEN BOER, Manager.

ELECTORAL COMMISSION**EL401****FINANCE BROKERS CONTROL ACT 1975****NOTICE OF ELECTION**

(Regulation 3)

Notice is hereby given that an election of the Elective Deputy Members of the Finance Brokers Supervisory Board, as constituted under Section 7 of the Finance Brokers Control Act 1975, will take place at the office of the Western Australian Electoral Commissioner, Perth on the 26 July 1995, closing at 10.00 am on such date.

The vacancies in the membership of the Board to be filled at such election are those specified hereunder—

Two (2) Elective Deputy Members

Nominations of candidates shall be made in accordance with the Finance Brokers Supervisory Board (Elections) Regulations and must be received by the Returning Officer at her office not later than 10.00 am on the 26 June 1995.

Dated this 26th day of May 1995.

ELIZABETH PARKOFF, Returning Officer.

FISHERIES**FI401****FISHERIES ACT 1905****PART IIIB—PROCESSING LICENCES**

FD: 0544/87.

The public is hereby notified that I have issued a permit to Malcolm Charles McGowan of 41 Hurlingham Road, South Perth to establish a processing establishment to process scallops, snapper, prawns and wetfish in pursuance of the provisions of section 35C of the Fisheries Act 1905, on board licensed fishing boat "Magnetic" registration number LFB F539, subject to the following conditions.

That the processing establishment—

1. Shall comply with the requirements of the Fisheries Act 1905, and all Regulations, Orders in Council and Notices and Ministerial directions issued thereunder.
2. Shall not be used for the processing of salmon, rock lobster, abalone, tuna.
3. Shall comply with the requirements of the Health Act 1911 (amended).
4. Shall be registered as an export establishment pursuant to the provisions of Parliament of the Commonwealth Export Control Act, 1982, and orders made thereunder, more specifically the Prescribed Goods (General) Orders and Fish Orders, should be used to process fish for export.

5. Shall not be used for the processing of marron (*cherax tenuimanus*) unless a licence is held under section 39C of the Fisheries Act 1905.

6. Shall not be used for the processing of fish or crustacea caught by any other vessel.

In accordance with the provisions of section 35K, any person aggrieved by this decision, may within fourteen days after publication of this notice, appeal against the decision or order by serving on the Minister for Fisheries a statement in writing on the grounds of their appeal.

P. P. ROGERS, Executive Director.

FI402**FISHERIES ACT 1905****PART IIIB—PROCESSING LICENCES**

FD 179/89.

The public is hereby notified that I have approved an application to transfer the processing licence number 1136 for the establishment at Lot 2 K2 Small Boat Harbour Carnarvon. The processing licence has been transferred from G. A. Gregory & G. T. Ayers to S. G. Coombs.

In accordance with the provisions of section 35K, any person aggrieved by this decision, may within fourteen days after publication of this notice, appeal against the decision or order by serving on the Minister for Fisheries a statement in writing on the grounds of their appeal.

P. P. ROGERS, Executive Director.

FI403**FISHERIES ACT 1905****PART IIIB—PROCESSING LICENCE**

FD 452/95.

The public is hereby notified that I have issued a permit to Warren Shalders of Lot 932 Shalders Road, Newdegate to establish a processing establishment to process yabbie in pursuance of the provisions of section 35C of the Fisheries Act 1905 at subject to the following conditions.

That the processing establishment subject to this permit—

1. Shall comply with the requirements of the Fisheries Act 1905, and all Regulations, Orders in Councils, and Notices and Ministerial Directions issued thereunder.
2. Shall not be used for the processing of any species of fish other than Koonacs (*cherax plebejus* and *c. glaber*) and yabbies (*cherax alibus*) in accordance with these conditions.
3. Shall comply with the requirements of the Health Act 1911 (amended).
4. Shall comply with the requirements of any town planning scheme or interim development order gazetted under the provisions of the Town Planning and Development Act 1928 (amended), or the Metropolitan Region Town Planning Scheme Act 1959 (amended).
5. Shall be registered as an export establishment pursuant to the provisions of the Parliament of the Commonwealth Export Control Act 1982, and orders made thereunder, more specifically the Prescribed Goods (General) Orders and the Fish Orders, should to process fish for export.
6. Shall not be used for the processing of Marron (*cherax tenuimanus*) unless a licence is held under section 39C of the Fisheries Act 1905.
7. Live Koonacs and/or Yabbies shall not be purchased from any person other than a person authorised under Part V of the Fisheries Act 1905.
8. Shall not be used to process Koonacs and/or Yabbies other than by cleaning and packing whole.
9. Shall not consign packaged Koonacs or Yabbies unless each container is marked with the species it contains, the place of packaging and the destination of the consignment.

In accordance with the provisions of section 35K, any person aggrieved by this decision may, within fourteen days after publication of this Notice, appeal against the decision or order by serving on the Minister for Fisheries a statement, in writing on the grounds of their appeals.

P. P. ROGERS, Executive Director.

FI404

FISHERIES ACT 1905
PART IIIB—PROCESSING LICENCES

FD: 0545/87.

The public is hereby notified that I have issued a permit to M. C. & B. F. McGowan of 41 Hurlingham Road, South Perth to establish a processing establishment to process scallops, snapper, prawns and wetfish in pursuance of the provisions of section 35C of the Fisheries Act 1905, on board licensed fishing boat "Orpheus" registration number LFB F605, subject to the following conditions.

That the processing establishment—

1. Shall comply with the requirements of the Fisheries Act 1905, and all Regulations, Orders in Council and Notices and Ministerial directions issued thereunder.
2. Shall not be used for the processing of salmon, rock lobster, abalone, tuna.
3. Shall comply with the requirements of the Health Act 1911 (amended).
4. Shall be registered as an export establishment pursuant to the provisions of Parliament of the Commonwealth Export Control Act 1982, and orders made thereunder, more specifically the Prescribed Goods (General) Orders and Fish Orders, should be used to process fish for export.
5. Shall not be used for the processing of marron (*cherax tenuimanus*) unless a licence is held under section 39C of the Fisheries Act 1905.
6. Shall not be used for the processing of fish or crustacea caught by any other vessel.

In accordance with the provisions of section 35K, any person aggrieved by this decision, may within fourteen days after publication of this notice, appeal against the decision or order by serving on the Minister for Fisheries a statement in writing on the grounds of their appeal.

P. P. ROGERS, Executive Director.

LAND ADMINISTRATION

LA401

LOCAL GOVERNMENT ACT 1960
DECLARATION OF CLOSURE OF STREETS
Made by the Minister for Lands
Under Section 288A

At the request of the local government nominated, the street described in the Schedule is now declared to be closed.

SCHEDULE

City of Kalgoorlie-Boulder (DOLA File No. 2397/988; Closure No. K1103).

All that portion of Moran Street shown bordered red and delineated as Boulder Lot 4725 on DOLA Diagram 92208.

Public Plan: CF(2) 29.34.

A. A. SKINNER, Chief Executive.

LA402

LOCAL GOVERNMENT ACT 1960
DECLARATION OF CLOSURE OF STREETS
Made by the Minister for Lands
Under Section 288A

At the request of the local government nominated, the street described in the Notice is now declared to be closed.

NOTICE

City of Gosnells (DOLA File No. 1691/994; Closure No. G805).

All that portion of Douglas Road (Road No. 3604) comprising Canning Location 3920 as shown bordered red on DOLA Crown Survey Diagram 92128.

Public Plan: BG34 (10) 05.03 (Perth).

A. A. SKINNER, Chief Executive.

LA403

LOCAL GOVERNMENT ACT 1960
DECLARATION OF CLOSURE OF STREETS

Made by the Minister for Lands
Under Section 288A

At the request of the local government nominated, the street described in the Schedule is now declared to be closed.

SCHEDULE

City of Canning (DOLA File No. 1858/1991; Closure No. C1293).

1. The whole of Jessie Street plus widenings between Grose Street and Meuse Street as shown coloured pink on Office of Titles Plan 5658.

2. All that portion of Grose Street as shown bordered blue on Crown Survey Diagram 91638.

Public Plan: BG34 (2) 18.17.

A. A. SKINNER, Chief Executive.

LB401

LOCAL GOVERNMENT ACT 1960
DECLARATION OF PUBLIC STREETS

Orders of the Minister for Lands
Made under Section 288

At the request of the local governments nominated, each piece of land specified in the Schedule is now declared to be absolutely dedicated as a public street.

SCHEDULE

City of Canning (DOLA File No. 1858/1991).

Road No. 18760. All that portion of Liege Street as delineated in black and coloured brown as shown on Land Titles Office Plan 6865 (Sheet 3) comprising Certificate of Title Volume 1081 Folio 426 and portion of Certificate of Title Volume 9 Folio 359.

Public Plan: BG34 (2) 18.17.

A. A. SKINNER, Chief Executive.

LB402

LOCAL GOVERNMENT ACT 1960
DECLARATION OF PUBLIC STREETS

Orders of the Minister for Lands
Made under Section 288

At the request of the local governments nominated, each piece of land specified in the Schedule is now declared to be absolutely dedicated as a public street.

SCHEDULE

Shire of Manjimup (DOLA File No. 968/1995).

Road No. 18762 (Blackberry Retreat). All that portion of R.O.W plus widenings as delineated and coloured brown on Office of Titles Plan 15318.

Public Plan: BG28(2) 32.11.

A. A. SKINNER, Chief Executive,
Department of Land Administration.

LOCAL GOVERNMENT**LG301****LOCAL GOVERNMENT ACT 1960***Town of Albany***(ANNEXATION OF OUTLYING LAND) ORDER No. 1, 1995**

Made by His Excellency the Governor under the provisions of section 12 of the *Local Government Act 1960*.

Citation

1. This Order may be cited as the *Town of Albany (Annexation of Outlying Land) Order No. 1, 1995*.

Commencement

2. This Order shall take effect on and from the day it is published in the *Government Gazette*.

Outlying Land to be Annexed

3. The outlying land described in the Schedule to this Order is hereby annexed to the district of the municipality of Town of Albany.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

Schedule

All that portion of land contained within Plantagenet Location 7601.

Department of Land Administration Public Plans:

Albany and Environs 1:10000 BK26/ 3.1

Albany and Environs 1:2000 BK26/ 11.04

LG303**LOCAL GOVERNMENT ACT 1960***Shire of Pingelly***(VALUATION AND RATING) ORDER No. 1, 1995**

Made by His Excellency the Governor under the provisions of section 533 (17) of the *Local Government Act 1960*.

Citation

1. This Order may be cited as the *Shire of Pingelly (Valuation and Rating) Order No. 1, 1995*.

Commencement

2. This Order shall take effect on and from 1 July 1995.

Authorisation to Use Gross Rental Values

3. The Council of the Shire of Pingelly is hereby authorised to use valuations on Gross Rental Values for the purpose of rating portions of the municipality which are designated and described in the Schedules to this Order.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

Schedules

SCHEDULE A

All that portion of land comprising Moorumbine Townsite as promulgated in the *Government Gazette* of 22 December 1905 on page 3738.

SCHEDULE B

All that portion of land comprising Dattening Townsite as promulgated in the *Government Gazette* of 4 July 1986 on pages 2293 and 2294.

SCHEDULE C

All those portions of land comprising Avon Locations 634, 1111, 1177, 4925 and 12251.

SCHEDULE D

All that portion of land comprising Lot 1 of Avon Location 7124 as shown on Office of Titles Diagram 85426.

Department of Land Administration Public Plans: BJ.33 (2000) 06.02, Dattening N.E. (25000), Dattening N.W. (25000), Pingelly N.E. (25000), Pingelly N.W. (25000) and Moorumbine Townsite.

LG305**LOCAL GOVERNMENT ACT 1960***Shire of Coolgardie***(VALUATION AND RATING) ORDER No. 1, 1995**

Made by His Excellency the Governor under the provisions of section 533 (17) of the *Local Government Act 1960*.

Citation

1. This Order may be cited as the *Shire of Coolgardie (Valuation and Rating) Order No. 1, 1995*.

Commencement

2. This Order shall take effect on and from 1 July 1995.

Authorisation to Use Gross Rental Values

3. The Council of the Shire of Coolgardie is hereby authorised to use valuations on Gross Rental Values for the purpose of rating portions of the municipality which are designated and described in the Schedule to this Order.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

Schedule

SCHEDULE "A"

Ngalbain Location 76 (Special Lease 3116/10182), Crown Lease 29/1989.

SCHEDULE "B"

Jaurdi Location 24 (Special Lease 3116/9385), Crown Lease 61/1986, as surveyed and shown on Department of Land Administration Diagram 76445.

SCHEDULE "C"

Jaurdi Location 32 (Special Lease 3116/10418), Crown Lease 362/1990, as surveyed and shown on Department of Land Administration Diagram 83594.

SCHEDULE "D"

Jaurdi Location 33 (Special Lease 3116/10419), Crown Lease 673/1990, as surveyed and shown on Department of Land Administration Diagram 84253.

SCHEDULE "E"

Jaurdi Location 37 (Certificate of Title Volume 1710 Folio 200), as surveyed and shown on Department of Land Administration Diagram 85996.

SCHEDULE "F"

Jaurdi Location 39 (Certificate of Title Volume 1842 Folio 42), as surveyed and shown on Department of Land Administration Diagram 87289.

SCHEDULE "G"

Jaurdi Location 64 (portion of Pastoral Lease 3114/874), Crown Lease 285/1986.

LG306**LOCAL GOVERNMENT ACT 1960***Shire of Jerramungup***(VALUATION AND RATING) ORDER No. 1, 1995**

Made by His Excellency the Governor under the provisions of section 533 (17) of the *Local Government Act 1960*.

Citation

1. This Order may be cited as the *Shire of Jerramungup (Valuation and Rating) Order No. 1, 1995*.

Commencement

2. This Order shall take effect on and from 1 July 1995.

Revocation

3. The *Shire of Jerramungup (Valuation and Rating) Order No. 1, 1994* published in the *Government Gazette* of 4 March 1994 on page 884 is hereby revoked.

Authorisation to Use Gross Rental Values

4. The Council of the Shire of Jerramungup is hereby authorised to use valuations on Gross Rental Values for the purpose of rating portions of the municipality which are designated and described in the Schedule to this Order.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

Schedule**SCHEDULE "A"**

Ngalbain Location 76 (Special Lease 3116/10182), Crown Lease 29/1989.

SCHEDULE "B"

Jaurdi Location 24 (Special Lease 3116/9385), Crown Lease 61/1986, as surveyed and shown on Department of Land Administration Diagram 76445.

SCHEDULE "C"

Jaurdi Location 32 (Special Lease 3116/10418), Crown Lease 362/1990, as surveyed and shown on Department of Land Administration Diagram 83594.

SCHEDULE "D"

Jaurdi Location 33 (Special Lease 3116/10419), Crown Lease 673/1990, as surveyed and shown on Department of Land Administration Diagram 84253.

SCHEDULE "E"

Jaurdi Location 37 (Certificate of Title Volume 1710 Folio 200), as surveyed and shown on Department of Land Administration Diagram 85996.

SCHEDULE "F"

Jaurdi Location 39 (Certificate of Title Volume 1842 Folio 42), as surveyed and shown on Department of Land Administration Diagram 87289.

SCHEDULE "G"

Jaurdi Location 64 (portion of Pastoral Lease 3114/874), Crown Lease 285/1986.

LG307

LOCAL GOVERNMENT ACT 1960*Shire of Northampton***(VALUATION AND RATING) ORDER No. 1, 1995**

Made by His Excellency the Governor under the provisions of section 533 (17) of the *Local Government Act 1960*.

Citation

1. This Order may be cited as the *Shire of Northampton (Valuation and Rating) Order No. 1, 1995*.

Commencement

2. This Order shall take effect on and from 1 July 1995.

Revocation

3. The *Shire of Northampton (Valuation and Rating) Order No. 1, 1994* published in the *Government Gazette* of 18 February 1994 on page 574 is hereby revoked.

Authorisation to Use Gross Rental Values

4. The Council of the Shire of Northampton is hereby authorised to use valuations on Gross Rental Values for the purposes of rating the townsites of Kalbarri, Northampton, Horrocks, Binnu, Port Gregory and Isseka, together with all that portion of land comprised in Victoria Location 10646 as shown on Department of Land Administration Diagram 81448. (Department of Land Administration Public Plan: Giantheaume 1:5000).

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

LG308

LOCAL GOVERNMENT ACT 1960*City of Cockburn***(VALUATION AND RATING) ORDER No. 1, 1995**

Made by His Excellency the Governor under the provisions of section 533 (17) of the *Local Government Act 1960*.

Citation

1. This Order may be cited as the *City of Cockburn (Valuation and Rating) Order No. 1, 1995*.

Commencement

2. This Order shall take effect on and from 1 July 1995.

Revocation of Previous Orders

3. The *City of Cockburn (Valuation and Rating) Order No. 1, 1993* published in the *Government Gazette* of 25 June 1993 on pages 3137-3138 and the *City of Cockburn (Valuation and Rating) Order No. 1, 1994* published in the *Government Gazette* of 24 June 1994 on page 2923 are hereby revoked.

Authorisation to Use Unimproved Values

4. The Council of the City of Cockburn is hereby authorised to use valuations on unimproved values in respect of the whole of its district excluding the land described in the Schedule to this Order.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

Schedule

All those portions of land shown delineated in black and bordered in red, green and orange on Department of Land Administration Miscellaneous Plan Number 1750 (Sheets 1 to 10 inclusive).

LG309

LOCAL GOVERNMENT ACT 1960*Shires of Serpentine-Jarrahdale and Murray***(DISTRICT AND WARD BOUNDARIES) ORDER No. 1, 1995**

Made by His Excellency the Governor under the provisions of section 12 of the *Local Government Act 1960*.

Citation

1. This Order may be cited as the *Shires of Serpentine-Jarrahdale and Murray (District and Ward Boundaries) Order No. 1, 1995*.

Commencement

2. This Order shall take effect on and from the day it is published in the *Government Gazette*.

Alteration of District Boundaries

3. The boundaries of the districts of the Shires of Serpentine-Jarrahdale and Murray are hereby altered by severing from the district of the Shire of Serpentine-Jarrahdale the land described in the Schedule A to this Order and annexing that land to the Shire of Murray.

Alteration of Ward Boundaries

4. The boundaries of the South Ward of the Shire of Serpentine-Jarrahdale and the North East Ward of the Shire of Murray are hereby altered by severing the land described in the Schedule B to this order from the South Ward of the Shire of Serpentine-Jarrahdale and annexing that land to the North East Ward of the Shire of Murray.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

SCHEDULE A

Proposed Transfer of Territory from the Shire of Serpentine-Jarrahdale
to the Shire of Murray

All that portion of Murray Location 647 as comprised in Certificate of Title Volume 1618 Folio 220.

Area: 53.7385 ha

SCHEDULE B

Proposed Transfer of Territory from the South Ward of the Shire of
Serpentine-Jarrahdale to the North East Ward of the Shire of Murray

All that portion of land as described in Schedule A.

Department of Land Administration Public Plan: Peel 10000 BG33 / 5.2.

LG310

LOCAL GOVERNMENT ACT 1960*Shire of Merredin***BY-LAWS RELATING TO FENCING**

In pursuance of the power conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the above mentioned Municipality hereby records having resolved on the 17th January 1995 to make and submit for confirmation by the Governor the following by-laws—

1. Citation

These by-laws may be cited as the Shire of Merredin By-Laws Relating to Fencing.

2. Incorporation by Reference

2. (1) In these by-laws, the "Municipality of the City of Armadale By-laws Relating to Fencing";

(a) means the Municipality of the City of Armadale By-laws Relating to Fencing published in the *Government Gazette* on the 8th April 1988.

(b) does not include any amendments that might be made to those by-laws.

(2) Subject to the alterations set out below in item 3, the Municipality of the City of Armadale By-laws Relating to Fencing are incorporated with and forms part of these by-laws.

3. Alterations

Modification to the Municipality of the City of Armadale By-laws Relating to Fencing.

3. (1) Delete "City of Armadale" where ever it is mentioned in the by-laws and insert in its place "Shire of Merredin".

3. (2) In the First Schedule delete items (a), (b) and (c) and substitute the following—

"Corrugated fibre cement sheeting: Fences constructed of corrugated fibre reinforced cement sheeting shall have specifications as follows—

above ground height to be 1.5 m;

an in ground length of 450 mm;

the total height of the fence shall consist of a single continuous fibre reinforced cement sheet;

fibre reinforced cement sheets are to be lapped and capped with extruded "snap fit" type capping in accordance with the manufacturers' specifications."

3. (3) In the Third Schedule delete the words "but not exceeding 200 m apart" in the first paragraph.

Dated this 3rd day of April 1995.

The Common Seal of the Shire of Merredin was hereunto affixed in the presence of—

GLORIA RAE BANKS, President.
ROY LITTLE, Shire Clerk.

Recommend—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 23rd day of May 1995.

M. C. WAUCHOPE, Clerk of the Council.

LG312

LOCAL GOVERNMENT ACT, 1960

The Municipality of the Town of Victoria Park

STANDING ORDERS (MEETING PROCEDURE) BY-LAW NO. 1

In pursuance of the powers conferred upon it by the abovementioned Act, and all other powers enabling it, the Council of the Municipality of the Town of Victoria Park hereby records having resolved on the 4th day of April 1995 to make and submit for confirmation by the Governor the following By-Laws—

PART I—PRELIMINARY

1.1 Standing Orders (Meeting Procedure)

The proceedings and business of the Council shall be conducted according to this By-law the clauses of which shall be referred to as "The Standing Orders".

1.2 Arrangement of By-law

The arrangement of this By-law is as follows:

Part I—Preliminary

Clause 1.1 Standing Orders (Meeting Procedure)

Clause 1.2 Arrangement of By-law

Clause 1.3 Interpretation

Part II—Meetings of the Council

Clause 2.1 Mayor to Preside

Clause 2.2 Notice of Meetings

Clause 2.3 Availability of Notice

Clause 2.4 Quorum

Clause 2.5 Kind of Meeting

- Clause 2.6 Calling of Special Meeting
- Clause 2.7 Business at Ordinary Meeting
- Clause 2.8 Order of Business
- Clause 2.9 Applications for Leave of Absence
- Clause 2.10 Receipt of Correspondence
- Clause 2.11 Urgent Business
- Clause 2.12 Order of Business at Special Meeting
- Clause 2.13 Business at Adjourned Meeting
- Clause 2.14 Open Doors Except as Provided
- Clause 2.15 Confidentiality
- Clause 2.16 Reporters
- Clause 2.17 Recording of Proceedings Prohibited
- Clause 2.18 Prevention of Disturbance
- Clause 2.19 Declaration of members' Interests
- Clause 2.20 Declaration of Officers' Interests
- Clause 2.21 Minutes
- Clause 2.22 Questions
- Clause 2.23 Reports by the Clerk (Chief Executive Officer)
- Clause 2.24 Presentation of Committee Reports
- Clause 2.25 Deputations
- Clause 2.26 Petitions
- Clause 2.27 Notices of Motion
- Part III—Meetings—Procedure and Conduct
- Clause 3.1 General Procedure
- Clause 3.2 Preserving Order
- Clause 3.3 Rules of Debate
- Clause 3.4 Conduct of Members
- Clause 3.5 Voting
- Clause 3.6 Motions
- Clause 3.7 Amendments
- Clause 3.8 Adjournment
- Clause 3.9 Resumption After Counting Out
- Clause 3.10 Motion that the Question be Now Put
- Clause 3.11 Motion that Council Proceed to the Next Business
- Clause 3.12 Motion that the Meeting be now Closed
- Clause 3.13 Motion for Rescission
- Clause 3.14 Motion to alter Resolution
- Clause 3.15 Negatived Motion not be Entertained within Three Months
- Clause 3.16 Suspension of Standing Orders
- Part IV—Committees
- Clause 4.1 Appointment of Committees
- Clause 4.2 Occasional Committees
- Clause 4.3 Advisory and Management Committees
- Clause 4.4 Meetings
- Clause 4.5 General
- Part V—General
- Clause 5.1 Election of Deputy Mayor
- Clause 5.2 Representation on Statutory Authorities/Public Bodies
- Clause 5.3 Electors' Meetings
- Clause 5.4 Strategic Objectives
- Part VI—Officers of the Municipality
- Clause 6.1 Complaints by Members
- Clause 6.2 Right of Reply
- Part VII—Miscellaneous
- Clause 7.1 Breach of Standing Orders
- Clause 7.2 Chairperson to Ensure Compliance
- Clause 7.3 Council May Take Action

1.3 Interpretation

In this By-law, unless the context otherwise requires—

“Act” means the Local Government Act 1960 as amended.

“Chairperson”

(a) in relation to a meeting of the Council means the person presiding at the meeting as provided by Section 173(7) of the Act;

(b) in relation to a Committee means the person presiding at the meeting as provided in clause 4.5.2 of this By-law.

“Town” means the municipality of Town of Victoria Park.

“clause” means a clause of this By-law.

“Clerk” means the Chief Executive Officer/Town Clerk or Acting Chief Executive Officer/Town Clerk.

“Committee” means any Standing, Occasional, Advisory, Management or Sub-Committee appointed in accordance with the Act.

“Council” means the Council for the time being of the municipality of the Town of Victoria Park.

“Councillor” means a member of the Council other than the Mayor.

“document” means a deed, book, report, paper or any other written material whatsoever or any other recorded or stored information.

“Mayor” means the Mayor or the Deputy Mayor in the Mayor’s absence.

“Member” means the Mayor or a Councillor.

“Minister” means the Hon. Minister for Local Government.

“minor amendment” in relation to a motion to amend another motion (“the primary motion”) means one which does not alter the primary or basic intent of the primary motion as determined by the person presiding at the meeting.

“notice paper” in relation to any proposed meeting means a paper setting out the terms of business to be transacted at the meeting and the order of that business. The notice calling a Special Meeting may stand as the notice paper for that meeting.

“order of the day” means any business left over from the previous meeting and any other business the person presiding at the meeting thinks desirable to bring to the notice of the meeting and has directed to be entered in the notice paper as an order of the day. In the case of unfinished business at Ordinary Meetings, the provisions of Clause 2.13 apply.

“substantive motion” means a resolution which is the subject of a motion of rescission or alteration.

“urgent business” means business dealt with in accordance with the provisions of Clause 2.11.

“without discussion” means without debate but does not preclude a member from asking such questions as the Chairperson permits, there being no discussion debate or challenge on the ruling of the Chairperson.

Where no definition is given in this By-law, the terminology is to be taken to be in accordance with the Act.

PART II—MEETINGS OF THE COUNCIL

2.1 Mayor to Preside

Subject to the Act the Mayor, or in his absence the Deputy Mayor, or in his absence a Councillor chosen by the Councillors present is to preside at any meeting of the Council (section 173(7)).

2.2 Notice of Meetings

2.2.1 Notice of Ordinary Meetings.

Notice of ordinary meetings of the Council are to—

- (i) be given to Members in writing;
- (ii) be signed by or on behalf of the Clerk;
- (iii) state the place, date and hour of holding the meeting;
- (iv) state the business to be transacted; and
- (v) be served on each of the Members at least two clear business days before the time of the commencement of the meeting.

2.2.2 Notice of Adjourned Meeting

When a meeting of the Council is adjourned to a day and hour other than the next Ordinary Meeting of the Council, notice of the adjourned meeting is to, if time permits, be given in the manner provided by subclause 2.2.1 of this By-law except that at least 24 hours notice is to be given before the time of commencement of the meeting.

2.2.3 Notice of Special Meetings

Notice of each special meeting of the Council is to be given to all members of the Council in the manner provided by Section 178 of the Act at least 24 hours before the time of the commencement of the meeting.

2.3 Availability of Notice Paper

The Notice Paper for an Ordinary Meeting of the Council is to be made available for inspection by members of the public from the commencement of business on the day after having been served on the Members, at the office of the Council.

2.4 Quorum

2.4.1 Number of Members Required

Except in cases where section 173(4) of the Act applies, the number of Members necessary to form a quorum is to be—

- (a) where the total number of Members is an even number, one half of that number;
- (b) where the total number of Members is an odd number, the integer nearest to, but greater than one half of the total (section 173(3)).

2.4.2 Quorum must be Present

The Council is not to transact business at a meeting unless a quorum is present (section 173(2)).

2.4.3 Quorum not Present

(1) If at the expiration of half an hour from the time fixed for the commencement of a meeting of the Council a quorum is not present, the Mayor or in his or her absence, the Deputy Mayor, or in his or her absence, the majority of Councillors present, or any Councillor present alone, or in the absence of the Mayor and all the Councillors, the Clerk, may adjourn the meeting.

(2) Business which could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting (section 173(5)).

2.4.4 Count Out

(1) If at any time during a meeting of the Council a quorum is not present, the Chairperson upon becoming aware of that fact is to thereupon suspend the proceedings of the meeting for a period of five minutes.

(2) If a quorum is not present at the expiration of the period in paragraph (1), the meeting is deemed to have been counted out, and the Chairperson is to adjourn it to some future time or date.

(3) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

2.4.5 Debate on Motion to be Resumed

(1) Where the debate on any motion, is interrupted by the Council being counted out, that debate is to be resumed at the next meeting at the point where it was so interrupted.

(2) Where the interruption in paragraph (1) occurs at an Ordinary Meeting the resumption is to be at the Next Ordinary Meeting unless a Special Meeting is called earlier for the purpose.

(3) Where the interruption in paragraph (1) is at a Special Meeting, the resumption is to be at the next Special Meeting called to consider the same business or at the next Ordinary Meeting if it occurs before a Special Meeting can be called.

2.4.6 Names to be Recorded

At any meeting at which—

- (i) there is not a quorum of Members present; or
- (ii) the Council is counted out for want of a quorum;

the names of the Members then present are to be recorded in the Minute Book.

2.5 Category of Meeting

(1) Meetings of the Council and Committees are to be of two categories, namely "Ordinary" and "Special".

(2) Ordinary Meetings are those called at such place and at such times as the Council, from time to time, appoints for the transaction of the ordinary business of the Council, and any Committees.

(3) Special Meetings are those called to consider special business, the nature of which is to be specified in the notice convening the meeting.

(4) Subject to the provisions of the Act and these Standing Orders relating to the rescission or alteration of a resolution, no business is to be transacted at a Special Meeting other than that for which the Special Meeting has been called.

2.6 Calling of Special Meeting

2.6.1 Mayor May Convene

The Mayor may convene a Special Meeting of the Council as often as he or she thinks fit by notice in writing signed by the Mayor or the Clerk sent to each Councillor before the meeting (section 172(2)).

2.6.2 Members May Convene

If the Mayor refuses or neglects to call a meeting of the Council after receiving a request for that purpose signed by at least three Councillors, those Councillors may call a meeting of the Council by serving a notice in writing signed by them stating the business to be transacted, on each of the other members of the Council at least 24 hours before the time of the commencement of the meeting (section 172(3)).

2.7 Business at Ordinary Meeting

No business is to be transacted at any meeting of the Council other than specified in the notice relating thereto, except—

- (i) matters which the Act permits to be dealt with without notice; and
- (ii) matters which this By-law expressly permits to be dealt with without notice.

2.8 Order of Business

Unless ordered by resolution of the Council, the order of business at any Ordinary meeting of the Council is to be as follows—

- (i) Prayer;
- (ii) Apologies;
- (iii) Members on leave of absence and applications for leave of absence;
- (iv) Confirmation of minutes;
- (v) Announcements by the Chairperson without discussion;
- (vi) Declaration of members' interests;
- (vii) Questions of which due notice has been given without discussion;
- (viii) Correspondence;
- (ix) Petitions and memorials;
- (x) Orders of the Day;
- (xi) Reports;
- (xii) Motions of which previous notice has been given;
- (xiii) Representation on statutory authorities and public bodies;
- (xiv) Urgent business;
- (xv) Closure; and
- (xvi) Question time.

2.9 Applications for Leave of Absence

(1) A Member seeking the Council's approval to take leave of absence is to give notice to the Clerk at least four ordinary office hours before the hour fixed for the time of commencement of the meeting.

(2) The notice referred to in paragraph (1) is to include the period of leave of absence required and the reasons for seeking the leave.

2.10 Receipt of Correspondence

Discussion is not to be permitted on any motion that—

- (i) any correspondence be received or not received; or
- (ii) any correspondence or any part thereof be referred to any Committee of the Council.

2.11 Urgent Business

A Councillor may move a motion involving urgent business that is not included in the Notice Paper for that meeting provided that—

- (i) the Chairperson has first consented to the business being raised; and
- (ii) the Chairperson considers that either—
 - (a) the urgency of the business is such that the business cannot await inclusion in the Notice Paper for the next meeting of the Council; or
 - (b) the delay in referring the business to the next meeting of the Council could have adverse legal or financial implications for the Town;
- (iii) if at an Ordinary Meeting a Councillor objects that a motion introduced as urgent business and moved without notice does not deal with ordinary business within the meaning of that term in subsection 175(2) of the Act, the motion is to be of no effect unless it is agreed to at the meeting by an absolute majority of the Members of the Council (section 175(3)).

2.12 Order of Business at Special Meeting

The order of business at any Special Meeting of the Council is to be the order which that business stands in the notice of the meeting.

2.13 Business at Adjourned Meeting

At an adjourned meeting of the Council no business is to be transacted other than that—

- (i) specified in the notice of the meeting which had been adjourned; and
- (ii) which remains unresolved;

except in the case of an adjournment to the next Ordinary Meeting of the Council, when the business unresolved at the adjourned meeting is to have the precedence at that Ordinary Meeting.

2.14 Open Doors Except as Provided

(1) Subject to the provisions of paragraphs (2) and (3) the business of the Council is to be conducted with open doors.

(2) The Council may by resolution decide to conduct any specified business behind closed doors.

(3) Where the Council resolves to proceed "behind closed doors"—

- (i) the Chairperson is to direct all persons other than the Councillors and relevant officers and advisors of the Town to leave the meeting room and every person is forthwith to comply with that direction; and
- (ii) subject to paragraph (4), the business at that meeting is to be conducted behind closed doors until the Council resolves to proceed with open doors.

(4) If the resolution is to conduct specified business behind closed doors the meeting is to revert to open doors upon the completion of discussion of but prior to voting on the matter under consideration.

(5) A person failing to comply with a direction made under paragraph (3) may, by order of the Chairperson, be removed from the meeting room.

2.15 Confidential Business

(1) All business conducted by the Council behind closed doors is—

- (i) to be treated as strictly confidential; and
- (ii) not, without the authority of the Council, to be disclosed to any person other than—
 - (a) the Members; or
 - (b) officers of the Council but only to the extent necessary for the purpose of carrying out their duties.

prior to the discussion of that matter at a meeting of the Council held with open doors.

(2) Any report, document or correspondence which is to be placed before the Council or any Committee and which is in the opinion of the Clerk of a confidential nature may at his discretion be marked as such and—

- (i) then to be treated as strictly confidential; and
- (ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the officers of the Council referred to in sub-paragraph (1)(ii)(b).

2.16 Reporters

Reporters of the press and other media—

- (i) are to be permitted to attend at meetings of the Council, in such part of the Council Chambers as may be set aside for their accommodation;
- (ii) must withdraw during any period when the Council is sitting behind closed doors.

2.17 Recording of Proceedings Prohibited

No person is to use any electronic visual or vocal recording device or instrument to record the proceedings of the Council unless the person has been given written permission by the Council to do so.

2.18 Prevention of Disturbance

(1) No person, other than a Member, is to interrupt or interfere with the proceedings of any meeting of the Council, whether by expressing approval or dissent, by conversing or by any other means.

(2) A person who fails to comply with paragraph (1) is, when so directed by the Chairperson, to forthwith leave the meeting room.

(3) A person ordered to leave the meeting room and failing to do so may, by order of the Chairperson, be removed from the meeting room.

2.19 Declaration of Members' Interests

2.19.1 Obligation to Declare an Interest

(1) Any Member who has an interest within the meaning of sections 174 and 174B of the Act in a matter proposed to be dealt with at any meeting is to declare the interest at the time Declarations of Members Interests are called for in the Order of Business for that meeting.

(2) Any Member who is not present at the time declarations are called for in the Order of Business is to declare an interest in a matter at the time that matter arises for consideration by the meeting, and before any discussion or voting on that matter takes place.

(3) If a member has an interest in a matter raised by way of amendment to a motion or an interest in a matter raised otherwise without notice, the member is to declare that interest at the earliest possible time but in any event before discussion and voting on the matter takes place.

(4) The obligation to declare an interest is to apply to all Members present at the meeting including a Member attending a Committee meeting in the capacity of an observer.

(5) The obligation to declare an interest applies in regard to each meeting at which the matter the subject of the interest arises.

(6) The obligation to declare an interest at a meeting does not apply to a member who has disclosed the Member's interest by written notice given to the Clerk prior to the meeting.

2.19.2 Details of Interest

At the time of declaring an interest, a Member is not required to give any details of the interest unless the Member wishes the meeting to consider and resolve upon the question of whether the Member—

(i) should be permitted to take part in the consideration or discussion of the matter; or

(ii) should be permitted to vote on the matter pursuant to subsection 174(5) of the Act;

in which case the Member shall comply with subclauses 2.19.3. and 2.19.6.

2.19.3 Permission to Participate

(1) A Member who has declared an interest or who is liable to declare an interest in a matter and who—

(a) desires to take part in the consideration or discussion of the matter; or

(b) desires to vote on the matter;

is not to do either unless the meeting at which the matter arose determines by motion which may be moved without notice, that the Member should be allowed to speak or vote or both as the case may be.

(2) A meeting considering the question in item (b) of paragraph (1) of this subclause is to have regard only to the considerations in paragraphs (a) and (b) of subsection 174(5) of the Act, but may consider those and other considerations of a like kind when considering the question in item (a).

2.19.4 Obligation to Withdraw

(1) Notwithstanding that there is no obligation to do so, it is considered desirable that a Member who has declared an interest in a matter including a Member attending a meeting should depart from and remain absent from the Chamber or room while the matter is under consideration and until a vote on the matter has been taken.

(2) A Member who has declared an interest and who does not desire to take part in the consideration or discussion of the matter or to vote on the matter and who elects to depart in accordance with the recommendation in paragraph (1) should depart from the Chamber or room when the matter arises for consideration or when invited to do so.

(3) A Member who has declared an interest in a matter ("the substantial matter") but who desires either to participate in the consideration or discussion of the matter or to vote on the matter should remain in the Chamber or room to give an explanation in support of a motion that the Member be permitted to speak and/or to vote on the matter (as the case may be) but thereafter should depart until the vote on that matter is known.

(4) If it is resolved at a meeting that a Member who has declared an interest in a matter be permitted to participate in the consideration and discussion of the matter or to vote on the matter or both, then the Member may return and participate to the extent permitted.

2.19.5 Exclusion by Motion

Notwithstanding the provisions of subclause 2.19.4 if a Member has declared an interest in a matter or is liable to declare an interest, and has not elected to withdraw from the Council Chamber or the meeting room in accordance with the recommendation in subclause 2.19.4, the Council or Committee may by motion, which may be moved without notice, exclude the Member from the Chamber or room in the circumstances referred to in subsection 174(9) of the Act.

2.19.6 Full Details of Interest to be Given

(1) If a Member declares an interest in a matter, the question of whether—

(a) the Member should be permitted to take part in the consideration or discussion of the matter; or

(b) the Member should be permitted to vote on the matter;

should not be considered unless full details of the Member's interest have been given to the meeting, sufficient to enable other Members present at the meeting to make a fair and informed decision on such questions.

(2) A Member who has declared an interest or who is liable to declare an interest in a matter should not take part in the consideration and discussion or voting on the matter unless full details of the Member's interest have been given to the meeting, sufficient to enable other Members present at the meeting to make a fair and informed decision on the question whether the declaring member should be permitted to do so.

(3) The prohibition in paragraph (2) should continue to apply whether or not the meeting has resolved to permit the Member to participate in the consideration and discussion or in the voting on the matter.

2.19.7 Invitation to Return to Provide Information

(1) Where a Member has declared an interest in a matter, and has departed from the Chamber or room in accordance with the recommendation in subclause 2.19.4, the meeting may resolve to invite the Member to return to provide information in respect of the matter or in respect of the Member's interest in the matter.

(2) In such case the Member should withdraw after providing the information.

2.19.8 Substitution of Deputy at Committee

Where a Member withdraws from a meeting of a Committee during the consideration of a matter in accordance with the recommendation in subclause 2.19.4, the meeting may resolve to invite another Member present at the meeting who is a deputy of the excluded Member for that Committee to participate as a Member of the Committee in place of the excluded Member during the consideration of that matter only.

2.19.9 Declaring Interest in Urgent Business

In the case of a matter which comes before the Council as urgent business, any Member who—

(i) has an interest in that matter within the meaning of section 174 of the Act; and

(ii) has not had an earlier opportunity to declare an interest in the matter;

is to declare an interest when the matter comes forward for consideration by the meeting.

2.19.10 Notification of Interest at Meeting

A Member who has an interest in a matter proposed to be dealt with at a meeting may give written notice of an interest in that matter at or prior to the meeting, but in any event the fact of the interest having been declared is to be notified to the meeting.

2.19.11 Recording of Declaration

Any declaration of interest is to be recorded in accordance with the provisions of subsection 174(8) of the Act.

2.19.12 Exemption by Minister

(1) Where the Minister grants an exemption under the provisions of subsection 174(10) of the Act, in the case of any inconsistency between the provisions of this clause and the exemption the provisions of the exemption are to prevail.

(2) The terms of any exemption granted by the Minister are to be recorded in the same manner of declaration of interest pursuant to subsection 174(8) of the Act.

2.20 Declaration of Officers' Interests

(1) An Officer of the Council who is liable to declare an interest in a matter under the provisions of section 174A of the Act when giving advice or a report to the meeting is to disclose the fact of the interest in or at the time of giving such advice or report.

(2) An Officer disclosing an interest in accordance with paragraph (1) is to provide sufficient details of the interest to enable the meeting to make a fair and informed evaluation of the extent and nature of the Officer's interest and any effect that interest might be thought to have upon the advice or report given.

(3) The details of the interest of an Officer so disclosed are to be recorded in a book in accordance with subsection 174A(4) of the Act, and the fact of the disclosure is to be recorded in the Minutes of the meeting.

2.21 Minutes

2.21.1 Confirmation of Minutes

(1) The Minutes of Council meetings, whether of an Ordinary or a Special meeting, not previously confirmed, are where practicable to be submitted to the next ordinary meeting of the Council for confirmation.

(2) Discussion of any Minutes, other than discussion as to their accuracy as a record of the proceedings is not to be permitted.

2.21.2 Minute Book

The pasting or otherwise permanently affixing of the minutes to or as the leaves of a book is to be sufficient recording of the minutes in the minute book (section 188(2)).

2.21.3 Reading of Minutes may be Dispensed With

The reading at the next Ordinary meeting of the Council of the minutes of a previous meeting may be dispensed with when Members have been supplied with copies of the Minutes at least three days before the holding of the next Ordinary meeting (section 188(2)).

2.22 Questions

2.22.1 Questions with Notice

(1) A member desiring to put a question as to the work or procedure of the Council is to give notice thereof in writing to the clerk at least eight ordinary office hours before the hour fixed for the commencement of the meeting.

(2) If the question referred to in paragraph (1) is in order, the answer is to, as far as practicable, be placed in written form at the next meeting of the Council.

2.22.2 Question and Answers to be Brief

Every question and answer is to be submitted as briefly and concisely as possible, and no discussion is to be allowed thereon.

2.22.3 Question Without Notice

(1) A question requesting general information from an Officer present at the meeting may be asked without notice but the Officer is to have the right to ask that—

- (i) the question be placed on notice for the next meeting of the Council; or
- (ii) the answer to the question be given to the Member who asked it, within seven days.

2.22.4 No Discussion on Questions

No discussion or further question is to be allowed on any question or the answer thereto, unless with the consent of the Chairperson.

2.22.5 Questions by the public

Any member of the public other than a Member, may ask a question at an Ordinary meeting of the Council, provided that—

- (i) the question time is to be for a maximum period of 15 minutes immediately following the closure of an Ordinary meeting;
- (ii) questions are to be relevant to the Notice Paper of the meeting just concluded;
- (iii) questions are to be submitted in writing and will be read by the Clerk;
- (iv) questions will be answered by the relevant Member or officer nominated by the Chairperson;
- (v) the Chairperson may accept or reject a question or determine that any complex question requiring research be answered in writing; and
- (vi) all questions, in addition to any verbal response, are to be answered in writing.

2.23 Reports by the Clerk (Chief Executive Officer)

2.23.1 Clerk May Prepare Reports

The Clerk may prepare for presentation to any meeting a report dealing with any matter which in the opinion of the Clerk should be drawn to the attention of the meeting.

2.23.2 Distribution to the Members

Subject to subclause 2.23.3 the Clerk is to send to each Member a copy of any report which is to be presented to a meeting. The report is to be sent to each member not less than 24 hours before the commencement of the meeting.

2.23.3 Late Report

In cases of urgency or other special circumstances a report by the Clerk may, with the consent of the Chairperson, be read or otherwise given to members at the meeting notwithstanding that it has not been sent to Members in accordance with the subclause 2.23.2.

2.24 Presentation of Committee Reports

(1) Every Standing, Occasional, Advisory and Management Committee is to cause—

- (i) a report with recommendations and suitable preamble;
- (ii) minutes of the Committee's proceedings and transactions;

to be presented to the Council by the Chairperson of each Committee concerned, or in his absence, a Member of the Committee in the form of a motion "That the report be received and the recommendations therein be adopted".

(2) No objection to the receipt of a report of any Committee, or any part thereof, is to be raised when such reports are presented to the Council, except for reasons arising out of such reports.

(3) The Chairperson is to—

- (i) put the question that the report be received;
- (ii) call for a motion to be moved by any Member pursuant to subclause 3.6.2 with the exception of item (i) of that paragraph with respect to any recommendation contained in the report;

- (iii) as to the recommendations contained in the report, apart from a recommendation or recommendations the subject of a motion by a Member pursuant to the preceding item of this paragraph, put the question that the recommendations be adopted;
- (iv) in relation to a recommendation or those recommendations in the report which are the subject of a motion or motions by a Member or Members pursuant to subclause 3.6.2, the motion or motions are to be debated and dealt with in accordance with this by-law.

2.25 Deputations

- (1) A deputation wishing to be received by the Council or a Committee is to apply in writing to the Clerk who is to forward the written request to the Mayor or the Committee Chairperson, as the case may be.
- (2) If the Mayor is of the opinion that the request for a deputation is one which should be brought before the Council and if the Council makes an order to that effect, the deputation is to be invited to attend.
- (3) If the Chairperson of a Committee is of the opinion that the request for a deputation is one which should be brought before the Committee and the majority of members are in agreement, the deputation is to be invited to attend.
- (4) A deputation invited to attend a Council or Committee meeting—
 - (i) is not to exceed five members, only two of which may address the Council although others may respond to specific questions from the Members; and
 - (ii) is not to address the Council or Committee for a period exceeding 15 minutes.
- (5) Any matter which is the subject of a deputation to the Council or a Committee is not to be further considered by the Council or that Committee until the deputation has withdrawn.

2.26 Petitions

- (1) A petition must—
 - (i) contain the name, address and signature of each petitioner; and
 - (ii) have the name of the person who lodged the petition with the Council shown at the top of the first page thereof;but need not otherwise be in any particular form.
- (2) Every properly constituted petition is to be presented to the Council by a Member or the Clerk.
- (3) The presentation of a petition, is to be confined to the reading of the petition.
- (4) The only motions that are in order are that—
 - (i) the petition be received;
 - (ii) that a report be prepared; or
 - (iii) that it be referred to a Committee.

2.27 Notices of Motion

2.27.1 Giving Notice of Motion

- (1) Unless the Act or this By-law otherwise provides, a Member may raise at an Ordinary meeting of the Council such business as he considers appropriate in the form of a motion of which notice has been given in writing to the Clerk.
- (2) A notice of motion is to be given at least four (4) clear days before the meeting at which it is raised.
- (3) Every notice of motion is to relate to some question affecting the constitution, administration or condition of the Municipality or the Council.

2.27.2 Exclusion or Amendment of Notices

- (1) The Clerk—
 - (i) with the concurrence of the Mayor, may exclude from the Notice Paper any notice of motion which is out of order; or
 - (ii) may on his own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form.
- (2) No notice of motion is to be deemed informal by reason of—
 - (i) the policy involved being considered objectionable; or
 - (ii) its having relation to a matter not within the scope of the ordinary work of the Council, so long as in the opinion of the Mayor such matter is one of public interest, utility or importance.
- (3) Nothing in this subclause is to limit or affect the power of a Councillor, at an ordinary meeting of the Council to object to a motion pursuant to subsection 175(3) of the Act.

2.27.3 Motion to Lapse

Subject to the provisions of subclause 3.13.7 a motion of which notice has been given is to lapse unless—

- (i) the member who gave notice thereof, or some other member authorised by him in writing is present to move the motion when called on; or

- (ii) The Council on a motion agrees to defer consideration of the motion to a later stage or date.

2.27.4 Dealing with Lapsed Motion

- (1) If a notice of motion is given and lapses in the circumstances referred to in the preceding subclause, notice of motion in the same terms or the same effect may be given for consideration at a subsequent meeting of the Council.
- (2) If a motion lapses and is in the same terms or to the same effect as a motion which lapsed at a previous meeting of the Council, the Council is not to entertain a motion in the same terms or to have the same effect at a subsequent meeting until at least three months have elapsed from the date of the meeting at which the motion last lapsed.
- (3) The provision in paragraph (2) is not to apply to motions to rescind or alter a resolution and to which subclauses 3.13.7 and 3.14.1 apply.

2.27.5 Amendments to Notice of Motion

- (1) An amendment other than a minor amendment to a motion of which Notice of Motion has been given in accordance with subclause 2.27.1 is not to be considered at a meeting unless notice in writing of the amendment is received by the Clerk at least one clear day before the meeting at which the relevant motion is to be taken into consideration, excluding any day on which the Council's Administrative Office is not open for business.
- (2) A Notice of Amendment of Motion received by the Clerk not less than two clear days before the meeting at which the relevant motion is to be considered is to be properly entered on the Notice Paper immediately after the notice of the relevant motion.
- (3) The Mayor is to decide whether any amendment moved without notice in accordance with the preceding paragraphs of this subclause is a minor amendment but the Council may dissent from the Mayor's ruling in accordance with the provisions of subclause 3.2.6.

PART III—MEETINGS—PROCEDURE AND CONDUCT

3.1 General Procedure

3.1.1 Meeting to Proceed to Business

Subject to Clause 2.4, every meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

3.1.2 Members to Occupy own Seats

At meetings of the Council each Member is to occupy the place assigned to that Member within the Council Chamber.

3.1.3 Substance of Motion to be Stated

Any Councillor wishing to propose an original motion or amendment is to state the substance of the motion before addressing the Council on that matter.

3.1.4 Unopposed Business

- (1) Upon a motion being moved and seconded, the Chairperson may ask the meeting if any Councillor opposes it.
- (2) If no one signifies opposition to the motion the Chairperson may declare the motion in paragraph (1) carried without debate and without taking a vote on it.
- (3) A motion carried under paragraph (2) is to be taken, for all purposes, as a resolution of the Council.
- (4) If a Councillor signifies opposition to a motion the motion is to be dealt with according to this By-law.

3.1.5 Motion and amendments to be seconded

- (1) Subject to subclause 3.1.4 a motion or amendment is not to be discussed or put to the vote of the Council unless seconded.
- (2) A motion or amendment is not to be altered by the mover without the consent of the seconder.

3.1.6 Titles to be Used

In referring to any other person present in the capacity of a Member or officer of the Council, a speaker is to designate that other person by the title of Mayor or Councillor, or by the title of the particular officer, as the case may be.

3.1.7 Councillors to Address Chairperson

A Councillor moving a motion or amendment, or taking part in the discussion thereon, may be called upon by the Chairperson to rise and address the Chairperson, except when prevented from doing so by sickness, infirmity, or physical impairment.

3.2 Preserving Order

3.2.1 Chairperson to Preserve Order

The Chairperson is to preserve order, and may call any Councillor to order, whenever, in the Chairperson's opinion, there is cause for so doing.

3.2.2. Definition of Order

Any Member who does anything or behaves in a manner which is forbidden by any of these Standing Orders is to be deemed to be out of order.

3.2.3. Breaches of Order

The following are to be recognised as breaches of order—

- (i) discussion of a question not before the Council; or
- (ii) the use of offensive or insulting language; or
- (iii) the violation of any by-law or standing order of the Council.

3.2.4 Raising Point of Order

(1) Any Councillor may direct the attention of the Chairperson to any breach of order by any other Councillor.

(2) A Councillor raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.

(3) A Councillor rising to express a difference of opinion or to contradict a speaker is not to be recognised as raising a point of order.

3.2.5 Precedence of Questions of Order

Notwithstanding anything contained in this by-law to the contrary, all questions of order at any time arising are, until decided, to suspend the consideration of and decision on every other matter.

3.2.6 Rulings by Chairperson

(1) The Chairperson, when deciding a point of order or practice, is to give his or her decision, and argument or comment is not to be permitted thereon.

(2) The Chairperson's decision in paragraph (1) is final in that particular case, unless a majority of the Councillors then present, upon motion made forthwith without discussion, dissent therefrom.

(3) Notwithstanding the generality of paragraphs (1) and (2) there is to be no dissent from a ruling of the Chairperson allowing or disallowing a question on a matter required to be dealt with without discussion.

3.2.7 Ruling Out of Order

(1) Whenever the Chairperson has decided that any motion, amendment or other matter before the Council is out of order, it is to be rejected.

(2) Whenever anything said or done by any Councillor is similarly decided to be out of order, that Councillor is to be called upon by the Chairperson to make such explanation, retraction or apology, as the case may require.

3.2.8 Continued Breach of Order

Where a Councillor—

- (i) persists in any conduct which the Chairperson decides is out of order; or
- (ii) refuses to make any explanation, retraction or apology required by the Chairperson under subclause 3.4.5;

the Chairperson may direct that Councillor to refrain from taking any further part in the meeting of the Council, other than by recording his or her vote. The Councillor is to comply with such a direction.

3.2.9 Serious Disorder

(1) If at a meeting of the Council the Chairperson is of the opinion that by reason of disorder or otherwise the business of the Council cannot effectively be continued, the meeting may be adjourned for a period of no more than fifteen minutes.

(2) After the adjournment in paragraph (1) the Council is to re-assemble and decide whether business is to be proceeded with, and that question is to be decided forthwith and without debate.

(3) Where after any proceedings under paragraphs (1) and (2), the Chairperson is again of the opinion that the business of the Council cannot effectively be continued, the meeting may be closed or adjourned.

3.2.10 Chairperson may be Heard

Whenever the Chairperson rises during debate to raise or rule on a point of order, any Councillor then speaking or offering to speak is to be silent so that the Chairperson may then be heard without interruption.

3.3 Rules of Debate

3.3.1 Chairperson may take part in debate

Subject to the provisions of this By-law the Chairperson may take part in the discussion upon any question before the Council.

3.3.2. Priority of Speaking

Where two or more Councillors rise to speak at the same time, the Chairperson is to decide which of them is entitled to priority.

3.3.3 Speaking Without Interruption

(1) A Member who is speaking on any question is not to be interrupted except on a point of order.

(2) In the event of a point of order the Member speaking is to be seated until the Councillor raising the point of order has been heard thereon and the question of order has been decided whereupon the Councillor so interrupted may, if permitted proceed.

3.3.4 Speaking Twice

(1) Subject to subclause 3.3.7 no Councillor is to speak twice on the same question, except—

- (i) in reply upon an original motion of which he was the mover; or
- (ii) as the mover of an amendment last moved.

(2) The mover of any original motion may exercise a right of reply after any amendments thereto have been moved and decided.

3.3.5 Calling to Order for Speaking Twice

Subject to subclause 3.3.7, the Chairperson is to call to order any Member proceeding to speak a second time on the same question, without waiting for the intervention of the Council.

3.3.6 Mover or Seconder to be Held to Have Spoken

(1) A Councillor moving a motion or amendment is to be held to have spoken thereon.

(2) A Councillor seconding a motion or amendment is to be held to have spoken thereon unless at the time of seconding the motion or amendment the Councillor reserves the right to speak on the motion or amendment later in the debate.

3.3.7 Resolution to Allow Speaking Twice

The Council may, by resolution moved without notice, suspend the operation of subclause 3.3.4 hereof in the following circumstances—

- (i) there may be a general suspension in which case subclause 3.3.4 is to be suspended until such time as the Council by resolution resolves to lift the suspension; or
- (ii) there may be a specific suspension giving the right to speak twice to specified Members and that suspension is to be automatically lifted when all Members specified have spoken twice or waived the right to do so.

3.3.8 Questions During Debate

A Member may ask a question at any time during the debate on a motion before the motion is put, but no discussion thereon is permitted.

3.3.9 No Speaking After Motion Put

No Member is to speak on any motion or amendment—

- (i) after the mover has replied; or
- (ii) after the question has been put.

3.3.10 Limit of Speeches

(1) A Member is not to speak—

- (i) upon any motion or amendment for a longer period than five (5) minutes; or
- (ii) in answer to any question with or without notice for a longer period than five (5) minutes; or
- (iii) in reply for a longer period than five (5) minutes;

without the consent of the Council to extend, which is to be signified without discussion.

(2) The Council is not to consent to the extension of a Member's time for speaking beyond ten (10) minutes of total extensions.

3.3.11 Speaking in Reply

A Member speaking in reply is not to introduce any new matter but is to be strictly confined to answering previous speakers.

3.3.12 Division of Motions

The Chairperson, or the Council by resolution passed without debate, may order a motion to be divided and put in the form of two or more motions.

3.3.13 Withdrawal of Motions

A motion or amendment may be withdrawn by the mover, with the consent of the Council, which is to be signified without debate.

3.4 Conduct of Members

3.4.1 No Digression

A Member is not to speak otherwise than upon, or digress from, the question then before the Council.

3.4.2 No Adverse Reflection on Council Resolution

A Member is not to reflect adversely upon a resolution of the Council except on a motion that the resolution be rescinded.

3.4.3 No Adverse Reflection on Member or Officer

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

3.4.4 Recording of Statements

Any Member may require the Clerk to take down any particular words used by a Member immediately upon their being used and to read such words back to the meeting for verification.

3.4.5 Withdrawal of Offensive Language

(1) Any Councillor who uses an expression which in the opinion of the Chairperson reflects offensively on any Member or officer of the Council, is to when required by the Chairperson, unreservedly withdraw the expression and make a satisfactory apology to the Chair.

(2) If the Councillor in paragraph (1) declines, or neglects to do so, the Chairperson may refuse to hear the Councillor further upon the matter then under discussion and may call upon the next speaker.

3.4.6 Disturbance by Councillor

A Councillor is not to make any noise or disturbance or speak aloud while any other person is addressing the Council, except to—

- (i) raise a point of order; or
- (ii) call attention to the want of a quorum.

3.4.7 Continued Irrelevance

The Chairperson may—

- (i) call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Councillor; and
 - (ii) direct that Councillor, if speaking, to stop speaking;
- thereupon, the Councillor is to cease speaking and be seated.

3.4.8 Crossing Council Chambers

(1) When the Chairperson is putting any question, a Councillor is not to leave or cross the Chamber.

(2) A Councillor is not, whilst any other Member is speaking, to pass between the speaker and the Chair.

3.5 Voting

3.5.1 Voting by Chairperson

(1) The Mayor is not to vote unless there is an equal division of votes, in which case he or she has, and may exercise a casting vote (section 173(8)(a)).

(2) Where the Deputy Mayor or a Councillor presides at a meeting of the Council he or she is to exercise a deliberative vote only (section 173(8)(aa)).

3.5.2 Members must Vote

At meetings of the Council, except where he or she is prohibited from voting by the Act and subject to the preceding subclause, a Member present in the Council Chamber when a question is put is to—

- (i) vote on the question; and
- (ii) except where the Act provides otherwise, vote openly and not by secret ballot (section 173(9)).

3.5.3 Method of Taking Vote

(1) The Chairperson, in taking the vote on any motion or amendment, is to—

- (i) put the question, first in the affirmative and then in the negative;
- (ii) determine whether, the affirmative or the negative has the majority of votes; and
- (iii) declare the result of the vote.

(2) The question put under paragraph (1) may be put as often as is necessary to enable the Chairperson to determine whether the affirmative or the negative has the majority of votes.

(3) The result of voting openly is determined on the count of raised hands, but it may be determined on the voices unless a Member calls for a show of hands (section 173(10)).

(4) Upon a vote on the voices or on a show of hands being taken, a Councillor may call for a division (section 173(10)).

3.5.4 Procedure on Division

(1) The division is thereupon to be taken by those voting in the affirmative passing to the right of the Chair and those voting in the negative to the left of the Chair (section 173(11)).

(2) Upon a division being called for, the Chairperson may if he or she thinks fit order that the division bell be rung, and after the lapse of one half of a minute from the bell ceasing to ring a Councillor is not to be permitted to enter or leave the Council Chamber until after the division has been taken.

(3) The names of the Councillors who voted on the question on which there was the division are to be recorded by the Clerk in respect of every division together with details of whether they voted in the affirmative or negative together with the names of those Councillors who abstained from voting by reason of a pecuniary interest in the question or otherwise (section 173(12)).

3.6 Motions

3.6.1. Permissible Formal Motions during Debate

Subject to subclause 3.6.2, when a motion is being debated no further motions are to be moved except the following—

- (i) that the motion be amended;
- (ii) that the motion be deferred;
- (iii) that the Council adjourn;
- (iv) that the debate be adjourned;
- (v) that the question be put;
- (vi) that the question lie on the table;
- (vii) that the Council proceed with the next business;
- (viii) that the Council sit behind closed doors; or
- (ix) that the meeting be now closed.

3.6.2 Permissible Motions on Recommendation From Committee

(1) A recommendation made by or contained in a report of a Committee may be—

- (i) adopted by the Council without amendment or modification;
- (ii) rejected by the Council in its entirety;
- (iii) subject to subclause 3.7.1 amended or modified and adopted with such amendments or modifications; or
- (iv) referred back to the Committee for further consideration in accordance with paragraph (2) hereof.

(2) A Member may at the conclusion of the speech of any other Member move without notice that the question or part thereof be referred back to the Committee;

(3) On a motion referred to in paragraph (2)—

- (i) the mover may speak for not more than five (5) minutes;
- (ii) the seconder is not to speak other than to formally second; and
- (iii) no other debate is to be allowed.

(4) Where part of the recommendation is referred back to the Committee, the balance of the recommendation is to be dealt with otherwise in accordance with this subclause.

3.6.3 Recommendations may be Questioned

During the consideration of a recommendation of a Committee by the Council, a Councillor may, through the Chairperson, question the Chairperson of the Committee upon any matter arising directly out of or having relevance to the recommendation.

3.7 Amendments

3.7.1 Relevancy of amendment

Every amendment is—

- (i) to be relevant to the motion to which it is moved; and
- (ii) not to have the effect of negating the motion.

3.7.2. Amendment to be Read

Every amendment is to be read before being moved.

3.7.3 One Amendment at a Time

(1) Only one amendment at a time is to be discussed.

(2) Whenever an amendment is lost, another amendment may be moved before the original motion is put to the vote.

(3) Where an amendment is carried, one further amendment to the original motion as amended, and no more may be moved.

(4) In speaking to an amendment a Councillor may give notice of his intention to move a further amendment.

3.7.4 Amended Motion Treated as Original Motion

(1) Where an amendment is carried, the original motion as amended is, for all purposes of subsequent debate, subject only to subclause 3.7.3, to be treated as if it was the original motion.

(2) Only the mover of the original motion referred to in paragraph (1) is to have the right of reply in respect of the original motion as amended.

3.7.5 Recommendations become Resolutions

Where the Council adopts a recommendation contained in a report, either with or without amendment or modification, the recommendation so adopted is to be deemed to be a resolution of the Council.

3.8 Adjournment

3.8.1 Motion that Council Adjourn

(1) A Councillor may—

- (i) at the conclusion of the speech of any other Member; or
- (ii) on the conclusion of any business;

move without notice that the Council do now adjourn.

(2) A motion seeking to adjourn the Council is to state the time and date to which the adjournment is to be made.

3.8.2. Times for Speaking on Motion to Adjourn

(1) On a motion to adjourn—

- (i) the mover may speak for not more than five (5) minutes;
- (ii) the seconder is not to speak other than formally to second;
- (iii) the mover of the motion (if any) which was then under debate may speak for not more than five (5) minutes; and
- (iv) no other debate is to be allowed;

(2) The mover of a motion under debate speaking in opposition of an adjournment is not to lose the right of reply.

3.8.3 Subsequent Motion to Adjourn

If a motion for the adjournment of the Council is negatived, no similar motion is to be moved until—

- (i) after the conclusion of the business under discussion at the time the adjournment was moved; or
- (ii) if the adjournment was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
- (iii) after the conclusion of any other business allowed precedence by the Council.

3.8.4 Restraint on Councillors Right to Move Adjournment

(1) A Councillor who has spoken on the question then before the Council is not to move the adjournment of the Council.

(2) A Councillor is not, at the same sitting of the Council, to move or second more than one motion for the adjournment of the Council.

3.8.5 Resumption of Debate after Adjournment of Meeting

On a motion for the adjournment of the Council being carried, the discussion on the question (if any) under debate when the motion was moved is to be continued immediately upon the Council resuming after the adjournment.

3.8.6 Recording Speakers before Adjournment of Meeting

(1) On a motion for the adjournment of the Council being carried, a record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

(2) Those Councillors to which paragraph (1) applies are not to be permitted to speak on any subsequent consideration of the same subject.

(3) This subclause does not deprive a mover of the right of reply.

3.8.7 Adjournment of Council

On the motion for the adjournment of Council being carried—

- (i) the Chairperson is to adjourn the Council to the time and date specified in the motion; or
- (ii) where no time and date is specified, to a time and date determined by the Chairperson.

3.8.8 Motion that Debate be Adjourned

A Councillor may, at the conclusion of the speech of any other Member move, without notice, that the debate be adjourned to a later hour of the same meeting or to a subsequent meeting of the Council.

3.8.9 Times for Speaking on Adjournment of Debate

(1) On a motion that the debate be adjourned—

- (i) the mover may speak for not more than five (5) minutes;
- (ii) the seconder is not to speak other than formally to second; and
- (iii) the mover of the motion then under debate may speak for not more than five (5) minutes.

(2) If the question then before the Council is a recommendation from a Committee—

- (i) the Chairperson of the Committee concerned; or
- (ii) in his absence, a Member thereof;

may speak for not more than five (5) minutes.

(3) On a motion that the debate be adjourned, no debate is to be allowed other than that provided for in paragraphs (1) and (2).

(4) The mover of a motion under debate speaking in opposition to an adjournment is not thereby to lose the right of reply.

3.8.10 Restraint on Councillor's right to move Adjournment of Debate

(1) A Councillor who has spoken on the question then under debate is not to move the adjournment of the debate.

(2) A Councillor is not, at the same sitting of the Council, to move or second more than one motion for the adjournment of the same debate.

3.8.11 Resumption after Adjournment of Debate

On resuming an adjourned debate the Councillor who moved its adjournment is entitled to speak first.

3.8.12 Recording Speakers Before Adjournment of Debate

(1) On a motion for the adjournment of a debate being carried, a record is to be taken of all those who have spoken on the subject under debate.

(2) Those Councillors to which paragraph (1) applies are not to be permitted to speak on any resumption of the debate on that subject.

(3) This subclause does not deprive a mover of the right of reply.

3.9 Resumption After Counting Out

Where the debate on any motion moved and seconded is interrupted by the Council being counted out, the procedure on resumption is to be in accordance with subclause 2.4.5.

3.10 Motion that the Question be Now Put

3.10.1 Moving Closure

(1) A Councillor may, at the conclusion of the speech of any other Councillor move, without notice and without comment, that the question under consideration be now put.

(2) Upon the motion referred to in paragraph (1) being formally seconded it is to immediately be put, without debate.

3.10.2 Restraint on Councillor's Right to Move Closure

(1) A motion that the question under consideration be put is not to be moved by a Councillor who has already spoken on the question.

(2) At an Ordinary meeting, if any Councillor objects pursuant to Section 175(3) of the Act, the motion is not to be carried except by an absolute majority of the Members of the Council.

3.10.3 Times for Speaking on Closure Motion

(1) When it is decided by the Council that the question under consideration be put, the mover of the question under consideration is, if the debate has occurred and if otherwise entitled to do so, to be permitted to speak in reply for not more than five (5) minutes before the question is put.

(2) Thereafter the question is to immediately be put.

3.10.4 The Question to be Put on a Closure

(1) Whenever it is decided by the Council that the question be put, the question to be put includes the original motion as well as any amendment thereto adopted by the Council.

(2) If the closure referred to in paragraph (1) is moved during debate on an amendment, it is the amendment which is put to the vote and not the original motion.

3.11 Motion that Council Proceed to the Next Business

3.11.1 Moving the "Next Business"

(1) A Councillor may, at the conclusion of the speech of any other Member move, without notice and without comment, that the Council do proceed to the next business.

(2) Upon the motion referred to in paragraph (1) being formally seconded, it is to be immediately put, without debate.

3.11.2 Effect of a "Next Business" Resolution

(1) Where the Council decides to proceed to the next business, the question which was then under discussion is to be considered as lapsed.

(2) The effect of the motion referred to in paragraph (1) thus lapsing is to be the same as if it had been lost on a vote of the Council.

3.11.3 Subsequent "Next Business" Motion

During the same debate on any question, a "Next Business" motion is not to be moved within one hour after a similar motion has been negatived.

3.12 Motion that the Meeting be now Closed

3.12.1 Moving the Closure of the Meeting

A Councillor may, at the conclusion of the speech of any other Member or on the conclusion of any business, move, without notice, that the meeting of the Council be now closed.

3.12.2 Times for Speaking on Closure of Meeting

(1) On a motion that the meeting of the Council be now closed—

- (i) the mover may speak for not more than five (5) minutes;
- (ii) the seconder is not to speak other than formally to second;
- (iii) the mover of the motion (if any) then under debate may speak for not more than five (5) minutes; and
- (iv) no other debate is to be allowed.

(2) The mover of a motion under debate speaking in opposition to the Closure of the meeting is not thereby to lose the right of reply.

3.12.3 Subsequent Motion to Close Meeting

If a motion that the meeting of the Council be closed is negatived, no similar motion is to be moved until—

- (i) after the conclusion of the question under discussion at the time the closure was moved; or
- (ii) if the closure was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
- (iii) after the conclusion of any other business allowed precedence by the Council.

3.12.4 Restraint on Councillor's Right to Move Closure of Meeting.

(1) A Councillor who has spoken on the question then before the Council is not to move that the meeting be closed.

(2) A Councillor is not, at the same meeting of the Council, to move or second more than one motion that the meeting be closed.

3.12.5 Effect of Closure of Meeting

On a motion that the meeting be closed being carried, the discussion on the question (if any) under debate when that motion was moved is to stand adjourned to its place on the notice paper for the next meeting of the Council.

3.12.6 Recording Speakers Before Closure of Meeting

(1) On a motion that the meeting be closed being carried—

- (i) a record is to be taken of all those who have spoken on the subject under consideration up to the closing of the meeting; and
- (ii) those Councillors are not to be permitted to speak on any subsequent consideration of the same subject.

(2) This subclause does not deprive a mover of the right of reply.

3.13 Motion for Rescission

3.13.1 Rescission at Same Meeting

The Council may at the same meeting at which it is passed, rescind a resolution if all Members who were present in the Council Chamber at the time the resolution was passed are also present in the Council Chamber at the time the rescission is proposed (section 177(1)).

3.13.2 Rescission at Subsequent Meeting

The Council may, at a meeting after that at which it was passed rescind a resolution—

- (i) where notice of motion to rescind is not given, if a motion to that effect is carried by an absolute majority of the Members; or
- (ii) where the Member intending to propose the rescission has, through the Clerk given written notice of his intention to each of the other Members at least 7 days before the meeting, if a motion to that effect is carried by the majority of the Members voting on the proposal at the meeting;

but not otherwise (section 177(2)).

3.13.3 Terms of and Reasons for Rescission to be Stated

(1) When making a motion of rescission at the same meeting at which the substantive resolution was passed or at a subsequent meeting without notice, the Member moving the rescission is to state in clear terms—

- (i) the terms of the motion of rescission identifying the resolution proposed to be rescinded; and
- (ii) the reason or reasons for seeking rescission.

(2) The Chairperson is not to accept a motion for rescission which does not comply with the requirements in paragraph (1).

3.13.4 Terms and Reasons to be Stated in Notice

When giving notice of motion of rescission the Member giving notice is to record in writing in clear terms—

- (i) the terms of the motion of rescission identifying the resolution proposed to be rescinded; and
- (ii) the reason or reasons for seeking the rescission.

3.13.5 Notices Received During Same Meeting

(1) If the Clerk receives a notice of motion to rescind a substantive resolution before the close of the meeting at which the substantive resolution was passed—

- (i) the Clerk is to forthwith deliver the notice to the Chairperson;
- (ii) the Chairperson is, at the earliest opportunity, to notify the meeting of the notice; and
- (iii) thereafter, at the first available opportunity the Chairperson is to bring on the rescission motion before the close of the meeting.

(2) If the Clerk receives a notice of motion to rescind a substantive resolution after the closure of the meeting at which the substantive resolution was passed, the Clerk is to ensure that the rescission motion is considered at a Special or Ordinary meeting of the Council held at the earliest opportunity after the meeting at which the substantive resolution was passed.

3.13.6 Multiple Rescission Notices

The Clerk may receive more than one notice of motion to rescind the same substantive resolution.

3.13.7 Absence of Mover or Seconder

If a motion to rescind a resolution fails to be considered by the Council by reason that at the time the motion is called on—

- (i) the Member who gave notice of the motion is not present or is not willing to move the motion; and
- (ii) there is no other Member present willing to move the motion;

then the motion is to lapse and a motion to the same effect is not thereafter to be entertained by the Council.

3.13.8 No Rescission of Procedural Resolution or a Resolution to Rescind

The Council is not to entertain a motion to rescind a substantive resolution which is—

- (i) merely procedural in its form and effect; or
- (ii) a resolution to rescind another resolution.

3.13.9 Repeated Rescissions by the Same Member Prohibited.

If the Council, on a motion moved by any Member, resolved not to rescind a substantive resolution, then the Council is not to subsequently entertain a motion moved by the same Member to rescind the same substantive resolution.

3.14 Motion to alter Resolution

3.14.1 Rescission Provisions Apply to Alteration.

The provisions of this By-law relating to rescission are to apply so far as the context permits to any motion to alter a substantive resolution.

3.14.2 Motion to alter Having Effect to Rescission

If a motion to alter a substantive resolution in its form or effect would amount to a motion to rescind the substantive resolution, then it is to be treated as if it was a motion to rescind the substantive resolution.

3.15 Negatived Motion not to be Entertained within Three Months

A motion to the same effect as any motion which has been decided in the negative by the Council is not again to be entertained within a period of three (3) months unless a majority of the Councillors signify to the Clerk in writing before a meeting their consent to the motion being entertained at that meeting.

3.16 Suspension of Standing Orders

3.16.1 Motion to Suspend

(1) In cases of urgent necessity or whilst the Council is sitting behind closed doors, any Standing Order of the Council may be suspended on a motion duly made.

(2) If at an Ordinary meeting a Councillor makes an objection to a motion to suspend a Standing Order pursuant to Section 175(3) of the Act, the motion is not to be declared carried unless it is agreed to by an absolute majority of the Members of the Council.

3.16.2 No Discussion on Motion to Suspend

A Councillor moving the suspension of Standing Orders is to state the object of the motion, but discussion is not otherwise to take place thereon.

3.16.3 Only Specified Clauses Suspended

(1) A Councillor moving the suspension of Standing Orders under this clause is to state the specific clause or clauses of the Standing Orders sought to be suspended.

(2) Only the clauses nominated in paragraph (1) are to be affected by any resolution to suspend Standing Orders under this clause.

PART IV—COMMITTEES

4.1 Appointment of Committees

4.1.1 Standing Committees

In addition to such Occasional Committees as may from time to time be appointed the Council may nominate such Standing Committees as it deems necessary at the first meeting of the Council after the Ordinary Elections.

4.1.2 Duties of Committees

(1) The powers and duties of Standing Committees are to be such as the Council from time to time defines.

(2) Subject to the provisions of section 182 of the Act, the Mayor may be an ex-officio a member of every Committee. In the absence of the Mayor the Deputy Mayor may act in his or her stead.

4.1.3 Term of Appointment

Subject to the provisions of subclause 4.5.4, the Members of each Standing Committee are to—

- (i) be appointed for each two year period at the first meeting of the Council held after the Ordinary Elections; and
- (ii) hold office until the commencement of the first meeting after the Ordinary Elections then next ensuing or until the expiration of their terms of office as Councillor, whichever first occurs.

4.2 Occasional Committees

4.2.1 Appointment of Occasional Committees

The Council may appoint Occasional Committees to perform any duty which may be lawfully entrusted by it to a Committee.

4.2.2 Standing Committee Not to Interfere

A Standing Committee is not to interfere in any matter which has for the time being been entrusted to an Occasional Committee.

4.2.3 Details of Appointment

An Occasional Committee is not to be appointed except on a motion setting out—

- (i) the names of the Members of whom it is intended to constitute the Committee; or
- (ii) the number of Members intended to constitute the Committee and a provision that they be elected by a separate motion;
- (iii) the purpose or purposes for which the Occasional Committee is established.

4.2.4 Review of Occasional Committees

The Council is to review the desirability of continuing any particular Occasional Committee no less than every twelve months.

4.3 Advisory and Management Committees

4.3.1 Appointment of Advisory and Management Committees

Whenever the Council thinks fit it may appoint persons whether Members or not, as an Advisory Committee, or as a Management Committee in accordance with and for any of the purposes set out respectively in sections 180 and 181 of the Act.

4.4 Meetings

4.4.1 Calling Meeting of Committee

- (1) The Clerk is to call a meeting of any Committee when requested so to do by—
- (i) the Mayor; or
 - (ii) the Chairperson of the Committee if the Mayor is not Chairperson (section 179(1)); or
 - (iii) any two Members of that Committee;
- (2) The Clerk is to give notice of a meeting referred to in paragraph (1) to every Member of the Council.

4.4.2 Open Committee Meetings

Meetings of Standing and Occasional Committees are to be open to the public except on such occasions as the Committee, by resolution, decides otherwise.

4.4.3 Councillor attending Committee as Observer

- (1) A Member may attend as an observer at meetings of a Standing or Occasional Committee notwithstanding that the Member is not a Member of that Committee.
- (2) A Member attending a Committee meeting as an observer may speak with the leave of the Committee, but is not to vote on any question before the Committee unless the Member is a deputy of a Member excluded from a meeting due to a pecuniary interest or absent for other reasons.
- (3) Subject to the preceding subclause a Member attending a Committee as an observer is to sit in an area set aside for observers separated from the Committee Members.

4.4.4 Adjournment of Committee

Any Committee of the Council may adjourn from time to time.

4.4.5 Quorum of Committee

- At any meeting of a Committee the number of Members necessary to form a quorum—
- (i) where the total number of the Members of the Committee is an even number, is one-half of that total, plus one; or
 - (ii) where the total number of the Members of the Committee is an odd number, is the integer nearest to but greater than one half of that total.

4.4.6 Failure of Quorum

- (1) Every meeting is to proceed to business as soon after the time stated in the Agenda as a quorum is constituted.
- (2) If a quorum is lacking 30 minutes after the hour at which a meeting of any Committee is appointed to be held, no meeting is to take place.
- (3) Where a meeting lacks quorum after 30 minutes, the meeting is to stand adjourned until the day and time fixed for the next Ordinary meeting of the Committee, unless the Chairperson convenes a special meeting of the Committee for the transaction of the business standing adjourned.

4.4.7 Voting by Committees

The decision of a Committee on a question is that decided by a majority of the members present, including the Chairperson who has a deliberative vote, and who in the case of an equal division of votes has a casting vote (section 182(9)).

4.5 General

4.5.1 Composition of Committees

- (1) The number of Members of a Committee is to be decided upon by the Council at the first meeting of Council held after the Ordinary Elections. The number of Members of a Standing or Occasional Committee, inclusive of the ex-officio Member under section 182 of the Act if there is such a Member, is to be less than one half of the total number of Members of Council (section 179(1)(a)).
- (2) The Council may appoint a Member or Members thereof to be the deputy or deputies, as the case may be, to act on behalf of a member of an Occasional or Standing Committee whenever that member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council (section 179(1a)).
- (3) Where a member of a Standing or Occasional Committee does not attend a meeting thereof any deputy of that member is, subject to paragraph (4) hereof entitled to attend that meeting in place of the member and act for the member, and while so acting has all the powers of that member (section 179(1aa)).
- (4) A deputy who is one of two or more deputies of a member of a Standing or Occasional Committee is not entitled to attend a meeting of the Committee in place of that member if the meeting is attended by another deputy of that member who has precedence over that deputy in the order of seniority determined under paragraph (2) (section 179(1ab)).

(5) A person who is a member of an Occasional or Standing Committee is not eligible to be appointed a deputy for a member of that Occasional or Standing Committee (section 179(1b)).

4.5.2 Chairman of Committees

(1) Subject to the Act and these Standing Orders, the Mayor is ex officio a member of every Committee of which he indicates his intention to be such a Member:

- (a) at the time of the appointment of the Committee (section 182(2a)); or
- (b) at the first meeting of the Committee held after any declaration of the election of Members of the Council that takes place after the appointment of the Committee (section 182(2b)(a)); or
- (c) at any meeting of the Council at which the constitution of the Committee is altered (section 182(2b)(b)).

(2) Where the Mayor is ex officio a member of a Committee he or she may, but is not obliged to, preside as Chairperson of the meetings of a Committee. If in accordance with the Act the Mayor intimates his or her intention not to do so or does not indicate his or her intention at all, members of the Committee may elect one of their number to preside in his or her stead (section 182(3)).

(3) The Mayor may indicate his or her intention to be Chairperson of a Committee by declaring it at the first meeting of the Committee held after the declaration of the election of members of the Council, or by giving each of the members of that Committee at or before that meeting, written notice of his or her intention not to preside. If at or before that meeting the Mayor does not so give notice, he or she is regarded as having intimated that his or her intention is not to preside (section 182(4)).

(4) If the Mayor intimates or is regarded as having intimated that his or her intention is not to preside he or she is not, unless under section 182(6) of the Act he or she is authorised to do so, to preside until the corresponding first meeting of the Committee in the following year (section 182(5)).

4.5.3 Delegation of Powers to Committees

The Council may delegate to a Standing or Occasional Committee such of its powers and duties, except power to borrow money and power to impose rates, as the Council thinks fit (section 179(1)(c)).

4.5.4 Council may Change Membership

(1) The Council may—

- (i) by resolution carried pursuant to a notice of motion, by a simple majority; or
- (ii) on a motion moved without notice by an absolute majority;

change the membership of any committee or appoint a substitute for a Member absent pursuant to leave granted by the Council.

(2) The Council may resolve that a Standing Committee be reconstituted and upon such reconstitution, the new Committee is to elect its Chairperson.

4.5.5 Appointment of Committees

The initial membership of a Standing Committee or an Occasional Committee is to be determined by the Council in accordance with the Act.

4.5.6 Standing Orders to Apply

(1) Except insofar as they limit the number of times a Member may speak, these Standing Orders are to be observed at meetings of Committees.

(2) For the purpose of this subclause, reference to the Mayor in Parts II to V inclusive are, where the context permits, to be read as a reference to the Chairperson of a Committee.

4.5.7 Committees to Report

Committees are answerable to the Council and are to—

- (i) report regularly to Ordinary Meetings of the Council;
- (ii) report to the Council fully on their activities when required by the Council to do so (section 179(4)).

4.5.8 Unfinished Business of Former Committees

Committees may take up matters referred by the Council to the preceding Committee which may not have been fully discharged at the time such Committee went out of office.

4.5.9 Appointment of Sub-Committees

A Committee may appoint a Sub-Committee of its Members for the purpose of providing advice and recommendations to that Committee on particular issues.

4.5.10 Papers for Committee Meeting to be put to all Members of Council.

When a meeting of any Committee is called the agenda for the meeting together with copies of all officers' reports relating to matters on the agenda for that meeting are to be forwarded to all Members of the Council, except those on leave of absence.

4.5.11 Minutes of Committees

- (1) The Chairman of each Committee is to ensure that a Minute Book is kept in which are to be entered minutes of all its proceedings and transactions (section 182(8));
- (2) The Chief Executive Officer is to assist the Chairman in carrying out his or her responsibility in paragraph (1), together with administrative support in the preparation of meeting agendas and correspondence.

4.5.12 Communications by Committees

No Committee is to communicate with any outside person or authority except through the Clerk, as the Officer of the Council duly authorised for the purpose.

4.5.13 Resignation of Seat on Committee

- (1) Any Member of a Committee may resign his or her seat on the Committee by notice in writing signed by him or her and addressed to the Clerk (section 179(2)).
- (2) When the notice referred to in paragraph (1) is delivered to the Clerk, his or her seat on the Committee is to become vacant.
- (3) The Council may from time to time fill a vacancy on a Committee.

PART V—GENERAL

5.1 Election of Deputy Mayor

- (1) At the first meeting of the Council held after the Ordinary Elections, the Members shall, by secret ballot, elect one of their number to the office of Deputy Mayor who is to hold that office until the commencement of the first meeting of the Council after the Ordinary Elections next succeeding his or her election to the office.
- (2) Where there is any inconsistency between the provisions of this By-law and the provisions of section 143 of the Act, the latter prevails.

5.2 Representation on Statutory Authorities/Public Bodies

5.2.1 Clerk to Refer Invitation

Correspondence inviting the Council to submit nominations for appointment to statutory authorities on public bodies is to be referred by the Clerk to the Council, or if applicable, a Committee considered appropriate.

5.2.2 Committee to Make Recommendation

Where such correspondence is referred to a Committee, the Committee is to consider the matter and by resolution refer the business with its recommendations to the Council.

5.2.3 Obligations of Delegate

A Member appointed by the Council to be its delegate to a statutory authority or public body is, when required to express an opinion or vote on any item of business, to have regard to the resolutions, policies and practices of the Council.

5.3 Electors' Meetings

5.3.1 Standing Orders Apply

The Standing Orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this By-law and the provisions of Section 171 of the Act, the latter prevail.

5.3.2 Restriction on Voting and Speaking

A person who is not an elector—

- (i) is not entitled to vote at a meeting of electors; and
- (ii) may not take any part in any discussion at that meeting, unless the meeting, by a motion, requests him or her to do so.

5.4 Strategic Objectives

The following Vision, Mission and Beliefs and Objectives are hereby adopted by and for the municipality of the Town of Victoria Park—

(1) Vision Statement

That the Town of Victoria Park be acclaimed as a municipality of significance in metropolitan Perth providing a quality living environment.

(2) Mission Statement

To facilitate a delivery of services which fosters a lifestyle and promotes:

- friendliness, cleanliness, safety and health.
- a prosperous and dynamic business, residential and tourist community.
- 46 Kellar Way Thornlie 6018a richness in heritage, culture, beauty and environment.
- efficient, accountable and quality management of public assets and infrastructure.

(3) Statement of Beliefs

- that the interests of our ratepayers, residents, visitors and users of our Town are paramount.
- that the quality and delivery of service shall be on the basis of "Getting it Right the First Time".
- that we are a team.

(4) Statement of Objectives

- to provide vision and leadership in all our activities for the overall benefit of the Town and its people.
- to provide a comfortable and aesthetically pleasant Town.
- to operate in a financially prudent and ethical manner.
- to ensure that services are delivered by best practice and standards.
- to deliver a high level of service in a friendly and courteous manner.
- to ensure our staff work in a safe and fulfilling environment and that they are properly compensated for their contribution.

PART VI—OFFICERS OF THE MUNICIPALITY

6.1 Complaints by Members

If any Member has any complaint concerning the ability, character or integrity of any officer or employee of the Council, or of any act or omission of such officer or employee, and desires to bring such complaint to the notice of the Council, he is to notify the Clerk of the complaint in writing giving such details as are available in order that the complaint may be investigated and, if necessary reported upon by the Clerk.

6.2 Right of Reply

If a complaint or criticism is made concerning an officer or employee of the Council, whether by a Member or any other person, that officer or employee may reply to the complaint or criticism either in writing to the Mayor or, with the consent of the Council, to the Council itself.

PART VII—MISCELLANEOUS

7.1 Breach of Standing Orders

Any persons committing a breach of these Standing orders is liable upon conviction to a penalty not exceeding \$500.

7.2 Chairperson to Ensure Compliance

The Chairperson is authorised and empowered to ensure that meetings are conducted in accordance with these Standing Orders.

7.3 Council May Take Action

The Council may take proceedings under Section 646 of the Act against any persons committing a breach of these Standing Orders.

Dated this 26th day of April 1995.

The Common Seal of the Town of Victoria Park was hereunto affixed in the presence of—

CRAIG LAWRENCE, Chairman of the Commission.
E. H. KELLY, Chief Executive Officer/Town Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 23rd day of May 1995.

M. C. WAUCHOPE, Clerk of the Council

LG313

LOCAL GOVERNMENT ACT, 1960*The Municipality of the Town of Vincent***STANDING ORDERS (MEETING PROCEDURE) BY-LAW NO. 1**

In pursuance of the powers conferred upon it by the abovementioned Act, and all other powers enabling it, the Council of the Municipality of the Town of Vincent hereby records having resolved on the 4th day of April 1995 to make and submit for confirmation by the Governor the following By-laws.

PART I—PRELIMINARY

1.1 Standing Orders (Meeting Procedure)

The proceedings and business of the Council shall be conducted according to this By-law the clauses of which shall be referred to as "The Standing Orders".

1.2 Arrangement of By-law

The arrangement of this By-law is as follows:

Part I—Preliminary

Clause 1.1 Standing Orders (Meeting Procedure)

Clause 1.2 Arrangement of By-law

Clause 1.3 Interpretation

Part II—Meetings of the Council

Clause 2.1 Mayor to Preside

Clause 2.2 Notice of Meetings

Clause 2.3 Availability of Notice

Clause 2.4 Quorum

Clause 2.5 Kind of Meeting

Clause 2.6 Calling of Special Meeting

Clause 2.7 Business at Ordinary Meeting

Clause 2.8 Order of Business

Clause 2.9 Applications for Leave of Absence

Clause 2.10 Receipt of Correspondence

Clause 2.11 Urgent Business

Clause 2.12 Order of Business at Special Meeting

Clause 2.13 Business at Adjourned Meeting

Clause 2.14 Open Doors Except as Provided

Clause 2.15 Confidentiality

Clause 2.16 Reporters

Clause 2.17 Recording of Proceedings Prohibited

Clause 2.18 Prevention of Disturbance

Clause 2.19 Declaration of members' Interests

Clause 2.20 Declaration of Officers' Interests

Clause 2.21 Minutes

Clause 2.22 Questions

Clause 2.23 Reports by the Clerk (Chief Executive Officer)

Clause 2.24 Presentation of Committee Reports

Clause 2.25 Deputations

Clause 2.26 Petitions

Clause 2.27 Notices of Motion

Part III—Meetings—Procedure and Conduct

Clause 3.1 General Procedure

Clause 3.2 Preserving Order

Clause 3.3 Rules of Debate

Clause 3.4 Conduct of Members

Clause 3.5 Voting

Clause 3.6 Motions

Clause 3.7 Amendments

Clause 3.8 Adjournment

Clause 3.9 Resumption After Counting Out

Clause 3.10 Motion that the Question be Now Put

Clause 3.11 Motion that Council Proceed to the Next Business

Clause 3.12 Motion that the Meeting be now Closed

Clause 3.13 Motion for Rescission

Clause 3.14 Motion to alter Resolution

Clause 3.15 Negatived Motion not be Entertained within Three Months

Clause 3.16 Suspension of Standing Orders

Part IV—Committees

Clause 4.1 Appointment of Committees

Clause 4.2 Occasional Committees

Clause 4.3 Advisory and Management Committees

Clause 4.4 Meetings

Clause 4.5 General

Part V—General

Clause 5.1 Election of Deputy Mayor

Clause 5.2 Representation on Statutory Authorities/Public Bodies

Clause 5.3 Electors' Meetings

Clause 5.4 Strategic Objectives

Part VI—Officers of the Municipality

Clause 6.1 Complaints by Members

Clause 6.2 Right of Reply

Part VII—Miscellaneous

Clause 7.1 Breach of Standing Orders

Clause 7.2 Chairperson to Ensure Compliance

Clause 7.3 Council May Take Action

1.3 Interpretation

In this By-law, unless the context otherwise requires:—

“Act” means the Local Government Act 1960 as amended.

“Chairperson”

(a) in relation to a meeting of the Council means the person presiding at the meeting as provided by Section 173(7) of the Act;

(b) in relation to a Committee means the person presiding at the meeting as provided in clause 4.5.2 of this By-law.

“Town” means the municipality of Town of Vincent.

“clause” means a clause of this By-law.

“Clerk” means the Chief Executive Officer/Town Clerk or Acting Chief Executive Officer/Town Clerk.

“Committee” means any Standing, Occasional, Advisory, Management or Sub-Committee appointed in accordance with the Act.

“Council” means the Council for the time being of the municipality of the Town of Vincent.

“Councillor” means a member of the Council other than the Mayor.

“document” means a deed, book, report, paper or any other written material whatsoever or any other recorded or stored information.

“Mayor” means the Mayor or the Deputy Mayor in the Mayor’s absence.

“Member” means the Mayor or a Councillor.

“Minister” means the Hon. Minister for Local Government.

“minor amendment” in relation to a motion to amend another motion (“the primary motion”) means one which does not alter the primary or basic intent of the primary motion as determined by the person presiding at the meeting.

“notice paper” in relation to any proposed meeting means a paper setting out the terms of business to be transacted at the meeting and the order of that business. The notice calling a Special Meeting may stand as the notice paper for that meeting.

“order of the day” means any business left over from the previous meeting and any other business the person presiding at the meeting thinks desirable to bring to the notice of the meeting and has directed to be entered in the notice paper as an order of the day. In the case of unfinished business at Ordinary Meetings, the provisions of Clause 2.13 apply.

“substantive motion” means a resolution which is the subject of a motion of rescission or alteration.

“urgent business” means business dealt with in accordance with the provisions of Clause 2.11.

“without discussion” means without debate but does not preclude a member from asking such questions as the Chairperson permits, there being no discussion debate or challenge on the ruling of the Chairperson.

Where no definition is given in this By-law, the terminology is to be taken to be in accordance with the Act.

PART II—MEETINGS OF THE COUNCIL

2.1 Mayor to Preside

Subject to the Act the Mayor, or in his absence the Deputy Mayor, or in his absence a Councillor chosen by the Councillors present is to preside at any meeting of the Council (section 173(7)).

2.2 Notice of Meetings

2.2.1 Notice of Ordinary Meetings.

Notice of ordinary meetings of the Council are to:—

- (i) be given to Members in writing;
- (ii) be signed by or on behalf of the Clerk;
- (iii) state the place, date and hour of holding the meeting;
- (iv) state the business to be transacted; and
- (v) be served on each of the Members at least two clear business days before the time of the commencement of the meeting.

2.2.2 Notice of Adjourned Meeting

When a meeting of the Council is adjourned to a day and hour other than the next Ordinary Meeting of the Council, notice of the adjourned meeting is to, if time permits, be

given in the manner provided by subclause 2.2.1 of this By-law except that at least 24 hours notice is to be given before the time of commencement of the meeting.

2.2.3 Notice of Special Meetings

Notice of each special meeting of the Council is to be given to all members of the Council in the manner provided by Section 178 of the Act at least 24 hours before the time of the commencement of the meeting.

2.3 Availability of Notice Paper

The Notice Paper for an Ordinary Meeting of the Council is to be made available for inspection by members of the public from the commencement of business on the day after having been served on the Members, at the office of the Council.

2.4 Quorum

2.4.1 Number of Members Required

Except in cases where section 173(4) of the Act applies, the number of Members necessary to form a quorum is to be:—

- (a) where the total number of Members is an even number, one half of that number;
- (b) where the total number of Members is an odd number, the integer nearest to, but greater than one half of the total (section 173(3)).

2.4.2 Quorum must be Present

The Council is not to transact business at a meeting unless a quorum is present (section 173(2)).

2.4.3 Quorum not Present

(1) If at the expiration of half an hour from the time fixed for the commencement of a meeting of the Council a quorum is not present, the Mayor or in his or her absence, the Deputy Mayor, or in his or her absence, the majority of Councillors present, or any Councillor present alone, or in the absence of the Mayor and all the Councillors, the Clerk, may adjourn the meeting.

(2) Business which could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting (section 173(5)).

2.4.4 Count Out

(1) If at any time during a meeting of the Council a quorum is not present, the Chairperson upon becoming aware of that fact is to thereupon suspend the proceedings of the meeting for a period of five minutes.

(2) If a quorum is not present at the expiration of the period in paragraph (1), the meeting is deemed to have been counted out, and the Chairperson is to adjourn it to some future time or date.

(3) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

2.4.5 Debate on Motion to be Resumed

(1) Where the debate on any motion, is interrupted by the Council being counted out, that debate is to be resumed at the next meeting at the point where it was so interrupted.

(2) Where the interruption in paragraph (1) occurs at an Ordinary Meeting the resumption is to be at the Next Ordinary Meeting unless a Special Meeting is called earlier for the purpose.

(3) Where the interruption in paragraph (1) is at a Special Meeting, the resumption is to be at the next Special Meeting called to consider the same business or at the next Ordinary Meeting if it occurs before a Special Meeting can be called.

2.4.6 Names to be Recorded

At any meeting at which:—

- (i) there is not a quorum of Members present; or
- (ii) the Council is counted out for want of a quorum;

the names of the Members then present are to be recorded in the Minute Book.

2.5 Category of Meeting

(1) Meetings of the Council and Committees are to be of two categories, namely "Ordinary" and "Special".

(2) Ordinary Meetings are those called at such place and at such times as the Council, from time to time, appoints for the transaction of the ordinary business of the Council, and any Committees.

(3) Special Meetings are those called to consider special business, the nature of which is to be specified in the notice convening the meeting.

(4) Subject to the provisions of the Act and these Standing Orders relating to the rescission or alteration of a resolution, no business is to be transacted at a Special Meeting other than that for which the Special Meeting has been called.

2.6 Calling of Special Meeting

2.6.1 Mayor May Convene

The Mayor may convene a Special Meeting of the Council as often as he or she thinks fit by notice in writing signed by the Mayor or the Clerk sent to each Councillor before the meeting (section 172(2)).

2.6.2 Members May Convene

If the Mayor refuses or neglects to call a meeting of the Council after receiving a request for that purpose signed by at least three Councillors, those Councillors may call a meeting of the Council by serving a notice in writing signed by them stating the business to be transacted, on each of the other members of the Council at least 24 hours before the time of the commencement of the meeting (section 172(3)).

2.7 Business at Ordinary Meeting

No business is to be transacted at any meeting of the Council other than specified in the notice relating thereto, except:—

- (i) matters which the Act permits to be dealt with without notice; and
- (ii) matters which this By-law expressly permits to be dealt with without notice.

2.8 Order of Business

Unless ordered by resolution of the Council, the order of business at any Ordinary meeting of the Council is to be as follows:—

- (i) Prayer;
- (ii) Apologies;
- (iii) Members on leave of absence and applications for leave of absence;
- (iv) Confirmation of minutes;
- (v) Announcements by the Chairperson without discussion;
- (vi) Declaration of members' interests;
- (vii) Questions of which due notice has been given without discussion;
- (viii) Correspondence;
- (ix) Petitions and memorials;
- (x) Orders of the Day;
- (xi) Reports;
- (xii) Motions of which previous notice has been given;
- (xiii) Representation on statutory authorities and public bodies;
- (xiv) Urgent business;
- (xv) Closure; and
- (xvi) Question time.

2.9 Applications for Leave of Absence

(1) A Member seeking the Council's approval to take leave of absence is to give notice to the Clerk at least four ordinary office hours before the hour fixed for the time of commencement of the meeting.

(2) The notice referred to in paragraph (1) is to include the period of leave of absence required and the reasons for seeking the leave.

2.10 Receipt of Correspondence

Discussion is not to be permitted on any motion that:—

- (i) any correspondence be received or not received; or
- (ii) any correspondence or any part thereof be referred to any Committee of the Council.

2.11 Urgent Business

A Councillor may move a motion involving urgent business that is not included in the Notice Paper for that meeting provided that:—

- (i) the Chairperson has first consented to the business being raised; and
- (ii) the Chairperson considers that either:—
 - (a) the urgency of the business is such that the business cannot await inclusion in the Notice Paper for the next meeting of the Council; or
 - (b) the delay in referring the business to the next meeting of the Council could have adverse legal or financial implications for the Town;
- (iii) if at an Ordinary Meeting a Councillor objects that a motion introduced as urgent business and moved without notice does not deal with ordinary business within the meaning of that term in subsection 175(2) of the Act, the motion is to be of no effect unless it is agreed to at the meeting by an absolute majority of the Members of the Council (section 175(3)).

2.12 Order of Business at Special Meeting

The order of business at any Special Meeting of the Council is to be the order which that business stands in the notice of the meeting.

2.13 Business at Adjourned Meeting

At an adjourned meeting of the Council no business is to be transacted other than that:—

- (i) specified in the notice of the meeting which had been adjourned; and
- (ii) which remains unresolved;

except in the case of an adjournment to the next Ordinary Meeting of the Council, when the business unresolved at the adjourned meeting is to have the precedence at that Ordinary Meeting.

2.14 Open Doors Except as Provided

(1) Subject to the provisions of paragraphs (2) and (3) the business of the Council is to be conducted with open doors.

(2) The Council may by resolution decide to conduct any specified business behind closed doors.

(3) Where the Council resolves to proceed "behind closed doors":—

- (i) the Chairperson is to direct all persons other than the Councillors and relevant officers and advisors of the Town to leave the meeting room and every person is forthwith to comply with that direction; and
- (ii) subject to paragraph (4), the business at that meeting is to be conducted behind closed doors until the Council resolves to proceed with open doors.

(4) If the resolution is to conduct specified business behind closed doors the meeting is to revert to open doors upon the completion of discussion of but prior to voting on the matter under consideration.

(5) A person failing to comply with a direction made under paragraph (3) may, by order of the Chairperson, be removed from the meeting room.

2.15 Confidential Business

(1) All business conducted by the Council behind closed doors is:—

- (i) to be treated as strictly confidential; and
- (ii) not, without the authority of the Council, to be disclosed to any person other than:—
 - (a) the Members; or
 - (b) officers of the Council but only to the extent necessary for the purpose of carrying out their duties.

prior to the discussion of that matter at a meeting of the Council held with open doors.

(2) Any report, document or correspondence which is to be placed before the Council or any Committee and which is in the opinion of the Clerk of a confidential nature may at his discretion be marked as such and:—

- (i) then to be treated as strictly confidential; and
- (ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the officers of the Council referred to in sub-paragraph (1)(ii)(b).

2.16 Reporters

Reporters of the press and other media:—

- (i) are to be permitted to attend at meetings of the Council, in such part of the Council Chambers as may be set aside for their accommodation;
- (ii) must withdraw during any period when the Council is sitting behind closed doors.

2.17 Recording of Proceedings Prohibited

No person is to use any electronic visual or vocal recording device or instrument to record the proceedings of the Council unless the person has been given written permission by the Council to do so.

2.18 Prevention of Disturbance

(1) No person, other than a Member, is to interrupt or interfere with the proceedings of any meeting of the Council, whether by expressing approval or dissent, by conversing or by any other means.

(2) A person who fails to comply with paragraph (1) is, when so directed by the Chairperson, to forthwith leave the meeting room.

(3) A person ordered to leave the meeting room and failing to do so may, by order of the Chairperson, be removed from the meeting room.

2.19 Declaration of Members' Interests

2.19.1 Obligation to Declare an Interest

(1) Any Member who has an interest within the meaning of sections 174 and 174B of the Act in a matter proposed to be dealt with at any meeting is to declare the interest at the time Declarations of Members Interests are called for in the Order of Business for that meeting.

(2) Any Member who is not present at the time declarations are called for in the Order of Business is to declare an interest in a matter at the time that matter arises for consideration by the meeting, and before any discussion or voting on that matter takes place.

(3) If a member has an interest in a matter raised by way of amendment to a motion or an interest in a matter raised otherwise without notice, the member is to declare that interest at the earliest possible time but in any event before discussion and voting on the matter takes place.

(4) The obligation to declare an interest is to apply to all Members present at the meeting including a Member attending a Committee meeting in the capacity of an observer.

(5) The obligation to declare an interest applies in regard to each meeting at which the matter the subject of the interest arises.

(6) The obligation to declare an interest at a meeting does not apply to a member who has disclosed the Member's interest by written notice given to the Clerk prior to the meeting.

2.19.2 Details of Interest

At the time of declaring an interest, a Member is not required to give any details of the interest unless the Member wishes the meeting to consider and resolve upon the question of whether the Member:—

- (i) should be permitted to take part in the consideration or discussion of the matter; or
- (ii) should be permitted to vote on the matter pursuant to subsection 174(5) of the Act;

in which case the Member shall comply with subclauses 2.19.3. and 2.19.6.

2.19.3 Permission to Participate

(1) A Member who has declared an interest or who is liable to declare an interest in a matter and who:

- (a) desires to take part in the consideration or discussion of the matter; or
- (b) desires to vote on the matter;

is not to do either unless the meeting at which the matter arose determines by motion which may be moved without notice, that the Member should be allowed to speak or vote or both as the case may be.

(2) A meeting considering the question in item (b) of paragraph (1) of this subclause is to have regard only to the considerations in paragraphs (a) and (b) of subsection 174(5) of the Act, but may consider those and other considerations of a like kind when considering the question in item (a).

2.19.4 Obligation to Withdraw

(1) Notwithstanding that there is no obligation to do so, it is considered desirable that a Member who has declared an interest in a matter including a Member attending a meeting should depart from and remain absent from the Chamber or room while the matter is under consideration and until a vote on the matter has been taken.

(2) A Member who has declared an interest and who does not desire to take part in the consideration or discussion of the matter or to vote on the matter and who elects to depart in accordance with the recommendation in paragraph (1) should depart from the Chamber or room when the matter arises for consideration or when invited to do so.

(3) A Member who has declared an interest in a matter ("the substantial matter") but who desires either to participate in the consideration or discussion of the matter or to vote on the matter should remain in the Chamber or room to give an explanation in support of a motion that the Member be permitted to speak and/or to vote on the matter (as the case may be) but thereafter should depart until the vote on that matter is known.

(4) If it is resolved at a meeting that a Member who has declared an interest in a matter be permitted to participate in the consideration and discussion of the matter or to vote on the matter or both, then the Member may return and participate to the extent permitted.

2.19.5 Exclusion by Motion

Notwithstanding the provisions of subclause 2.19.4 if a Member has declared an interest in a matter or is liable to declare an interest, and has not elected to withdraw from the Council Chamber or the meeting room in accordance with the recommendation in subclause 2.19.4, the Council or Committee may by motion, which may be moved without notice, exclude the Member from the Chamber or room in the circumstances referred to in subsection 174(9) of the Act.

2.19.6 Full Details of Interest to be Given

(1) If a Member declares an interest in a matter, the question of whether:—

- (a) the Member should be permitted to take part in the consideration or discussion of the matter; or
- (b) the Member should be permitted to vote on the matter;

should not be considered unless full details of the Member's interest have been given to the meeting, sufficient to enable other Members present at the meeting to make a fair and informed decision on such questions.

(2) A Member who has declared an interest or who is liable to declare an interest in a matter should not take part in the consideration and discussion or voting on the matter unless full details of the Member's interest have been given to the meeting, sufficient to enable other Members present at the meeting to make a fair and informed decision on the question whether the declaring member should be permitted to do so.

(3) The prohibition in paragraph (2) should continue to apply whether or not the meeting has resolved to permit the Member to participate in the consideration and discussion or in the voting on the matter.

2.19.7 Invitation to Return to Provide Information

(1) Where a Member has declared an interest in a matter, and has departed from the Chamber or room in accordance with the recommendation in subclause 2.19.4, the meeting may resolve to invite the Member to return to provide information in respect of the matter or in respect of the Member's interest in the matter.

(2) In such case the Member should withdraw after providing the information.

2.19.8 Substitution of Deputy at Committee

Where a Member withdraws from a meeting of a Committee during the consideration of a matter in accordance with the recommendation in subclause 2.19.4, the meeting may resolve to invite another Member present at the meeting who is a deputy of the excluded Member for that Committee to participate as a Member of the Committee in place of the excluded Member during the consideration of that matter only.

2.19.9 Declaring Interest in Urgent Business

In the case of a matter which comes before the Council as urgent business, any Member who:—

- (i) has an interest in that matter within the meaning of section 174 of the Act; and
- (ii) has not had an earlier opportunity to declare an interest in the matter;

is to declare an interest when the matter comes forward for consideration by the meeting.

2.19.10 Notification of Interest at Meeting

A Member who has an interest in a matter proposed to be dealt with at a meeting may give written notice of an interest in that matter at or prior to the meeting, but in any event the fact of the interest having been declared is to be notified to the meeting.

2.19.11 Recording of Declaration

Any declaration of interest is to be recorded in accordance with the provisions of subsection 174(8) of the Act.

2.19.12 Exemption by Minister

(1) Where the Minister grants an exemption under the provisions of subsection 174(10) of the Act, in the case of any inconsistency between the provisions of this clause and the exemption the provisions of the exemption are to prevail.

(2) The terms of any exemption granted by the Minister are to be recorded in the same manner of declaration of interest pursuant to subsection 174(8) of the Act.

2.20 Declaration of Officers' Interests

(1) An Officer of the Council who is liable to declare an interest in a matter under the provisions of section 174A of the Act when giving advice or a report to the meeting is to disclose the fact of the interest in or at the time of giving such advice or report.

(2) An Officer disclosing an interest in accordance with paragraph (1) is to provide sufficient details of the interest to enable the meeting to make a fair and informed evaluation of the extent and nature of the Officer's interest and any effect that interest might be thought to have upon the advice or report given.

(3) The details of the interest of an Officer so disclosed are to be recorded in a book in accordance with subsection 174A(4) of the Act, and the fact of the disclosure is to be recorded in the Minutes of the meeting.

2.21 Minutes

2.21.1 Confirmation of Minutes

(1) The Minutes of Council meetings, whether of an Ordinary or a Special meeting, not previously confirmed, are where practicable to be submitted to the next ordinary meeting of the Council for confirmation.

(2) Discussion of any Minutes, other than discussion as to their accuracy as a record of the proceedings is not to be permitted.

2.21.2 Minute Book

The pasting or otherwise permanently affixing of the minutes to or as the leaves of a book is to be sufficient recording of the minutes in the minute book (section 188(2)).

2.21.3 Reading of Minutes may be Dispensed With

The reading at the next Ordinary meeting of the Council of the minutes of a previous meeting may be dispensed with when Members have been supplied with copies of the Minutes at least three days before the holding of the next Ordinary meeting (section 188(2)).

2.22 Questions

2.22.1 Questions with Notice

(1) A member desiring to put a question as to the work or procedure of the Council is to give notice thereof in writing to the clerk at least eight ordinary office hours before the hour fixed for the commencement of the meeting.

(2) If the question referred to in paragraph (1) is in order, the answer is to, as far as practicable, be placed in written form at the next meeting of the Council.

2.22.2 Question and Answers to be Brief

Every question and answer is to be submitted as briefly and concisely as possible, and no discussion is to be allowed thereon.

2.22.3 Question Without Notice

(1) A question requesting general information from an Officer present at the meeting may be asked without notice but the Officer is to have the right to ask that:—

- (i) the question be placed on notice for the next meeting of the Council; or
- (ii) the answer to the question be given to the Member who asked it, within seven days.

2.22.4 No Discussion on Questions

No discussion or further question is to be allowed on any question or the answer thereto, unless with the consent of the Chairperson.

2.22.5 Questions by the public

Any member of the public other than a Member, may ask a question at an Ordinary meeting of the Council, provided that:—

- (i) the question time is to be for a maximum period of 15 minutes immediately following the closure of an Ordinary meeting;
- (ii) questions are to be relevant to the Notice Paper of the meeting just concluded;
- (iii) questions are to be submitted in writing and will be read by the Clerk;
- (iv) questions will be answered by the relevant Member or officer nominated by the Chairperson;
- (v) the Chairperson may accept or reject a question or determine that any complex question requiring research be answered in writing; and
- (vi) all questions, in addition to any verbal response, are to be answered in writing.

2.23 Reports by the Clerk (Chief Executive Officer)

2.23.1 Clerk May Prepare Reports

The Clerk may prepare for presentation to any meeting a report dealing with any matter which in the opinion of the Clerk should be drawn to the attention of the meeting.

2.23.2 Distribution to the Members

Subject to subclause 2.23.3 the Clerk is to send to each Member a copy of any report which is to be presented to a meeting. The report is to be sent to each member not less than 24 hours before the commencement of the meeting.

2.23.3 Late Report

In cases of urgency or other special circumstances a report by the Clerk may, with the consent of the Chairperson, be read or otherwise given to members at the meeting notwithstanding that it has not been sent to Members in accordance with the subclause 2.23.2.

2.24 Presentation of Committee Reports

(1) Every Standing, Occasional, Advisory and Management Committee is to cause:—

- (i) a report with recommendations and suitable preamble;
- (ii) minutes of the Committee's proceedings and transactions;

to be presented to the Council by the Chairperson of each Committee concerned, or in his absence, a Member of the Committee in the form of a motion "That the report be received and the recommendations therein be adopted".

(2) No objection to the receipt of a report of any Committee, or any part thereof, is to be raised when such reports are presented to the Council, except for reasons arising out of such reports.

(3) The Chairperson is to:—

- (i) put the question that the report be received;
- (ii) call for a motion to be moved by any Member pursuant to subclause 3.6.2 with the exception of item (i) of that paragraph with respect to any recommendation contained in the report;
- (iii) as to the recommendations contained in the report, apart from a recommendation or recommendations the subject of a motion by a Member pursuant to the preceding item of this paragraph, put the question that the recommendations be adopted;
- (iv) in relation to a recommendation or those recommendations in the report which are the subject of a motion or motions by a Member or Members pursuant to subclause 3.6.2, the motion or motions are to be debated and dealt with in accordance with this By-law.

2.25 Deputations

(1) A deputation wishing to be received by the Council or a Committee is to apply in writing to the Clerk who is to forward the written request to the Mayor or the Committee Chairperson, as the case may be.

(2) If the Mayor is of the opinion that the request for a deputation is one which should be brought before the Council and if the Council makes an order to that effect, the deputation is to be invited to attend.

(3) If the Chairperson of a Committee is of the opinion that the request for a deputation is one which should be brought before the Committee and the majority of members are in agreement, the deputation is to be invited to attend.

(4) A deputation invited to attend a Council or Committee meeting:—

- (i) is not to exceed five members, only two of which may address the Council although others may respond to specific questions from the Members; and
- (ii) is not to address the Council or Committee for a period exceeding 15 minutes.

(5) Any matter which is the subject of a deputation to the Council or a Committee is not to be further considered by the Council or that Committee until the deputation has withdrawn.

2.26 Petitions

(1) A petition must:—

- (i) contain the name, address and signature of each petitioner; and
- (ii) have the name of the person who lodged the petition with the Council shown at the top of the first page thereof;

but need not otherwise be in any particular form.

(2) Every properly constituted petition is to be presented to the Council by a Member or the Clerk.

(3) The presentation of a petition, is to be confined to the reading of the petition.

(4) The only motions that are in order are that:—

- (i) the petition be received;
- (ii) that a report be prepared; or
- (iii) that it be referred to a Committee.

2.27 Notices of Motion

2.27.1 Giving Notice of Motion

(1) Unless the Act or this By-law otherwise provides, a Member may raise at an Ordinary meeting of the Council such business as he considers appropriate in the form of a motion of which notice has been given in writing to the Clerk.

(2) A notice of motion is to be given at least four (4) clear days before the meeting at which it is raised.

(3) Every notice of motion is to relate to some question affecting the constitution, administration or condition of the Municipality or the Council.

2.27.2 Exclusion or Amendment of Notices

(1) The Clerk:—

- (i) with the concurrence of the Mayor, may exclude from the Notice Paper any notice of motion which is out of order; or
- (ii) may on his own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form.

(2) No notice of motion is to be deemed informal by reason of:—

- (i) the policy involved being considered objectionable; or
- (ii) its having relation to a matter not within the scope of the ordinary work of the Council, so long as in the opinion of the Mayor such matter is one of public interest, utility or importance.

(3) Nothing in this subclause is to limit or affect the power of a Councillor, at an ordinary meeting of the Council to object to a motion pursuant to subsection 175(3) of the Act.

2.27.3 Motion to Lapse

Subject to the provisions of subclause 3.13.7 a motion of which notice has been given is to lapse unless:—

- (i) the member who gave notice thereof, or some other member authorised by him in writing is present to move the motion when called on; or
- (ii) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

2.27.4 Dealing with Lapsed Motion

(1) If a notice of motion is given and lapses in the circumstances referred to in the preceding subclause, notice of motion in the same terms or the same effect may be given for consideration at a subsequent meeting of the Council.

(2) If a motion lapses and is in the same terms or to the same effect as a motion which lapsed at a previous meeting of the Council, the Council is not to entertain a motion in the same terms or to have the same effect at a subsequent meeting until at least three months have elapsed from the date of the meeting at which the motion last lapsed.

(3) The provision in paragraph (2) is not to apply to motions to rescind or alter a resolution and to which subclauses 3.13.7 and 3.14.1 apply.

2.27.5 Amendments to Notice of Motion

(1) An amendment other than a minor amendment to a motion of which Notice of Motion has been given in accordance with subclause 2.27.1 is not to be considered at a meeting

unless notice in writing of the amendment is received by the Clerk at least one clear day before the meeting at which the relevant motion is to be taken into consideration, excluding any day on which the Council's Administrative Office is not open for business.

(2) A Notice of Amendment of Motion received by the Clerk not less than two clear days before the meeting at which the relevant motion is to be considered is to be properly entered on the Notice Paper immediately after the notice of the relevant motion.

(3) The Mayor is to decide whether any amendment moved without notice in accordance with the preceding paragraphs of this subclause is a minor amendment but the Council may dissent from the Mayor's ruling in accordance with the provisions of subclause 3.2.6.

PART III—MEETINGS—PROCEDURE AND CONDUCT

3.1 General Procedure

3.1.1 Meeting to Proceed to Business

Subject to Clause 2.4, every meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

3.1.2 Members to Occupy own Seats

At meetings of the Council each Member is to occupy the place assigned to that Member within the Council Chamber.

3.1.3 Substance of Motion to be Stated

Any Councillor wishing to propose an original motion or amendment is to state the substance of the motion before addressing the Council on that matter.

3.1.4 Unopposed Business

(1) Upon a motion being moved and seconded, the Chairperson may ask the meeting if any Councillor opposes it.

(2) If no one signifies opposition to the motion the Chairperson may declare the motion in paragraph (1) carried without debate and without taking a vote on it.

(3) A motion carried under paragraph (2) is to be taken, for all purposes, as a resolution of the Council.

(4) If a Councillor signifies opposition to a motion the motion is to be dealt with according to this By-law.

3.1.5 Motion and amendments to be seconded

(1) Subject to subclause 3.1.4 a motion or amendment is not to be discussed or put to the vote of the Council unless seconded.

(2) A motion or amendment is not to be altered by the mover without the consent of the seconder.

3.1.6 Titles to be Used

In referring to any other person present in the capacity of a Member or officer of the Council, a speaker is to designate that other person by the title of Mayor or Councillor, or by the title of the particular officer, as the case may be.

3.1.7 Councillors to Address Chairperson

A Councillor moving a motion or amendment, or taking part in the discussion thereon, may be called upon by the Chairperson to rise and address the Chairperson, except when prevented from doing so by sickness, infirmity, or physical impairment.

3.2 Preserving Order

3.2.1 Chairperson to Preserve Order

The Chairperson is to preserve order, and may call any Councillor to order, whenever, in the Chairperson's opinion, there is cause for so doing.

3.2.2 Definition of Order

Any Member who does anything or behaves in a manner which is forbidden by any of these Standing Orders is to be deemed to be out of order.

3.2.3 Breaches of Order

The following are to be recognised as breaches of order:—

- (i) discussion of a question not before the Council; or
- (ii) the use of offensive or insulting language; or
- (iii) the violation of any By-law or standing order of the Council.

3.2.4 Raising Point of Order

(1) Any Councillor may direct the attention of the Chairperson to any breach of order by any other Councillor.

(2) A Councillor raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.

(3) A Councillor rising to express a difference of opinion or to contradict a speaker is not to be recognised as raising a point of order.

3.2.5 Precedence of Questions of Order

Notwithstanding anything contained in this By-law to the contrary, all questions of order at any time arising are, until decided, to suspend the consideration of and decision on every other matter.

3.2.6 Rulings by Chairperson

(1) The Chairperson, when deciding a point of order or practice, is to give his or her decision, and argument or comment is not to be permitted thereon.

(2) The Chairperson's decision in paragraph (1) is final in that particular case, unless a majority of the Councillors then present, upon motion made forthwith without discussion, dissent therefrom.

(3) Notwithstanding the generality of paragraphs (1) and (2) there is to be no dissent from a ruling of the Chairperson allowing or disallowing a question on a matter required to be dealt with without discussion.

3.2.7 Ruling Out of Order

(1) Whenever the Chairperson has decided that any motion, amendment or other matter before the Council is out of order, it is to be rejected.

(2) Whenever anything said or done by any Councillor is similarly decided to be out of order, that Councillor is to be called upon by the Chairperson to make such explanation, retraction or apology, as the case may require.

3.2.8 Continued Breach of Order

Where a Councillor:—

- (i) persists in any conduct which the Chairperson decides is out of order; or
- (ii) refuses to make any explanation, retraction or apology required by the Chairperson under subclause 3.4.5;

the Chairperson may direct that Councillor to refrain from taking any further part in the meeting of the Council, other than by recording his or her vote. The Councillor is to comply with such a direction.

3.2.9 Serious Disorder

(1) If at a meeting of the Council the Chairperson is of the opinion that by reason of disorder or otherwise the business of the Council cannot effectively be continued, the meeting may be adjourned for a period of no more than fifteen minutes.

(2) After the adjournment in paragraph (1) the Council is to re-assemble and decide whether business is to be proceeded with, and that question is to be decided forthwith and without debate.

(3) Where after any proceedings under paragraphs (1) and (2), the Chairperson is again of the opinion that the business of the Council cannot effectively be continued, the meeting may be closed or adjourned.

3.2.10 Chairperson may be Heard

Whenever the Chairperson rises during debate to raise or rule on a point of order, any Councillor then speaking or offering to speak is to be silent so that the Chairperson may then be heard without interruption.

3.3 Rules of Debate

3.3.1 Chairperson may take part in debate

Subject to the provisions of this By-law the Chairperson may take part in the discussion upon any question before the Council.

3.3.2 Priority of Speaking

Where two or more Councillors rise to speak at the same time, the Chairperson is to decide which of them is entitled to priority.

3.3.3 Speaking Without Interruption

(1) A Member who is speaking on any question is not to be interrupted except on a point of order.

(2) In the event of a point of order the Member speaking is to be seated until the Councillor raising the point of order has been heard thereon and the question of order has been decided whereupon the Councillor so interrupted may, if permitted proceed.

3.3.4 Speaking Twice

(1) Subject to subclause 3.3.7 no Councillor is to speak twice on the same question, except:—

- (i) in reply upon an original motion of which he was the mover; or
- (ii) as the mover of an amendment last moved.

(2) The mover of any original motion may exercise a right of reply after any amendments thereto have been moved and decided.

3.3.5 Calling to Order for Speaking Twice

Subject to subclause 3.3.7, the Chairperson is to call to order any Member proceeding to speak a second time on the same question, without waiting for the intervention of the Council.

3.3.6 Mover or Seconder to be Held to Have Spoken

(1) A Councillor moving a motion or amendment is to be held to have spoken thereon.

(2) A Councillor seconding a motion or amendment is to be held to have spoken thereon unless at the time of seconding the motion or amendment the Councillor reserves the right to speak on the motion or amendment later in the debate.

3.3.7 Resolution to Allow Speaking Twice

The Council may, by resolution moved without notice, suspend the operation of subclause 3.3.4 hereof in the following circumstances:—

- (i) there may be a general suspension in which case subclause 3.3.4 is to be suspended until such time as the Council by resolution resolves to lift the suspension; or
- (ii) there may be a specific suspension giving the right to speak twice to specified Members and that suspension is to be automatically lifted when all Members specified have spoken twice or waived the right to do so.

3.3.8 Questions During Debate

A Member may ask a question at any time during the debate on a motion before the motion is put, but no discussion thereon is permitted.

3.3.9 No Speaking After Motion Put

No Member is to speak on any motion or amendment:—

- (i) after the mover has replied; or
- (ii) after the question has been put.

3.3.10 Limit of Speeches

(1) A Member is not to speak:—

- (i) upon any motion or amendment for a longer period than five (5) minutes; or
- (ii) in answer to any question with or without notice for a longer period than five (5) minutes; or
- (iii) in reply for a longer period than five (5) minutes;

without the consent of the Council to extend, which is to be signified without discussion.

(2) The Council is not to consent to the extension of a Member's time for speaking beyond ten (10) minutes of total extensions.

3.3.11 Speaking in Reply

A Member speaking in reply is not to introduce any new matter but is to be strictly confined to answering previous speakers.

3.3.12 Division of Motions

The Chairperson, or the Council by resolution passed without debate, may order a motion to be divided and put in the form of two or more motions.

3.3.13 Withdrawal of Motions

A motion or amendment may be withdrawn by the mover, with the consent of the Council, which is to be signified without debate.

3.4 Conduct of Members

3.4.1 No Digression

A Member is not to speak otherwise than upon, or digress from, the question then before the Council.

3.4.2 No Adverse Reflection on Council Resolution

A Member is not to reflect adversely upon a resolution of the Council except on a motion that the resolution be rescinded.

3.4.3 No Adverse Reflection on Member or Officer

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

3.4.4 Recording of Statements

Any Member may require the Clerk to take down any particular words used by a Member immediately upon their being used and to read such words back to the meeting for verification.

3.4.5 Withdrawal of Offensive Language

(1) Any Councillor who uses an expression which in the opinion of the Chairperson reflects offensively on any Member or officer of the Council, is to when required by the Chairperson, unreservedly withdraw the expression and make a satisfactory apology to the Chair.

(2) If the Councillor in paragraph (1) declines, or neglects to do so, the Chairperson may refuse to hear the Councillor further upon the matter then under discussion and may call upon the next speaker.

3.4.6 Disturbance by Councillor

A Councillor is not to make any noise or disturbance or speak aloud while any other person is addressing the Council, except to:—

- (i) raise a point of order; or
- (ii) call attention to the want of a quorum.

3.4.7 Continued Irrelevance

The Chairperson may:—

- (i) call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Councillor; and
 - (ii) direct that Councillor, if speaking, to stop speaking;
- thereupon, the Councillor is to cease speaking and be seated.

3.4.8 Crossing Council Chambers

(1) When the Chairperson is putting any question, a Councillor is not to leave or cross the Chamber.

(2) A Councillor is not, whilst any other Member is speaking, to pass between the speaker and the Chair.

3.5 Voting

3.5.1 Voting by Chairperson

(1) The Mayor is not to vote unless there is an equal division of votes, in which case he or she has, and may exercise a casting vote (section 173(8)(a)).

(2) Where the Deputy Mayor or a Councillor presides at a meeting of the Council he or she is to exercise a deliberative vote only (section 173(8)(aa)).

3.5.2 Members must Vote

At meetings of the Council, except where he or she is prohibited from voting by the Act and subject to the preceding subclause, a Member present in the Council Chamber when a question is put is to:—

- (i) vote on the question; and
- (ii) except where the Act provides otherwise, vote openly and not by secret ballot (section 173(9)).

3.5.3 Method of Taking Vote

(1) The Chairperson, in taking the vote on any motion or amendment, is to:—

- (i) put the question, first in the affirmative and then in the negative;
- (ii) determine whether, the affirmative or the negative has the majority of votes; and
- (iii) declare the result of the vote.

(2) The question put under paragraph (1) may be put as often as is necessary to enable the Chairperson to determine whether the affirmative or the negative has the majority of votes.

(3) The result of voting openly is determined on the count of raised hands, but it may be determined on the voices unless a Member calls for a show of hands (section 173(10)).

(4) Upon a vote on the voices or on a show of hands being taken, a Councillor may call for a division (section 173(10)).

3.5.4 Procedure on Division

(1) The division is thereupon to be taken by those voting in the affirmative passing to the right of the Chair and those voting in the negative to the left of the Chair (section 173(11)).

(2) Upon a division being called for, the Chairperson may if he or she thinks fit order that the division bell be rung, and after the lapse of one half of a minute from the bell ceasing to ring a Councillor is not to be permitted to enter or leave the Council Chamber until after the division has been taken.

(3) The names of the Councillors who voted on the question on which there was the division are to be recorded by the Clerk in respect of every division together with details of whether they voted in the affirmative or negative together with the names of those Councillors who abstained from voting by reason of a pecuniary interest in the question or otherwise (section 173(12)).

3.6 Motions

3.6.1 Permissible Formal Motions during Debate

Subject to subclause 3.6.2, when a motion is being debated no further motions are to be moved except the following:—

- (i) that the motion be amended;
- (ii) that the motion be deferred;
- (iii) that the Council adjourn;
- (iv) that the debate be adjourned;
- (v) that the question be put;
- (vi) that the question lie on the table;
- (vii) that the Council proceed with the next business;
- (viii) that the Council sit behind closed doors; or
- (ix) that the meeting be now closed.

3.6.2 Permissible Motions on Recommendation From Committee

(1) A recommendation made by or contained in a report of a Committee may be:—

- (i) adopted by the Council without amendment or modification;

- (ii) rejected by the Council in its entirety;
 - (iii) subject to subclause 3.7.1 amended or modified and adopted with such amendments or modifications; or
 - (iv) referred back to the Committee for further consideration in accordance with paragraph (2) hereof.
- (2) A Member may at the conclusion of the speech of any other Member move without notice that the question or part thereof be referred back to the Committee;
- (3) On a motion referred to in paragraph (2):—
- (i) the mover may speak for not more than five (5) minutes;
 - (ii) the seconder is not to speak other than to formally second; and
 - (iii) no other debate is to be allowed.
- (4) Where part of the recommendation is referred back to the Committee, the balance of the recommendation is to be dealt with otherwise in accordance with this subclause.

3.6.3 Recommendations may be Questioned

During the consideration of a recommendation of a Committee by the Council, a Councillor may, through the Chairperson, question the Chairperson of the Committee upon any matter arising directly out of or having relevance to the recommendation.

3.7 Amendments

3.7.1 Relevancy of amendment

Every amendment is:—

- (i) to be relevant to the motion to which it is moved; and
- (ii) not to have the effect of negating the motion.

3.7.2 Amendment to be Read

Every amendment is to be read before being moved.

3.7.3 One Amendment at a Time

- (1) Only one amendment at a time is to be discussed.
- (2) Whenever an amendment is lost, another amendment may be moved before the original motion is put to the vote.
- (3) Where an amendment is carried, one further amendment to the original motion as amended, and no more may be moved.
- (4) In speaking to an amendment a Councillor may give notice of his intention to move a further amendment.

3.7.4 Amended Motion Treated as Original Motion

- (1) Where an amendment is carried, the original motion as amended is, for all purposes of subsequent debate, subject only to subclause 3.7.3, to be treated as if it was the original motion.
- (2) Only the mover of the original motion referred to in paragraph (1) is to have the right of reply in respect of the original motion as amended.

3.7.5 Recommendations become Resolutions

Where the Council adopts a recommendation contained in a report, either with or without amendment or modification, the recommendation so adopted is to be deemed to be a resolution of the Council.

3.8 Adjournment

3.8.1 Motion that Council Adjourn

(1) A Councillor may:—

- (i) at the conclusion of the speech of any other Member; or
- (ii) on the conclusion of any business;

move without notice that the Council do now adjourn.

- (2) A motion seeking to adjourn the Council is to state the time and date to which the adjournment is to be made.

3.8.2 Times for Speaking on Motion to Adjourn

(1) On a motion to adjourn:—

- (i) the mover may speak for not more than five (5) minutes;
- (ii) the seconder is not to speak other than formally to second;
- (iii) the mover of the motion (if any) which was then under debate may speak for not more than five (5) minutes; and
- (iv) no other debate is to be allowed;

- (2) The mover of a motion under debate speaking in opposition of an adjournment is not to lose the right of reply.

3.8.3 Subsequent Motion to Adjourn

If a motion for the adjournment of the Council is negatived, no similar motion is to be moved until:—

- (i) after the conclusion of the business under discussion at the time the adjournment was moved; or

(ii) if the adjournment was moved on the conclusion of an item of business, after the conclusion of the next item of business; or

(iii) after the conclusion of any other business allowed precedence by the Council.

3.8.4 Restraint on Councillors Right to Move Adjournment

(1) A Councillor who has spoken on the question then before the Council is not to move the adjournment of the Council.

(2) A Councillor is not, at the same sitting of the Council, to move or second more than one motion for the adjournment of the Council.

3.8.5 Resumption of Debate after Adjournment of Meeting

On a motion for the adjournment of the Council being carried, the discussion on the question (if any) under debate when the motion was moved is to be continued immediately upon the Council resuming after the adjournment.

3.8.6 Recording Speakers before Adjournment of Meeting

(1) On a motion for the adjournment of the Council being carried, a record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

(2) Those Councillors to which paragraph (1) applies are not to be permitted to speak on any subsequent consideration of the same subject.

(3) This subclause does not deprive a mover of the right of reply.

3.8.7 Adjournment of Council

On the motion for the adjournment of Council being carried:—

(i) the Chairperson is to adjourn the Council to the time and date specified in the motion; or

(ii) where no time and date is specified, to a time and date determined by the Chairperson.

3.8.8 Motion that Debate be Adjourned

A Councillor may, at the conclusion of the speech of any other Member move, without notice, that the debate be adjourned to a later hour of the same meeting or to a subsequent meeting of the Council.

3.8.9 Times for Speaking on Adjournment of Debate

(1) On a motion that the debate be adjourned:—

(i) the mover may speak for not more than five (5) minutes;

(ii) the seconder is not to speak other than formally to second; and

(iii) the mover of the motion then under debate may speak for not more than five (5) minutes.

(2) If the question then before the Council is a recommendation from a Committee:—

(i) the Chairperson of the Committee concerned; or

(ii) in his absence, a Member thereof;

may speak for not more than five (5) minutes.

(3) On a motion that the debate be adjourned, the debate is to be allowed other than that provided for in paragraphs (1) and (2).

(4) The mover of a motion under debate speaking in opposition to an adjournment is not thereby to lose the right of reply.

3.8.10 Restraint on Councillor's right to move Adjournment of Debate

(1) A Councillor who has spoken on the question then under debate is not to move the adjournment of the debate.

(2) A Councillor is not, at the same sitting of the Council, to move or second more than one motion for the adjournment of the same debate.

3.8.11 Resumption after Adjournment of Debate

On resuming an adjourned debate the Councillor who moved its adjournment is entitled to speak first.

3.8.12 Recording Speakers Before Adjournment of Debate

(1) On a motion for the adjournment of a debate being carried, a record is to be taken of all those who have spoken on the subject under debate.

(2) Those Councillors to which paragraph (1) applies are not to be permitted to speak on any resumption of the debate on that subject.

(3) This subclause does not deprive a mover of the right of reply.

3.9 Resumption After Counting Out

Where the debate on any motion moved and seconded is interrupted by the Council being counted out, the procedure on resumption is to be in accordance with subclause 2.4.5.

3.10 Motion that the Question be Now Put

3.10.1 Moving Closure

(1) A Councillor may, at the conclusion of the speech of any other Councillor move, without notice and without comment, that the question under consideration be now put.

(2) Upon the motion referred to in paragraph (1) being formally seconded it is to immediately be put, without debate.

3.10.2 Restraint on Councillor's Right to Move Closure

(1) A motion that the question under consideration be put is not to be moved by a Councillor who has already spoken on the question.

(2) At an Ordinary meeting, if any Councillor objects pursuant to Section 175(3) of the Act, the motion is not to be carried except by an absolute majority of the Members of the Council.

3.10.3 Times for Speaking on Closure Motion

(1) When it is decided by the Council that the question under consideration be put, the mover of the question under consideration is, if the debate has occurred and if otherwise entitled to do so, to be permitted to speak in reply for not more than five (5) minutes before the question is put.

(2) Thereafter the question is to immediately be put.

3.10.4 The Question to be Put on a Closure

(1) Whenever it is decided by the Council that the question be put, the question to be put includes the original motion as well as any amendment thereto adopted by the Council.

(2) If the closure referred to in paragraph (1) is moved during debate on an amendment, it is the amendment which is put to the vote and not the original motion.

3.11 Motion that Council Proceed to the Next Business

3.11.1 Moving the "Next Business"

(1) A Councillor may, at the conclusion of the speech of any other Member move, without notice and without comment, that the Council do proceed to the next business.

(2) Upon the motion referred to in paragraph (1) being formally seconded, it is to be immediately put, without debate.

3.11.2 Effect of a "Next Business" Resolution

(1) Where the Council decides to proceed to the next business, the question which was then under discussion is to be considered as lapsed.

(2) The effect of the motion referred to in paragraph (1) thus lapsing is to be the same as if it had been lost on a vote of the Council.

3.11.3 Subsequent "Next Business" Motion

During the same debate on any question, a "Next Business" motion is not to be moved within one hour after a similar motion has been negatived.

3.12 Motion that the Meeting be now Closed

3.12.1 Moving the Closure of the Meeting

A Councillor may, at the conclusion of the speech of any other Member or on the conclusion of any business, move, without notice, that the meeting of the Council be now closed.

3.12.2 Times for Speaking on Closure of Meeting

(1) On a motion that the meeting of the Council be now closed:—

- (i) the mover may speak for not more than five (5) minutes;
- (ii) the seconder is not to speak other than formally to second;
- (iii) the mover of the motion (if any) then under debate may speak for not more than five (5) minutes; and
- (iv) no other debate is to be allowed.

(2) The mover of a motion under debate speaking in opposition to the Closure of the meeting is not thereby to lose the right of reply.

3.12.3 Subsequent Motion to Close Meeting

If a motion that the meeting of the Council be closed is negatived, no similar motion is to be moved until:—

- (i) after the conclusion of the question under discussion at the time the closure was moved; or
- (ii) if the closure was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
- (iii) after the conclusion of any other business allowed precedence by the Council.

3.12.4 Restraint on Councillor's Right to Move Closure of Meeting

(1) A Councillor who has spoken on the question then before the Council is not to move that the meeting be closed.

(2) A Councillor is not, at the same meeting of the Council, to move or second more than one motion that the meeting be closed.

3.12.5 Effect of Closure of Meeting

On a motion that the meeting be closed being carried, the discussion on the question (if any) under debate when that motion was moved is to stand adjourned to its place on the notice paper for the next meeting of the Council.

3.12.6 Recording Speakers Before Closure of Meeting

(1) On a motion that the meeting be closed being carried:—

- (i) a record is to be taken of all those who have spoken on the subject under consideration up to the closing of the meeting; and
- (ii) those Councillors are not to be permitted to speak on any subsequent consideration of the same subject.

(2) This subclause does not deprive a mover of the right of reply.

3.13 Motion for Rescission

3.13.1 Rescission at Same Meeting

The Council may at the same meeting at which it is passed, rescind a resolution if all Members who were present in the Council Chamber at the time the resolution was passed are also present in the Council Chamber at the time the rescission is proposed (section 177(1)).

3.13.2 Rescission at Subsequent Meeting

The Council may, at a meeting after that at which it was passed rescind a resolution:—

- (i) where notice of motion to rescind is not given, if a motion to that effect is carried by an absolute majority of the Members; or
- (ii) where the Member intending to propose the rescission has, through the Clerk given written notice of his intention to each of the other Members at least 7 days before the meeting, if a motion to that effect is carried by the majority of the Members voting on the proposal at the meeting;

but not otherwise (section 177(2)).

3.13.3 Terms of and Reasons for Rescission to be Stated

(1) When making a motion of rescission at the same meeting at which the substantive resolution was passed or at a subsequent meeting without notice, the Member moving the rescission is to state in clear terms:—

- (i) the terms of the motion of rescission identifying the resolution proposed to be rescinded; and
- (ii) the reason or reasons for seeking rescission.

(2) The Chairperson is not to accept a motion for rescission which does not comply with the requirements in paragraph (1).

3.13.4 Terms and Reasons to be Stated in Notice

When giving notice of motion of rescission the Member giving notice is to record in writing in clear terms:—

- (i) the terms of the motion of rescission identifying the resolution proposed to be rescinded; and
- (ii) the reason or reasons for seeking the rescission.

3.13.5 Notices Received During Same Meeting

(1) If the Clerk receives a notice of motion to rescind a substantive resolution before the close of the meeting at which the substantive resolution was passed:—

- (i) the Clerk is to forthwith deliver the notice to the Chairperson;
- (ii) the Chairperson is, at the earliest opportunity, to notify the meeting of the notice; and
- (iii) thereafter, at the first available opportunity the Chairperson is to bring on the rescission motion before the close of the meeting.

(2) If the Clerk receives a notice of motion to rescind a substantive resolution after the closure of the meeting at which the substantive resolution was passed, the Clerk is to ensure that the rescission motion is considered at a Special or Ordinary meeting of the Council held at the earliest opportunity after the meeting at which the substantive resolution was passed.

3.13.6 Multiple Rescission Notices

The Clerk may receive more than one notice of motion to rescind the same substantive resolution.

3.13.7 Absence of Mover or Seconder

If a motion to rescind a resolution fails to be considered by the Council by reason that at the time the motion is called on:—

- (i) the Member who gave notice of the motion is not present or is not willing to move the motion; and
- (ii) there is no other Member present willing to move the motion;

then the motion is to lapse and a motion to the same effect is not thereafter to be entertained by the Council.

3.13.8 No Rescission of Procedural Resolution or a Resolution to Rescind

The Council is not to entertain a motion to rescind a substantive resolution which is:—

- (i) merely procedural in its form and effect; or
- (ii) a resolution to rescind another resolution.

3.13.9 Repeated Rescissions by the Same Member Prohibited.

If the Council, on a motion moved by any Member, resolved not to rescind a substantive resolution, then the Council is not to subsequently entertain a motion moved by the same Member to rescind the same substantive resolution.

3.14 Motion to alter Resolution

3.14.1 Rescission Provisions Apply to Alteration.

The provisions of this By-law relating to rescission are to apply so far as the context permits to any motion to alter a substantive resolution.

3.14.2 Motion to alter Having Effect to Rescission

If a motion to alter a substantive resolution in its form or effect would amount to a motion to rescind the substantive resolution, then it is to be treated as if it was a motion to rescind the substantive resolution.

3.15 Negatived Motion not to be Entertained within Three Months

A motion to the same effect as any motion which has been decided in the negative by the Council is not again to be entertained within a period of three (3) months unless a majority of the Councillor's signify to the Clerk in writing before a meeting their consent to the motion being entertained at that meeting.

3.16 Suspension of Standing Orders

3.16.1 Motion to Suspend

(1) In cases of urgent necessity or whilst the Council is sitting behind closed doors, any Standing Order of the Council may be suspended on a motion duly made.

(2) If at an Ordinary meeting a Councillor makes an objection to a motion to suspend a Standing Order pursuant to Section 175(3) of the Act, the motion is not to be declared carried unless it is agreed to by an absolute majority of the Members of the Council.

3.16.2 No Discussion on Motion to Suspend

A Councillor moving the suspension of Standing Orders is to state the object of the motion, but discussion is not otherwise to take place thereon.

3.16.3 Only Specified Clauses Suspended

(1) A Councillor moving the suspension of Standing Orders under this clause is to state the specific clause or clauses of the Standing Orders sought to be suspended.

(2) Only the clauses nominated in paragraph (1) are to be affected by any resolution to suspend Standing Orders under this clause.

PART IV—COMMITTEES

4.1 Appointment of Committees

4.1.1 Standing Committees

In addition to such Occasional Committees as may from time to time be appointed the Council may nominate such Standing Committees as it deems necessary at the first meeting of the Council after the Ordinary Elections.

4.1.2 Duties of Committees

(1) The powers and duties of Standing Committees are to be such as the Council from time to time defines.

(2) Subject to the provisions of section 182 of the Act, the Mayor may be an ex-officio a member of every Committee. In the absence of the Mayor the Deputy Mayor may act in his or her stead.

4.1.3 Term of Appointment

Subject to the provisions of subclause 4.5.4, the Members of each Standing Committee are to:—

- (i) be appointed for each two year period at the first meeting of the Council held after the Ordinary Elections; and
- (ii) hold office until the commencement of the first meeting after the Ordinary Elections then next ensuing or until the expiration of their terms of office as Councillor, whichever first occurs.

4.2 Occasional Committees

4.2.1 Appointment of Occasional Committees

The Council may appoint Occasional Committees to perform any duty which may be lawfully entrusted by it to a Committee.

4.2.2 Standing Committee Not to Interfere

A Standing Committee is not to interfere in any matter which has for the time being been entrusted to an Occasional Committee.

4.2.3 Details of Appointment

An Occasional Committee is not to be appointed except on a motion setting out:—

- (i) the names of the Members of whom it is intended to constitute the Committee; or
- (ii) the number of Members intended to constitute the Committee and a provision that they be elected by a separate motion;

(iii) the purpose or purposes for which the Occasional Committee is established.

4.2.4 Review of Occasional Committees

The Council is to review the desirability of continuing any particular Occasional Committee no less than every twelve months.

4.3 Advisory and Management Committees

4.3.1 Appointment of Advisory and Management Committees

Whenever the Council thinks fit it may appoint persons whether Members or not, as an Advisory Committee, or as a Management Committee in accordance with and for any of the purposes set out respectively in sections 180 and 181 of the Act.

4.4 Meetings

4.4.1 Calling Meeting of Committee

(1) The Clerk is to call a meeting of any Committee when requested so to do by:—

- (i) the Mayor; or
- (ii) the Chairperson of the Committee if the Mayor is not Chairperson (section 179(1)); or
- (iii) any two Members of that Committee;

(2) The Clerk is to give notice of a meeting referred to in paragraph (1) to every Member of the Council.

4.4.2 Open Committee Meetings

Meetings of Standing and Occasional Committees are to be open to the public except on such occasions as the Committee, by resolution, decides otherwise.

4.4.3 Councillor attending Committee as Observer

(1) A Member may attend as an observer at meetings of a Standing or Occasional Committee notwithstanding that the Member is not a Member of that Committee.

(2) A Member attending a Committee meeting as an observer may speak with the leave of the Committee, but is not to vote on any question before the Committee unless the Member is a deputy of a Member excluded from a meeting due to a pecuniary interest or absent for other reasons.

(3) Subject to the preceding subclause a Member attending a Committee as an observer is to sit in an area set aside for observers separated from the Committee Members.

4.4.4 Adjournment of Committee

Any Committee of the Council may adjourn from time to time.

4.4.5 Quorum of Committee

At any meeting of a Committee the number of Members necessary to form a quorum:—

- (i) where the total number of the Members of the Committee is an even number, is one-half of that total, plus one; or
- (ii) where the total number of the Members of the Committee is an odd number, is the integer nearest to but greater than one half of that total.

4.4.6 Failure of Quorum

(1) Every meeting is to proceed to business as soon after the time stated in the Agenda as a quorum is constituted.

(2) If a quorum is lacking 30 minutes after the hour at which a meeting of any Committee is appointed to be held, no meeting is to take place.

(3) Where a meeting lacks quorum after 30 minutes, the meeting is to stand adjourned until the day and time fixed for the next Ordinary meeting of the Committee, unless the Chairperson convenes a special meeting of the Committee for the transaction of the business standing adjourned.

4.4.7 Voting by Committees

The decision of a Committee on a question is that decided by a majority of the members present, including the Chairperson who has a deliberative vote, and who in the case of an equal division of votes has a casting vote (section 182(9)).

4.5 General

4.5.1 Composition of Committees

(1) The number of Members of a Committee is to be decided upon by the Council at the first meeting of Council held after the Ordinary Elections. The number of Members of a Standing or Occasional Committee, inclusive of the ex-officio Member under section 182 of the Act if there is such a Member, is to be less than one half of the total number of Members of Council (section 179(1)(a)).

(2) The Council may appoint a Member or Members thereof to be the deputy or deputies, as the case may be, to act on behalf of a member of an Occasional or Standing Committee whenever that member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council (section 179(1a)).

(3) Where a member of a Standing or Occasional Committee does not attend a meeting thereof any deputy of that member is, subject to paragraph (4) hereof entitled to attend

that meeting in place of the member and act for the member, and while so acting has all the powers of that member (section 179(1aa)).

(4) A deputy who is one of two or more deputies of a member of a Standing or Occasional Committee is not entitled to attend a meeting of the Committee in place of that member if the meeting is attended by another deputy of that member who has precedence over that deputy in the order of seniority determined under paragraph (2) (section 179(1ab)).

(5) A person who is a member of an Occasional or Standing Committee is not eligible to be appointed a deputy for a member of that Occasional or Standing Committee (section 179(1b)).

4.5.2 Chairman of Committees

(1) Subject to the Act and these Standing Orders, the Mayor is ex officio a member of every Committee of which he indicates his intention to be such a Member:

- (a) at the time of the appointment of the Committee (section 182(2a)); or
- (b) at the first meeting of the Committee held after any declaration of the election of Members of the Council that takes place after the appointment of the Committee (section 182(2b)(a)); or
- (c) at any meeting of the Council at which the constitution of the Committee is altered (section 182(2b)(b)).

(2) Where the Mayor is ex officio a member of a Committee he or she may, but is not obliged to, preside as Chairperson of the meetings of a Committee. If in accordance with the Act the Mayor intimates his or her intention not to do so or does not indicate his or her intention at all, members of the Committee may elect one of their number to preside in his or her stead (section 182(3)).

(3) The Mayor may indicate his or her intention to be Chairperson of a Committee by declaring it at the first meeting of the Committee held after the declaration of the election of members of the Council, or by giving each of the members of that Committee at or before that meeting, written notice of his or her intention not to preside. If at or before that meeting the Mayor does not so give notice, he or she is regarded as having intimated that his or her intention is not to preside (section 182(4)).

(4) If the Mayor intimates or is regarded as having intimated that his or her intention is not to preside he or she is not, unless under section 182(6) of the Act he or she is authorised to do so, to preside until the corresponding first meeting of the Committee in the following year (section 182(5)).

4.5.3 Delegation of Powers to Committees

The Council may delegate to a Standing or Occasional Committee such of its powers and duties, except power to borrow money and power to impose rates, as the Council thinks fit (section 179(1)(c)).

4.5.4 Council may Change Membership

(1) The Council may:—

- (i) by resolution carried pursuant to a notice of motion, by a simple majority; or
- (ii) on a motion moved without notice by an absolute majority;

change the membership of any committee or appoint a substitute for a Member absent pursuant to leave granted by the Council.

(2) The Council may resolve that a Standing Committee be reconstituted and upon such reconstitution, the new Committee is to elect its Chairperson.

4.5.5 Appointment of Committees

The initial membership of a Standing Committee or an Occasional Committee is to be determined by the Council in accordance with the Act.

4.5.6 Standing Orders to Apply

(1) Except insofar as they limit the number of times a Member may speak, these Standing Orders are to be observed at meetings of Committees.

(2) For the purpose of this subclause, reference to the Mayor in Parts II to V inclusive are, where the context permits, to be read as a reference to the Chairperson of a Committee.

4.5.7 Committees to Report

Committees are answerable to the Council and are to:—

- (i) report regularly to Ordinary Meetings of the Council;
- (ii) report to the Council fully on their activities when required by the Council to do so (section 179(4)).

4.5.8 Unfinished Business of Former Committees

Committees may take up matters referred by the Council to the preceding Committee which may not have been fully discharged at the time such Committee went out of office.

4.5.9 Appointment of Sub-Committees

A Committee may appoint a Sub-Committee of its Members for the purpose of providing advice and recommendations to that Committee on particular issues.

4.5.10 Papers for Committee Meeting to be put to all Members of Council.

When a meeting of any Committee is called the agenda for the meeting together with copies of all officers' reports relating to matters on the agenda for that meeting are to be forwarded to all Members of the Council, except those on leave of absence.

4.5.11 Minutes of Committees

(1) The Chairman of each Committee is to ensure that a Minute Book is kept in which are to be entered minutes of all its proceedings and transactions (section 182(8));

(2) The Chief Executive Officer is to assist the Chairman in carrying out his or her responsibility in paragraph (1), together with administrative support in the preparation of meeting agendas and correspondence.

4.5.12 Communications by Committees

No Committee is to communicate with any outside person or authority except through the Clerk, as the Officer of the Council duly authorised for the purpose.

4.5.13 Resignation of Seat on Committee

(1) Any Member of a Committee may resign his or her seat on the Committee by notice in writing signed by him or her and addressed to the Clerk (section 179(2)).

(2) When the notice referred to in paragraph (1) is delivered to the Clerk, his or her seat on the Committee is to become vacant.

PART V—GENERAL**5.1 Election of Deputy Mayor**

(1) At the first meeting of the Council held after the Ordinary Elections, the Members shall, by secret ballot, elect one of their number to the office of Deputy Mayor who is to hold that office until the commencement of the first meeting of the Council after the Ordinary Elections next succeeding his or her election to the office.

(2) Where there is any inconsistency between the provisions of this By-law and the provisions of section 143 of the Act, the latter prevails.

5.2 Representation on Statutory Authorities/Public Bodies**5.2.1 Clerk to Refer Invitation**

Correspondence inviting the Council to submit nominations for appointment to statutory authorities on public bodies is to be referred by the Clerk to the Council, or if applicable, a Committee considered appropriate.

5.2.2 Committee to Make Recommendation

Where such correspondence is referred to a Committee, the Committee is to consider the matter and by resolution refer the business with its recommendations to the Council.

5.2.3 Obligations of Delegate

A Member appointed by the Council to be its delegate to a statutory authority or public body is, when required to express an opinion or vote on any item of business, to have regard to the resolutions, policies and practices of the Council.

5.3 Electors' Meetings**5.3.1 Standing Orders Apply**

The Standing Orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this By-law and the provisions of Section 171 of the Act, the latter prevail.

5.3.2 Restriction on Voting and Speaking

A person who is not an elector:—

- (i) is not entitled to vote at a meeting of electors; and
- (ii) may not take any part in any discussion at that meeting, unless the meeting, by a motion, requests him or her to do so.

5.4 Strategic Objectives

The following Vision, Mission and Beliefs and Objectives are hereby adopted by and for the municipality of the Town of Vincent:—

(1) Vision Statement

That the Town of Vincent be acclaimed as a municipality of significance in metropolitan Perth providing a quality living environment.

(2) Mission Statement

To facilitate a delivery of services which fosters a lifestyle and promotes:

- friendliness, cleanliness, safety and health.
- a prosperous and dynamic business, residential and tourist community.
- a richness in heritage, culture, beauty and environment.
- efficient, accountable and quality management of public assets and infrastructure.

(3) Statement of Beliefs

- that the interests of our ratepayers, residents, visitors and users of our Town are paramount.
- that the quality and delivery of service shall be on the basis of "Getting it Right the First Time".
- that we are a team.

(4) Statement of Objectives

- to provide vision and leadership in all our activities for the overall benefit of the Town and its people.
- to provide a comfortable and aesthetically pleasant Town.
- to operate in a financially prudent and ethical manner.
- to ensure that services are delivered by best practice and standards.
- to deliver a high level of service in a friendly and courteous manner.
- to ensure our staff work in a safe and fulfilling environment and that they are properly compensated for their contribution.

PART VI—OFFICERS OF THE MUNICIPALITY

6.1 Complaints by Members

If any Member has any complaint concerning the ability, character or integrity of any officer or employee of the Council, or of any act or omission of such officer or employee, and desires to bring such complaint to the notice of the Council, he is to notify the Clerk of the complaint in writing giving such details as are available in order that the complaint may be investigated and, if necessary reported upon by the Clerk.

6.2 Right of Reply

If a complaint or criticism is made concerning an officer or employee of the Council, whether by a Member or any other person, that officer or employee may reply to the complaint or criticism either in writing to the Mayor or, with the consent of the Council, to the Council itself.

PART VII—MISCELLANEOUS

7.1 Breach of Standing Orders

Any persons committing a breach of these Standing orders is liable upon conviction to a penalty not exceeding \$500.

7.2 Chairperson to Ensure Compliance

The Chairperson is authorised and empowered to ensure that meetings are conducted in accordance with these Standing Orders.

7.3 Council May Take Action

The Council may take proceedings under Section 646 of the Act against any persons committing a breach of these Standing Orders.

Dated this 26th day of April 1995.

The Common Seal of the Town of Vincent was hereunto affixed in the presence of:—

CRAIG LAWRENCE, Chairman of the Commission.
JOHN GIORGI, Chief Executive Officer/Town Clerk.

Recommended:—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 23rd day of May 1995.

M. C. WAUCHOPE, Clerk of the Council.

LG314

LOCAL GOVERNMENT ACT, 1960*The Municipality of the City of Perth***STANDING ORDERS BY-LAW NO. 1**

In pursuance of the powers conferred upon it by the abovementioned Act, and all other powers enabling it, the Council of the Municipality of the City of Perth hereby records having resolved on the 4th day of April 1995 to make and submit for confirmation by the Governor the following By-Laws—

PART I—PRELIMINARY**1.1 Standing Orders**

The proceedings and business of the Council shall be conducted according to this By-law the clauses of which shall be referred to as "The Standing Orders".

1.2 Arrangement of By-law

The arrangement of this By-law is as follows—

Part I—Preliminary**Clause 1.1 Standing Orders****Clause 1.2 Arrangement of By-law****Clause 1.3 Interpretation****Part II—Meetings of the Council****Clause 2.1 Lord Mayor to Preside****Clause 2.2 Notice of Meetings****Clause 2.3 Availability of Notice****Clause 2.4 Quorum****Clause 2.5 Kind of Meeting****Clause 2.6 Calling of Special Meeting****Clause 2.7 Business at Ordinary Meeting****Clause 2.8 Order of Business****Clause 2.9 Applications for Leave of Absence****Clause 2.10 Receipt of Correspondence****Clause 2.11 Urgent Business****Clause 2.12 Order of Business at Special Meeting****Clause 2.13 Business at Adjourned Meeting****Clause 2.14 Open Doors Except as Provided****Clause 2.15 Confidentiality****Clause 2.16 Reporters****Clause 2.17 Recording of Proceedings Prohibited****Clause 2.18 Prevention of Disturbance****Clause 2.19 Declaration of members' Interests****Clause 2.20 Declaration of Officers' Interests****Clause 2.21 Minutes****Clause 2.22 Questions****Clause 2.23 Reports by the Clerk (Chief Executive Officer)****Clause 2.24 Presentation of Committee Reports****Clause 2.25 Deputations****Clause 2.26 Petitions****Clause 2.27 Notices of Motion****Part III—Meetings—Procedure and Conduct****Clause 3.1 General Procedure****Clause 3.2 Preserving Order****Clause 3.3 Rules of Debate****Clause 3.4 Conduct of Members****Clause 3.5 Voting****Clause 3.6 Motions****Clause 3.7 Amendments****Clause 3.8 Adjournment****Clause 3.9 Resumption After Counting Out****Clause 3.10 Motion that the Question be Now Put****Clause 3.11 Motion that Council Proceed to the Next Business**

- Clause 3.12 Motion that the Meeting be now Closed
- Clause 3.13 Motion for Rescission
- Clause 3.14 Motion to alter Resolution
- Clause 3.15 Negatived Motion not be Entertained within Three Months
- Clause 3.16 Suspension of Standing Orders

Part IV—Committees

- Clause 4.1 Appointment of Committees
- Clause 4.2 Occasional Committees
- Clause 4.3 Advisory and Management Committees
- Clause 4.4 Meetings
- Clause 4.5 General

Part V—General

- Clause 5.1 Election of Deputy Lord Mayor
- Clause 5.2 Representation on Statutory Authorities/Public Bodies
- Clause 5.3 Electors' Meetings
- Clause 5.4 Strategic Objectives

Part VI—Officers of the Municipality

- Clause 6.1 Complaints by Members
- Clause 6.2 Right of Reply

Part VII—Miscellaneous

- Clause 7.1 Breach of Standing Orders
- Clause 7.2 Chairperson to Ensure Compliance
- Clause 7.3 Council May Take Action

1.3 Interpretation

In this By-law, unless the context otherwise requires—

“Act” means the Local Government Act 1960 as amended.

“Chairperson”

- (a) in relation to a meeting of the Council means the person presiding at the meeting as provided by Section 173(7) of the Act;
- (b) in relation to a Committee means the person presiding at the meeting as provided in clause 4.5.2 of this By-law.

“City” means the municipality of City of Perth.

“clause” means a clause of this By-law.

“Clerk” means the Chief Executive Officer/Town Clerk or Acting Chief Executive Officer/Town Clerk.

“Committee” means any Standing, Occasional, Advisory, Management or Sub-Committee appointed in accordance with the Act.

“Council” means the Council for the time being of the municipality of the City of Perth.

“Councillor” means a member of the Council other than the Lord Mayor.

“document” means a deed, book, report, paper or any other written material whatsoever or any other recorded or stored information.

“Lord Mayor” means the Lord Mayor or the Deputy Lord Mayor in the Lord Mayor's absence.

“Member” means the Lord Mayor or a Councillor.

“Minister” means the Hon. Minister for Local Government.

“minor amendment” in relation to a motion to amend another motion (“the primary motion”) means one which does not alter the primary or basic intent of the primary motion as determined by the person presiding at the meeting.

“notice paper” in relation to any proposed meeting means a paper setting out the terms of business to be transacted at the meeting and the order of that business. The notice calling a Special Meeting may stand as the notice paper for that meeting.

“order of the day” means any business left over from the previous meeting and any other business the person presiding at the meeting thinks desirable to bring to the notice of the meeting and has directed to be entered in the notice paper as an order of the day. In the case of unfinished business at Ordinary Meetings, the provisions of Clause 2.13 apply.

“substantive motion” means a resolution which is the subject of a motion of rescission or alteration.

“urgent business” means business dealt with in accordance with the provisions of Clause 2.11.

“without discussion” means without debate but does not preclude a member from asking such questions as the Chairperson permits, there being no discussion debate or challenge on the ruling of the Chairperson.

Where no definition is given in this By-law, the terminology is to be taken to be in accordance with the Act.

PART II—MEETINGS OF THE COUNCIL

2.1 Lord Mayor to Preside

Subject to the Act the Lord Mayor, or in his absence the Deputy Lord Mayor, or in his absence a Councillor chosen by the Councillors present is to preside at any meeting of the Council (section 173(7)).

2.2 Notice of Meetings

2.2.1 Notice of Ordinary Meetings.

Notice of ordinary meetings of the Council are to—

- (i) be given to Members in writing;
- (ii) be signed by or on behalf of the Clerk;
- (iii) state the place, date and hour of holding the meeting;
- (iv) state the business to be transacted; and
- (v) be served on each of the Members at least two clear business days before the time of the commencement of the meeting.

2.2.2 Notice of Adjourned Meeting

When a meeting of the Council is adjourned to a day and hour other than the next Ordinary Meeting of the Council, notice of the adjourned meeting is to, if time permits, be given in the manner provided by subclause 2.2.1 of this By-law except that at least 24 hours notice is to be given before the time of commencement of the meeting.

2.2.3 Notice of Special Meetings

Notice of each special meeting of the Council is to be given to all members of the Council in the manner provided by Section 178 of the Act at least 24 hours before the time of the commencement of the meeting.

2.3 Availability of Notice Paper

The Notice Paper for an Ordinary Meeting of the Council is to be made available for inspection by members of the public from the commencement of business on the day after having been served on the Members, at the office of the Council.

2.4 Quorum

2.4.1 Number of Members Required

Except in cases where section 173(4) of the Act applies, the number of Members necessary to form a quorum is to be—

- (a) where the total number of Members is an even number, one half of that number;
- (b) where the total number of Members is an odd number, the integer nearest to, but greater than one half of the total (section 173(3)).

2.4.2 Quorum must be Present

The Council is not to transact business at a meeting unless a quorum is present (section 173(2)).

2.4.3 Quorum not Present

(1) If at the expiration of half an hour from the time fixed for the commencement of a meeting of the Council a quorum is not present, the Lord Mayor or in his or her absence, the Deputy Lord Mayor, or in his or her absence, the majority of Councillors present, or any Councillor present alone, or in the absence of the Lord Mayor and all the Councillors, the Clerk, may adjourn the meeting.

(2) Business which could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting (section 173(5)).

2.4.4 Count Out

(1) If at any time during a meeting of the Council a quorum is not present, the Chairperson upon becoming aware of that fact is to thereupon suspend the proceedings of the meeting for a period of five minutes.

(2) If a quorum is not present at the expiration of the period in paragraph (1), the meeting is deemed to have been counted out, and the Chairperson is to adjourn it to some future time or date.

(3) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

2.4.5 Debate on Motion to be Resumed

(1) Where the debate on any motion, is interrupted by the Council being counted out, that debate is to be resumed at the next meeting at the point where it was so interrupted.

(2) Where the interruption in paragraph (1), occurs at an Ordinary Meeting the resumption is to be at the Next Ordinary Meeting unless a Special Meeting is called earlier for the purpose.

(3) Where the interruption in paragraph (1), is at a Special Meeting, the resumption is to be at the next Special Meeting called to consider the same business or at the next Ordinary Meeting if it occurs before a Special Meeting can be called.

2.4.6 Names to be Recorded

At any meeting at which—

- (i) there is not a quorum of Members present; or
- (ii) the Council is counted out for want of a quorum;

the names of the Members then present are to be recorded in the Minute Book.

2.5 Category of Meeting

(1) Meetings of the Council and Committees are to be of two categories, namely "Ordinary" and "Special".

(2) Ordinary Meetings are those called at such place and at such times as the Council, from time to time, appoints for the transaction of the ordinary business of the Council, and any Committees.

(3) Special Meetings are those called to consider special business, the nature of which is to be specified in the notice convening the meeting.

(4) Subject to the provisions of the Act and these Standing Orders relating to the rescission or alteration of a resolution, no business is to be transacted at a Special Meeting other than that for which the Special Meeting has been called.

2.6 Calling of Special Meeting

2.6.1 Lord Mayor May Convene

The Lord Mayor may convene a Special Meeting of the Council as often as he or she thinks fit by notice in writing signed by the Lord Mayor or the Clerk sent to each Councillor before the meeting (section 172(2)).

2.6.2 Members May Convene

If the Lord Mayor refuses or neglects to call a meeting of the Council after receiving a request for that purpose signed by at least three Councillors, those Councillors may call a meeting of the Council by serving a notice in writing signed by them stating the business to be transacted, on each of the other members of the Council at least 24 hours before the time of the commencement of the meeting (section 172(3)).

2.7 Business at Ordinary Meeting

No business is to be transacted at any meeting of the Council other than specified in the notice relating thereto, except—

- (i) matters which the Act permits to be dealt with without notice; and
- (ii) matters which this By-law expressly permits to be dealt with without notice.

2.8 Order of Business

Unless ordered by resolution of the Council, the order of business at any Ordinary meeting of the Council is to be as follows—

- (i) Prayer;
- (ii) Apologies;
- (iii) Members on leave of absence and applications for leave of absence;
- (iv) Confirmation of minutes;
- (v) Announcements by the Chairperson without discussion;
- (vi) Declaration of members' interests;
- (vii) Questions of which due notice has been given without discussion;
- (viii) Correspondence;
- (ix) Petitions and memorials;
- (x) Orders of the Day;
- (xi) Reports;
- (xii) Motions of which previous notice has been given;
- (xiii) Representation on statutory authorities and public bodies;
- (xiv) Urgent business;
- (xv) Closure; and
- (xvi) Question time.

2.9 Applications for Leave of Absence

(1) A Member seeking the Council's approval to take leave of absence is to give notice to the Clerk at least four ordinary office hours before the hour fixed for the time of commencement of the meeting.

(2) The notice referred to in paragraph (1) is to include the period of leave of absence required and the reasons for seeking the leave.

2.10 Receipt of Correspondence

Discussion is not to be permitted on any motion that—

- (i) any correspondence be received or not received; or
- (ii) any correspondence or any part thereof be referred to any Committee of the Council.

2.11 Urgent Business

A Councillor may move a motion involving urgent business that is not included in the Notice Paper for that meeting provided that—

- (i) the Chairperson has first consented to the business being raised; and
- (ii) the Chairperson considers that either—
 - (a) the urgency of the business is such that the business cannot await inclusion in the Notice Paper for the next meeting of the Council; or
 - (b) the delay in referring the business to the next meeting of the Council could have adverse legal or financial implications for the City;
- (iii) if at an Ordinary Meeting a Councillor objects that a motion introduced as urgent business and moved without notice does not deal with ordinary business within the meaning of that term in subsection 175(2) of the Act, the motion is to be of no effect unless it is agreed to at the meeting by an absolute majority of the Members of the Council (section 175(3)).

2.12 Order of Business at Special Meeting

The order of business at any Special Meeting of the Council is to be the order which that business stands in the notice of the meeting.

2.13 Business at Adjourned Meeting

At an adjourned meeting of the Council no business is to be transacted other than that—

- (i) specified in the notice of the meeting which had been adjourned; and
- (ii) which remains unresolved;

except in the case of an adjournment to the next Ordinary Meeting of the Council, when the business unresolved at the adjourned meeting is to have the precedence at that Ordinary Meeting.

2.14 Open Doors Except as Provided

(1) Subject to the provisions of paragraphs (2) and (3) the business of the Council is to be conducted with open doors.

(2) The Council may by resolution decide to conduct its business or any specified business behind closed doors.

(3) Where the Council resolves to proceed “behind closed doors”—

- (i) the Chairperson is to direct all persons other than the Councillors and relevant officers and advisors of the City to leave the meeting room and every person is forthwith to comply with that direction; and
- (ii) subject to paragraph (4), the business at that meeting is to be conducted behind closed doors until the Council resolves to proceed with open doors.

(4) If the resolution is to conduct specified business behind closed doors the meeting is to revert to open doors upon the completion of discussion of but prior to voting on the matter under consideration.

(5) A person failing to comply with a direction made under paragraph (3) may, by order of the Chairperson, be removed from the meeting room.

2.15 Confidential Business

(1) All business conducted by the Council behind closed doors is—

- (i) to be treated as strictly confidential; and
- (ii) not, without the authority of the Council, to be disclosed to any person other than—
 - (a) the Members; or
 - (b) officers of the Council but only to the extent necessary for the purpose of carrying out their duties.

prior to the discussion of that matter at a meeting of the Council held with open doors.

(2) Any report, document or correspondence which is to be placed before the Council or any Committee and which is in the opinion of the Clerk of a confidential nature may at his discretion be marked as such and—

- (i) then to be treated as strictly confidential; and
- (ii) is not without the authority of the Council to be disclosed to any person other than the Lord Mayor, Councillors or the officers of the Council referred to in subparagraph (1)(ii)(b).

2.16 Reporters

Reporters of the press and other media—

- (i) are to be permitted to attend at meetings of the Council, in such part of the Council Chambers as may be set aside for their accommodation;
- (ii) must withdraw during any period when the Council is sitting behind closed doors.

2.17 Recording of Proceedings Prohibited

No person is to use any electronic visual or vocal recording device or instrument to record the proceedings of the Council unless the person has been given written permission by the Council to do so.

2.18 Prevention of Disturbance

- (1) No person, other than a Member, is to interrupt or interfere with the proceedings of any meeting of the Council, whether by expressing approval or dissent, by conversing or by any other means.
- (2) A person who fails to comply with paragraph (1) is, when so directed by the Chairperson, to forthwith leave the meeting room.
- (3) A person ordered to leave the meeting room and failing to do so may, by order of the Chairperson, be removed from the meeting room.

2.19 Declaration of Members' Interests**2.19.1 Obligation to Declare an Interest**

- (1) Any Member who has an interest within the meaning of sections 174 and 174B of the Act in a matter proposed to be dealt with at any meeting is to declare the interest at the time Declarations of Members Interests are called for in the Order of Business for that meeting.
- (2) Any Member who is not present at the time declarations are called for in the Order of Business is to declare an interest in a matter at the time that matter arises for consideration by the meeting, and before any discussion or voting on that matter takes place.
- (3) If a member has an interest in a matter raised by way of amendment to a motion or an interest in a matter raised otherwise without notice, the member is to declare that interest at the earliest possible time but in any event before discussion and voting on the matter takes place.
- (4) The obligation to declare an interest is to apply to all Members present at the meeting including a Member attending a Committee meeting in the capacity of an observer.
- (5) The obligation to declare an interest applies in regard to each meeting at which the matter the subject of the interest arises.
- (6) The obligation to declare an interest at a meeting does not apply to a member who has disclosed the Member's interest by written notice given to the Clerk prior to the meeting.

2.19.2 Details of Interest

At the time of declaring an interest, a Member is not required to give any details of the interest unless the Member wishes the meeting to consider and resolve upon the question of whether the Member—

- (i) should be permitted to take part in the consideration or discussion of the matter; or
- (ii) should be permitted to vote on the matter pursuant to subsection 174(5) of the Act;

in which case the Member shall comply with subclauses 2.19.3 and 2.19.6.

2.19.3 Permission to Participate

(1) A Member who has declared an interest or who is liable to declare an interest in a matter and who:

- (a) desires to take part in the consideration or discussion of the matter; or
- (b) desires to vote on the matter;

is not to do either unless the meeting at which the matter arose determines by motion which may be moved without notice, that the Member should be allowed to speak or vote or both as the case may be.

(2) A meeting considering the question in item (b) of paragraph (1) of this subclause is to have regard only to the considerations in paragraphs (a) and (b) of subsection 174(5) of the Act, but may consider those and other considerations of a like kind when considering the question in item (a).

2.19.4 Obligation to Withdraw

(1) Notwithstanding that there is no obligation to do so, it is considered desirable that a Member who has declared an interest in a matter including a Member attending a meeting should depart from and remain absent from the Chamber or room while the matter is under consideration and until a vote on the matter has been taken.

(2) A Member who has declared an interest and who does not desire to take part in the consideration or discussion of the matter or to vote on the matter and who elects to depart

in accordance with the recommendation in paragraph (1) should depart from the Chamber or room when the matter arises for consideration or when invited to do so.

(3) A Member who has declared an interest in a matter ("the substantial matter") but who desires either to participate in the consideration or discussion of the matter or to vote on the matter should remain in the Chamber or room to give an explanation in support of a motion that the Member be permitted to speak and/or to vote on the matter (as the case may be) but thereafter should depart until the vote on that matter is known.

(4) If it is resolved at a meeting that a Member who has declared an interest in a matter be permitted to participate in the consideration and discussion of the matter or to vote on the matter or both, then the Member may return and participate to the extent permitted.

2.19.5 Exclusion by Motion

Notwithstanding the provisions of subclause 2.19.4 if a Member has declared an interest in a matter or is liable to declare an interest, and has not elected to withdraw from the Council Chamber or the meeting room in accordance with the recommendation in subclause 2.19.4, the Council or Committee may by motion, which may be moved without notice, exclude the Member from the Chamber or room in the circumstances referred to in subsection 174(9) of the Act.

2.19.6 Full Details of Interest to be Given

(1) If a Member declares an interest in a matter, the question of whether—

(a) the Member should be permitted to take part in the consideration or discussion of the matter; or

(b) the Member should be permitted to vote on the matter;

should not be considered unless full details of the Member's interest have been given to the meeting, sufficient to enable other Members present at the meeting to make a fair and informed decision on such questions.

(2) A Member who has declared an interest or who is liable to declare an interest in a matter should not take part in the consideration and discussion or voting on the matter unless full details of the Member's interest have been given to the meeting, sufficient to enable other Members present at the meeting to make a fair and informed decision on the question whether the declaring member should be permitted to do so.

(3) The prohibition in paragraph (2) should continue to apply whether or not the meeting has resolved to permit the Member to participate in the consideration and discussion or in the voting on the matter.

2.19.7 Invitation to Return to Provide Information

(1) Where a Member has declared an interest in a matter, and has departed from the Chamber or room in accordance with the recommendation in subclause 2.19.4, the meeting may resolve to invite the Member to return to provide information in respect of the matter or in respect of the Member's interest in the matter.

(2) In such case the Member should withdraw after providing the information.

2.19.8 Substitution of Deputy at Committee

Where a Member withdraws from a meeting of a Committee during the consideration of a matter in accordance with the recommendation in subclause 2.19.4, the meeting may resolve to invite another Member present at the meeting who is a deputy of the excluded Member for that Committee to participate as a Member of the Committee in place of the excluded Member during the consideration of that matter only.

2.19.9 Declaring Interest in Urgent Business

In the case of a matter which comes before the Council as urgent business, any Member who—

(i) has an interest in that matter within the meaning of section 174 of the Act; and

(ii) has not had an earlier opportunity to declare an interest in the matter;

is to declare an interest when the matter comes forward for consideration by the meeting.

2.19.10 Notification of Interest at Meeting

A Member who has an interest in a matter proposed to be dealt with at a meeting may give written notice of an interest in that matter at or prior to the meeting, but in any event the fact of the interest having been declared is to be notified to the meeting.

2.19.11 Recording of Declaration

Any declaration of interest is to be recorded in accordance with the provisions of subsection 174(8) of the Act.

2.19.12 Exemption by Minister

(1) Where the Minister grants an exemption under the provisions of subsection 174(10) of the Act, in the case of any inconsistency between the provisions of this clause and the exemption the provisions of the exemption are to prevail.

(2) The terms of any exemption granted by the Minister are to be recorded in the same manner of declaration of interest pursuant to subsection 174(8) of the Act.

2.20 Declaration of Officers' Interests

(1) An Officer of the Council who is liable to declare an interest in a matter under the provisions of section 174A of the Act when giving advice or a report to the meeting is to disclose the fact of the interest in or at the time of giving such advice or report.

(2) An Officer disclosing an interest in accordance with paragraph (1) is to provide sufficient details of the interest to enable the meeting to make a fair and informed evaluation of the extent and nature of the Officer's interest and any effect that interest might be thought to have upon the advice or report given.

(3) The details of the interest of an Officer so disclosed are to be recorded in a book in accordance with subsection 174A(4) of the Act, and the fact of the disclosure is to be recorded in the Minutes of the meeting.

2.21 Minutes

2.21.1 Confirmation of Minutes

(1) The Minutes of Council meetings, whether of an Ordinary or a Special meeting, not previously confirmed, are where practicable to be submitted to the next ordinary meeting of the Council for confirmation.

(2) Discussion of any Minutes, other than discussion as to their accuracy as a record of the proceedings is not to be permitted.

2.21.2 Minute Book

The pasting or otherwise permanently affixing of the minutes to or as the leaves of a book is to be sufficient recording of the minutes in the minute book (section 188(2)).

2.21.3 Reading of Minutes may be Dispensed With

The reading at the next Ordinary meeting of the Council of the minutes of a previous meeting may be dispensed with when Members have been supplied with copies of the Minutes at least three days before the holding of the next Ordinary meeting (section 188(2)).

2.22 Questions

2.22.1 Questions with Notice

(1) A member desiring to put a question as to the work or procedure of the Council is to give notice thereof in writing to the clerk at least eight ordinary office hours before the hour fixed for the commencement of the meeting.

(2) If the question referred to in paragraph (1) is in order, the answer is to, as far as practicable, be placed in written form at the next meeting of the Council.

2.22.2 Question and Answers to be Brief

Every question and answer is to be submitted as briefly and concisely as possible, and no discussion is to be allowed thereon.

2.22.3 Question Without Notice

(1) A question requesting general information from an Officer present at the meeting may be asked without notice but the Officer is to have the right to ask that—

- (i) the question be placed on notice for the next meeting of the Council; or
- (ii) the answer to the question be given to the Member who asked it, within seven days.

2.22.4 No Discussion on Questions

No discussion or further question is to be allowed on any question or the answer thereto, unless with the consent of the Chairperson.

2.22.5 Questions by the public

Any member of the public other than a Member, may ask a question at an Ordinary meeting of the Council, provided that—

- (i) the question time is to be for a maximum period of 15 minutes immediately following the closure of an Ordinary meeting;
- (ii) questions are to be relevant to the Notice Paper of the meeting just concluded;
- (iii) questions are to be submitted in writing and will be read by the Clerk;
- (iv) questions will be answered by the relevant Member or officer nominated by the Chairperson;
- (v) the Chairperson may accept or reject a question or determine that any complex question requiring research be answered in writing; and
- (vi) all questions, in addition to any verbal response, are to be answered in writing.

2.23 Reports by the Clerk (Chief Executive Officer)

2.23.1 Clerk May Prepare Reports

The Clerk may prepare for presentation to any meeting a report dealing with any matter which in the opinion of the Clerk should be drawn to the attention of the meeting.

2.23.2 Distribution to the Members

Subject to subclause 2.23.3 the Clerk is to send to each Member a copy of any report which is to be presented to a meeting. The report is to be sent to each member not less than 24 hours before the commencement of the meeting.

2.23.3 Late Report

In cases of urgency or other special circumstances a report by the Clerk may, with the consent of the Chairperson, be read or otherwise given to members at the meeting notwithstanding that it has not been sent to Members in accordance with the subclause 2.23.2.

2.24 Presentation of Committee Reports

(1) Every Standing, Occasional, Advisory and Management Committee is to cause—

- (i) a report with recommendations and suitable preamble;
- (ii) minutes of the Committee's proceedings and transactions;

to be presented to the Council by the Chairperson of each Committee concerned, or in his absence, a Member of the Committee in the form of a motion "That the report be received and the recommendations therein be adopted".

(2) No objection to the receipt of a report of any Committee, or any part thereof, is to be raised when such reports are presented to the Council, except for reasons arising out of such reports.

(3) The Chairperson is to—

- (i) put the question that the report be received;
- (ii) call for a motion to be moved by any Member pursuant to subclause 3.6.2 with the exception of item (i) of that paragraph with respect to any recommendation contained in the report;
- (iii) as to the recommendations contained in the report, apart from a recommendation or recommendations the subject of a motion by a Member pursuant to the preceding item of this paragraph, put the question that the recommendations be adopted;
- (iv) in relation to a recommendation or those recommendations in the report which are the subject of a motion or motions by a Member or Members pursuant to subclause 3.6.2, the motion or motions are to be debated and dealt with in accordance with this by-law.

2.25 Deputations

(1) A deputation wishing to be received by the Council or a Committee is to apply in writing to the Clerk who is to forward the written request to the Lord Mayor or the Committee Chairperson, as the case may be.

(2) If the Lord Mayor is of the opinion that the request for a deputation is one which should be brought before the Council and if the Council makes an order to that effect, the deputation is to be invited to attend.

(3) If the Chairperson of a Committee is of the opinion that the request for a deputation is one which should be brought before the Committee and the majority of members are in agreement, the deputation is to be invited to attend.

(4) A deputation invited to attend a Council or Committee meeting—

- (i) is not to exceed five members, only two of which may address the Council although others may respond to specific questions from the Members; and
- (ii) is not to address the Council or Committee for a period exceeding 15 minutes.

(5) Any matter which is the subject of a deputation to the Council or a Committee is not to be further considered by the Council or that Committee until the deputation has withdrawn.

2.26 Petitions

(1) A petition must—

- (i) contain the name, address and signature of each petitioner; and
- (ii) have the name of the person who lodged the petition with the Council shown at the top of the first page thereof;

but need not otherwise be in any particular form.

(2) Every properly constituted petition is to be presented to the Council by a Member or the Clerk.

(3) The presentation of a petition, is to be confined to the reading of the petition.

(4) The only motions that are in order are that—

- (i) the petition be received;
- (ii) that a report be prepared; or
- (iii) that it be referred to a Committee.

2.27 Notices of Motion

2.27.1 Giving Notice of Motion

(1) Unless the Act or this By-law otherwise provides, a Member may raise at an Ordinary meeting of the Council such business as he considers appropriate in the form of a motion of which notice has been given in writing to the Clerk.

(2) A notice of motion is to be given at least four (4) clear days before the meeting at which it is raised.

(3) Every notice of motion is to relate to some question affecting the constitution, administration or condition of the Municipality or the Council.

2.27.2 Exclusion or Amendment of Notices

(1) The Clerk—

(i) with the concurrence of the Lord Mayor, may exclude from the Notice Paper any notice of motion which is out of order; or

(ii) may on his own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form.

(2) No notice of motion is to be deemed informal by reason of—

(i) the policy involved being considered objectionable; or

(ii) its having relation to a matter not within the scope of the ordinary work of the Council, so long as in the opinion of the Lord Mayor such matter is one of public interest, utility or importance.

(3) Nothing in this subclause is to limit or affect the power of a Councillor, at an ordinary meeting of the Council to object to a motion pursuant to subsection 175(3) of the Act.

2.27.3 Motion to Lapse

Subject to the provisions of subclause 3.13.7 a motion of which notice has been given is to lapse unless—

(i) the member who gave notice thereof, or some other member authorised by him in writing is present to move the motion when called on; or

(ii) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

2.27.4 Dealing with Lapsed Motion

(1) If a notice of motion is given and lapses in the circumstances referred to in the preceding subclause, notice of motion in the same terms or the same effect may be given for consideration at a subsequent meeting of the Council.

(2) If a motion lapses and is in the same terms or to the same effect as a motion which lapsed at a previous meeting of the Council, the Council is not to entertain a motion in the same terms or to have the same effect at a subsequent meeting until at least three months have elapsed from the date of the meeting at which the motion last lapsed.

(3) The provision in paragraph (2) is not to apply to motions to rescind or alter a resolution and to which subclauses 3.13.7 and 3.14.1 apply.

2.27.5 Amendments to Notice of Motion

(1) An amendment other than a minor amendment to a motion of which Notice of Motion has been given in accordance with subclause 2.27.1 is not to be considered at a meeting unless notice in writing of the amendment is received by the Clerk at least one clear day before the meeting at which the relevant motion is to be taken into consideration, excluding any day on which the Council's Administrative Office is not open for business.

(2) A Notice of Amendment of Motion received by the Clerk not less than two clear days before the meeting at which the relevant motion is to be considered is to be properly entered on the Notice Paper immediately after the notice of the relevant motion.

(3) The Lord Mayor is to decide whether any amendment moved without notice in accordance with the preceding paragraphs of this subclause is a minor amendment but the Council may dissent from the Lord Mayor's ruling in accordance with the provisions of subclause 3.2.6.

PART III—MEETINGS—PROCEDURE AND CONDUCT

3.1 General Procedure

3.1.1 Meeting to Proceed to Business

Subject to Clause 2.4, every meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

3.1.2 Members to Occupy own Seats

At meetings of the Council each Member is to occupy the place assigned to that Member within the Council Chamber.

3.1.3 Substance of Motion to be Stated

Any Councillor wishing to propose an original motion or amendment is to state the substance of the motion before addressing the Council on that matter.

3.1.4 Unopposed Business

(1) Upon a motion being moved and seconded, the Chairperson may ask the meeting if any Councillor opposes it.

(2) If no one signifies opposition to the motion the Chairperson may declare the motion in paragraph (1) carried without debate and without taking a vote on it.

(3) A motion carried under paragraph (2) is to be taken, for all purposes, as a resolution of the Council.

(4) If a Councillor signifies opposition to a motion the motion is to be dealt with according to this By-law.

3.1.5 Motion and amendments to be seconded

(1) Subject to subclause 3.1.4 a motion or amendment is not to be discussed or put to the vote of the Council unless seconded.

(2) A motion or amendment is not to be altered by the mover without the consent of the seconder.

3.1.6 Titles to be Used

In referring to any other person present in the capacity of a Member or officer of the Council, a speaker is to designate that other person by the title of Lord Mayor or Councillor, or by the title of the particular officer, as the case may be.

3.1.7 Councillors to Address Chairperson

A Councillor moving a motion or amendment, or taking part in the discussion thereon, may be called upon by the Chairperson to rise and address the Chairperson, except when prevented from doing so by sickness, infirmity or physical impairment.

3.2 Preserving Order

3.2.1 Chairperson to Preserve Order

The Chairperson is to preserve order, and may call any Councillor to order, whenever, in the Chairperson's opinion, there is cause for so doing.

3.2.2. Definition of Order

Any Member who does anything or behaves in a manner which is forbidden by any of these Standing Orders is to be deemed to be out of order.

3.2.3. Breaches of Order

The following are to be recognised as breaches of order—

- (i) discussion of a question not before the Council; or
- (ii) the use of offensive or insulting language; or
- (iii) the violation of any by-law or standing order of the Council.

3.2.4 Raising Point of Order

(1) Any Councillor may direct the attention of the Chairperson to any breach of order by any other Councillor.

(2) A Councillor raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.

(3) A Councillor rising to express a difference of opinion or to contradict a speaker is not to be recognised as raising a point of order.

3.2.5 Precedence of Questions of Order

Notwithstanding anything contained in this by-law to the contrary, all questions of order at any time arising are, until decided, to suspend the consideration of and decision on every other matter.

3.2.6 Rulings by Chairperson

(1) The Chairperson, when deciding a point of order or practice, is to give his or her decision, and argument or comment is not to be permitted thereon.

(2) The Chairperson's decision in paragraph (1) is final in that particular case, unless a majority of the Councillors then present, upon motion made forthwith without discussion, dissent therefrom.

(3) Notwithstanding the generality of paragraphs (1) and (2) there is to be no dissent from a ruling of the Chairperson allowing or disallowing a question on a matter required to be dealt with without discussion.

3.2.7 Ruling Out of Order

(1) Whenever the Chairperson has decided that any motion, amendment or other matter before the Council is out of order, it is to be rejected.

(2) Whenever anything said or done by any Councillor is similarly decided to be out of order, that Councillor is to be called upon by the Chairperson to make such explanation, retraction or apology, as the case may require.

3.2.8 Continued Breach of Order

Where a Councillor—

- (i) persists in any conduct which the Chairperson decides is out of order; or
- (ii) refuses to make any explanation, retraction or apology required by the Chairperson under subclause 3.4.5;

the Chairperson may direct that Councillor to refrain from taking any further part in the meeting of the Council, other than by recording his or her vote. The Councillor is to comply with such a direction.

3.2.9 Serious Disorder

(1) If at a meeting of the Council the Chairperson is of the opinion that by reason of disorder or otherwise the business of the Council cannot effectively be continued, the meeting may be adjourned for a period of no more than fifteen minutes.

(2) After the adjournment in paragraph (1) the Council is to re-assemble and decide whether business is to be proceeded with, and that question is to be decided forthwith and without debate.

(3) Where after any proceedings under paragraphs (1) and (2) the Chairperson is again of the opinion that the business of the Council cannot effectively be continued, the meeting may be closed or adjourned.

3.2.10 Chairperson may be Heard

Whenever the Chairperson rises during debate to raise or rule on a point of order, any Councillor then speaking or offering to speak is to be silent so that the Chairperson may then be heard without interruption.

3.3 Rules of Debate

3.3.1 Chairperson may take part in debate

Subject to the provisions of this By-law the Chairperson may take part in the discussion upon any question before the Council.

3.3.2. Priority of Speaking

Where two or more Councillors rise to speak at the same time, the Chairperson is to decide which of them is entitled to priority.

3.3.3 Speaking Without Interruption

(1) A Member who is speaking on any question is not to be interrupted except on a point of order.

(2) In the event of a point of order the Member speaking is to be seated until the Councillor raising the point of order has been heard thereon and the question of order has been decided whereupon the Councillor so interrupted may, if permitted proceed.

3.3.4 Speaking Twice

(1) Subject to subclause 3.3.7 no Councillor is to speak twice on the same question, except—

- (i) in reply upon an original motion of which he was the mover; or
- (ii) as the mover of an amendment last moved.

(2) The mover of any original motion may exercise a right of reply after any amendments thereto have been moved and decided.

3.3.5 Calling to Order for Speaking Twice

Subject to subclause 3.3.7, the Chairperson is to call to order any Member proceeding to speak a second time on the same question, without waiting for the intervention of the Council.

3.3.6 Mover or Seconder to be Held to Have Spoken

(1) A Councillor moving a motion or amendment is to be held to have spoken thereon.

(2) A Councillor seconding a motion or amendment is to be held to have spoken thereon unless at the time of seconding the motion or amendment the Councillor reserves the right to speak on the motion or amendment later in the debate.

3.3.7 Resolution to Allow Speaking Twice

The Council may, by resolution moved without notice, suspend the operation of subclause 3.3.4 hereof in the following circumstances—

- (i) there may be a general suspension in which case subclause 3.3.4 is to be suspended until such time as the Council by resolution resolves to lift the suspension; or
- (ii) there may be a specific suspension giving the right to speak twice to specified Members and that suspension is to be automatically lifted when all Members specified have spoken twice or waived the right to do so.

3.3.8 Questions During Debate

A Member may ask a question at any time during the debate on a motion before the motion is put, but no discussion thereon is permitted.

3.3.9 No Speaking After Motion Put

No Member is to speak on any motion or amendment—

- (i) after the mover has replied; or
- (ii) after the question has been put.

3.3.10 Limit of Speeches

(1) A Member is not to speak—

- (i) upon any motion or amendment for a longer period than five (5) minutes; or
- (ii) in answer to any question with or without notice for a longer period than five (5) minutes; or
- (iii) in reply for a longer period than five (5) minutes;

without the consent of the Council to extend, which is to be signified without discussion.

(2) The Council is not to consent to the extension of a Member's time for speaking beyond ten (10) minutes of total extensions.

3.3.11 Speaking in Reply

A Member speaking in reply is not to introduce any new matter but is to be strictly confined to answering previous speakers.

3.3.12 Division of Motions

The Chairperson, or the Council by resolution passed without debate, may order a motion to be divided and put in the form of two or more motions.

3.3.13 Withdrawal of Motions

A motion or amendment may be withdrawn by the mover, with the consent of the Council, which is to be signified without debate.

3.4 Conduct of Members

3.4.1 No Digression

A Member is not to speak otherwise than upon, or digress from, the question then before the Council.

3.4.2 No Adverse Reflection on Council Resolution

A Member is not to reflect adversely upon a resolution of the Council except on a motion that the resolution be rescinded.

3.4.3 No Adverse Reflection on Member or Officer

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

3.4.4 Recording of Statements

Any Member may require the Clerk to take down any particular words used by a Member immediately upon their being used and to read such words back to the meeting for verification.

3.4.5 Withdrawal of Offensive Language

(1) Any Councillor who uses an expression which in the opinion of the Chairperson reflects offensively on any Member or officer of the Council, is to when required by the Chairperson, unreservedly withdraw the expression and make a satisfactory apology to the Chair.

(2) If the Councillor in paragraph (1) declines, or neglects to do so, the Chairperson may refuse to hear the Councillor further upon the matter then under discussion and may call upon the next speaker.

3.4.6 Disturbance by Councillor

A Councillor is not to make any noise or disturbance or speak aloud while any other person is addressing the Council, except to—

- (i) raise a point of order; or
- (ii) call attention to the want of a quorum.

3.4.7 Continued Irrelevance

The Chairperson may—

- (i) call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Councillor; and
- (ii) direct that Councillor, if speaking, to stop speaking;

thereupon, the Councillor is to cease speaking and be seated.

3.4.8 Crossing Council Chambers

(1) When the Chairperson is putting any question, a Councillor is not to leave or cross the Chamber.

(2) A Councillor is not, whilst any other Member is speaking, to pass between the speaker and the Chair.

3.5 Voting

3.5.1 Voting by Chairperson

(1) The Lord Mayor is not to vote unless there is an equal division of votes, in which case he or she has, and may exercise a casting vote (section 173(8)(a)).

(2) Where the Deputy Lord Mayor or a Councillor presides at a meeting of the Council he or she is to exercise a deliberative vote only (section 173(8)(aa)).

3.5.2 Members must Vote

At meetings of the Council, except where he or she is prohibited from voting by the Act and subject to the preceding subclause, a Member present in the Council Chamber when a question is put is to—

- (i) vote on the question; and
- (ii) except where the Act provides otherwise, vote openly and not by secret ballot (section 173(9)).

3.5.3 Method of Taking Vote

(1) The Chairperson, in taking the vote on any motion or amendment, is to—

- (i) put the question, first in the affirmative and then in the negative;
- (ii) determine whether, the affirmative or the negative has the majority of votes; and
- (iii) declare the result of the vote.

(2) The question put under paragraph (1) may be put as often as is necessary to enable the Chairperson to determine whether the affirmative or the negative has the majority of votes.

(3) The result of voting openly is determined on the count of raised hands, but it may be determined on the voices unless a Member calls for a show of hands (section 173(10)).

(4) Upon a vote on the voices or on a show of hands being taken, a Councillor may call for a division (section 173(10)).

3.5.4 Procedure on Division

(1) The division is thereupon to be taken by those voting in the affirmative passing to the right of the Chair and those voting in the negative to the left of the Chair (section 173(11)).

(2) Upon a division being called for, the Chairperson may if he or she thinks fit order that the division bell be rung, and after the lapse of one half of a minute from the bell ceasing to ring a Councillor is not to be permitted to enter or leave the Council Chamber until after the division has been taken.

(3) The names of the Councillors who voted on the question on which there was the division are to be recorded by the Clerk in respect of every division together with details of whether they voted in the affirmative or negative together with the names of those Councillors who abstained from voting by reason of a pecuniary interest in the question or otherwise (section 173(12)).

3.6 Motions

3.6.1. Permissible Formal Motions during Debate

Subject to subclause 3.6.2, when a motion is being debated no further motions are to be moved except the following—

- (i) that the motion be amended;
- (ii) that the motion be deferred;
- (iii) that the Council adjourn;
- (iv) that the debate be adjourned;
- (v) that the question be put;
- (vi) that the question lie on the table;
- (vii) that the Council proceed with the next business;
- (viii) that the Council sit behind closed doors; or
- (ix) that the meeting be now closed.

3.6.2 Permissible Motions on Recommendation From Committee

(1) A recommendation made by or contained in a report of a Committee may be—

- (i) adopted by the Council without amendment or modification;
- (ii) rejected by the Council in its entirety;

- (iii) subject to subclause 3.7.1 amended or modified and adopted with such amendments or modifications; or
 - (iv) referred back to the Committee for further consideration in accordance with paragraph (2) hereof.
- (2) A Member may at the conclusion of the speech of any other Member move without notice that the question or part thereof be referred back to the Committee;
- (3) On a motion referred in paragraph (2)—
- (i) the mover may speak for not more than five (5) minutes;
 - (ii) the seconder is not to speak other than to formally second; and
 - (iii) no other debate is to be allowed.
- (4) Where part of the recommendation is referred back to the Committee, the balance of the recommendation is to be dealt with otherwise in accordance with this subclause.

3.6.3 Recommendations may be Questioned

During the consideration of a recommendation of a Committee by the Council, a Councillor may, through the Chairperson, question the Chairperson of the Committee upon any matter arising directly out of or having relevance to the recommendation.

3.7 Amendments

3.7.1 Relevancy of amendment

Every amendment is—

- (i) to be relevant to the motion to which it is moved; and
- (ii) not to have the effect of negating the motion.

3.7.2. Amendment to be Read

Every amendment is to be read before being moved.

3.7.3 One Amendment at a Time

- (1) Only one amendment at a time is to be discussed.
- (2) Whenever an amendment is lost, another amendment may be moved before the original motion is put to the vote.
- (3) Where an amendment is carried, one further amendment to the original motion as amended, and no more may be moved.
- (4) In speaking to an amendment a Councillor may give notice of his intention to move a further amendment.

3.7.4 Amended Motion Treated as Original Motion

- (1) Where an amendment is carried, the original motion as amended is, for all purposes of subsequent debate, subject only to subclause 3.7.3, to be treated as if it was the original motion.
- (2) Only the mover of the original motion in paragraph (1) is to have the right of reply in respect of the original motion as amended.

3.7.5 Recommendations become Resolutions

Where the Council adopts a recommendation contained in a report, either with or without amendment or modification, the recommendation so adopted is to be deemed to be a resolution of the Council.

3.8 Adjournment

3.8.1 Motion that Council Adjourn

(1) A Councillor may—

- (i) at the conclusion of the speech of any other Member; or
- (ii) on the conclusion of any business;

move without notice that the Council do now adjourn.

- (2) A motion seeking to adjourn the Council is to state the time and date to which the adjournment is to be made.

3.8.2. Times for Speaking on Motion to Adjourn

(1) On a motion to adjourn—

- (i) the mover may speak for not more than five (5) minutes;
- (ii) the seconder is not to speak other than formally to second;
- (iii) the mover of the motion (if any) which was then under debate may speak for not more than five (5) minutes; and
- (iv) no other debate is to be allowed;

- (2) The mover of a motion under debate speaking in opposition of an adjournment is not to lose the right of reply.

3.8.3 Subsequent Motion to Adjourn

If a motion for the adjournment of the Council is negatived, no similar motion is to be moved until—

- (i) after the conclusion of the business under discussion at the time the adjournment was moved; or
- (ii) if the adjournment was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
- (iii) after the conclusion of any other business allowed precedence by the Council.

3.8.4 Restraint on Councillors Right to Move Adjournment

(1) A Councillor who has spoken on the question then before the Council is not to move the adjournment of the Council.

(2) A Councillor is not, at the same sitting of the Council, to move or second more than one motion for the adjournment of the Council.

3.8.5 Resumption of Debate after Adjournment of Meeting

On a motion for the adjournment of the Council being carried, the discussion on the question (if any) under debate when the motion was moved is to be continued immediately upon the Council resuming after the adjournment.

3.8.6 Recording Speakers before Adjournment of Meeting

(1) On a motion for the adjournment of the Council being carried, a record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

(2) Those Councillors to which paragraph (1) applies are not to be permitted to speak on any subsequent consideration of the same subject.

(3) This subclause does not deprive a mover of the right of reply.

3.8.7 Adjournment of Council

On the motion for the adjournment of Council being carried—

- (i) the Chairperson is to adjourn the Council to the time and date specified in the motion; or
- (ii) where no time and date is specified, to a time and date determined by the Chairperson.

3.8.8 Motion that Debate be Adjourned

A Councillor may, at the conclusion of the speech of any other Member move, without notice, that the debate be adjourned to a later hour of the same meeting or to a subsequent meeting of the Council.

3.8.9 Times for Speaking on Adjournment of Debate

(1) On a motion that the debate be adjourned—

- (i) the mover may speak for not more than five (5) minutes;
- (ii) the seconder is not to speak other than formally to second; and
- (iii) the mover of the motion then under debate may speak for not more than five (5) minutes.

(2) If the question then before the Council is a recommendation from a Committee—

- (i) the Chairperson of the Committee concerned; or
- (ii) in his absence, a Member thereof;

may speak for not more than five (5) minutes.

(3) On a motion that the debate be adjourned, no debate is to be allowed other than that provided for in paragraphs (1) and (2).

(4) The mover of a motion under debate speaking in opposition to an adjournment is not thereby to lose the right of reply.

3.8.10 Restraint on Councillor's right to move Adjournment of Debate

(1) A Councillor who has spoken on the question then under debate is not to move the adjournment of the debate.

(2) A Councillor is not, at the same sitting of the Council, to move or second more than one motion for the adjournment of the same debate.

3.8.11 Resumption after Adjournment of Debate

On resuming an adjourned debate the Councillor who moved its adjournment is entitled to speak first.

3.8.12 Recording Speakers Before Adjournment of Debate

(1) On a motion for the adjournment of a debate being carried, a record is to be taken of all those who have spoken on the subject under debate.

(2) Those Councillors to which paragraph (1) applies are not to be permitted to speak on any resumption of the debate on that subject.

(3) This subclause does not deprive a mover of the right of reply.

3.9 Resumption After Counting Out

Where the debate on any motion moved and seconded is interrupted by the Council being counted out, the procedure on resumption is to be in accordance with subclause 2.4.5.

3.10 Motion that the Question be Now Put

3.10.1 Moving Closure

(1) A Councillor may, at the conclusion of the speech of any other Councillor move, without notice and without comment, that the question under consideration be now put.

(2) Upon the motion referred to in paragraph (1) being formally seconded it is to immediately be put, without debate.

3.10.2 Restraint on Councillor's Right to Move Closure

(1) A motion that the question under consideration be put is not to be moved by a Councillor who has already spoken on the question.

(2) At an Ordinary meeting, if any Councillor objects pursuant to Section 175(3) of the Act, the motion is not to be carried except by an absolute majority of the Members of the Council.

3.10.3 Times for Speaking on Closure Motion

(1) When it is decided by the Council that the question under consideration be put, the mover of the question under consideration is, if the debate has occurred and if otherwise entitled to do so, to be permitted to speak in reply for not more than five (5) minutes before the question is put.

(2) Thereafter the question is to immediately be put.

3.10.4 The Question to be Put on a Closure

(1) Whenever it is decided by the Council that the question be put, the question to be put includes the original motion as well as any amendment thereto adopted by the Council.

(2) If the closure referred to in paragraph (1) is moved during debate on an amendment, it is the amendment which is put to the vote and not the original motion.

3.11 Motion that Council Proceed to the Next Business

3.11.1 Moving the "Next Business"

(1) A Councillor may, at the conclusion of the speech of any other Member move, without notice and without comment, that the Council do proceed to the next business.

(2) Upon the motion referred to in paragraph (1) being formally seconded, it is to be immediately put, without debate.

3.11.2 Effect of a "Next Business" Resolution

(1) Where the Council decides to proceed to the next business, the question which was then under discussion is to be considered as lapsed.

(2) The effect of the motion referred to in paragraph (1) thus lapsing is to be the same as if it had been lost on a vote of the Council.

3.11.3 Subsequent "Next Business" Motion

During the same debate on any question, a "Next Business" motion is not to be moved within one hour after a similar motion has been negatived.

3.12 Motion that the Meeting be now Closed

3.12.1 Moving the Closure of the Meeting

A Councillor may, at the conclusion of the speech of any other Member or on the conclusion of any business, move, without notice, that the meeting of the Council be now closed.

3.12.2 Times for Speaking on Closure of Meeting

(1) On a motion that the meeting of the Council be now closed—

(i) the mover may speak for not more than five (5) minutes;

(ii) the seconder is not to speak other than formally to second;

(iii) the mover of the motion (if any) then under debate may speak for not more than five (5) minutes; and

(iv) no other debate is to be allowed.

(2) The mover of a motion under debate speaking in opposition to the Closure of the meeting is not thereby to lose the right of reply.

3.12.3 Subsequent Motion to Close Meeting

If a motion that the meeting of the Council be closed is negatived, no similar motion is to be moved until—

(i) after the conclusion of the question under discussion at the time the closure was moved; or

- (ii) if the closure was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
- (iii) after the conclusion of any other business allowed precedence by the Council.

3.12.4 Restraint on Councillor's Right to Move Closure of Meeting.

- (1) A Councillor who has spoken on the question then before the Council is not to move that the meeting be closed.
- (2) A Councillor is not, at the same meeting of the Council, to move or second more than one motion that the meeting be closed.

3.12.5 Effect of Closure of Meeting

On a motion that the meeting be closed being carried, the discussion on the question (if any) under debate when that motion was moved is to stand adjourned to its place on the notice paper for the next meeting of the Council.

3.12.6 Recording Speakers Before Closure of Meeting

- (1) On a motion that the meeting be closed being carried—
 - (i) a record is to be taken of all those who have spoken on the subject under consideration up to the closing of the meeting; and
 - (ii) those Councillors are not to be permitted to speak on any subsequent consideration of the same subject.
- (2) This subclause does not deprive a mover of the right of reply.

3.13 Motion for Rescission

3.13.1 Rescission at Same Meeting

The Council may at the same meeting at which it is passed, rescind a resolution if all Members who were present in the Council Chamber at the time the resolution was passed are also present in the Council Chamber at the time the rescission is proposed (section 177(1)).

3.13.2 Rescission at Subsequent Meeting

The Council may, at a meeting after that at which it was passed rescind a resolution—

- (i) where notice of motion to rescind is not given, if a motion to that effect is carried by an absolute majority of the Members; or
- (ii) where the Member intending to propose the rescission has, through the Clerk given written notice of his intention to each of the other Members at least 7 days before the meeting, if a motion to that effect is carried by the majority of the Members voting on the proposal at the meeting;

but not otherwise (section 177(2)).

3.13.3 Terms of and Reasons for Rescission to be Stated

(1) When making a motion of rescission at the same meeting at which the substantive resolution was passed or at a subsequent meeting without notice, the Member moving the rescission is to state in clear terms—

- (i) the terms of the motion of rescission identifying the resolution proposed to be rescinded; and
- (ii) the reason or reasons for seeking rescission.

(2) The Chairperson is not to accept a motion for rescission which does not comply with the requirements in paragraph (1).

3.13.4 Terms and Reasons to be Stated in Notice

When giving notice of motion of rescission the Member giving notice is to record in writing in clear terms—

- (i) the terms of the motion of rescission identifying the resolution proposed to be rescinded; and
- (ii) the reason or reasons for seeking the rescission.

3.13.5 Notices Received During Same Meeting

(1) If the Clerk receives a notice of motion to rescind a substantive resolution before the close of the meeting at which the substantive resolution was passed—

- (i) the Clerk is to forthwith deliver the notice to the Chairperson;
- (ii) the Chairperson is, at the earliest opportunity, to notify the meeting of the notice; and
- (iii) thereafter, at the first available opportunity the Chairperson is to bring on the rescission motion before the close of the meeting.

(2) If the Clerk receives a notice of motion to rescind a substantive resolution after the closure of the meeting at which the substantive resolution was passed, the Clerk is to ensure that the rescission motion is considered at a Special or Ordinary meeting of the Council held at the earliest opportunity after the meeting at which the substantive resolution was passed.

3.13.6 Multiple Rescission Notices

The Clerk may receive more than one notice of motion to rescind the same substantive resolution.

3.13.7 Absence of Mover or Seconder

If a motion to rescind a resolution fails to be considered by the Council by reason that at the time the motion is called on—

- (i) the Member who gave notice of the motion is not present or is not willing to move the motion; and
- (ii) there is no other Member present willing to move the motion;

then the motion is to lapse and a motion to the same effect is not thereafter to be entertained by the Council.

3.13.8 No Rescission of Procedural Resolution or a Resolution to Rescind

The Council is not to entertain a motion to rescind a substantive resolution which is—

- (i) merely procedural in its form and effect; or
- (ii) a resolution to rescind another resolution.

3.13.9 Repeated Rescissions by the Same Member Prohibited.

If the Council, on a motion moved by any Member, resolved not to rescind a substantive resolution, then the Council is not to subsequently entertain a motion moved by the same Member to rescind the same substantive resolution.

3.14 Motion to alter Resolution

3.14.1 Rescission Provisions Apply to Alteration.

The provisions of this By-law relating to rescission are to apply so far as the context permits to any motion to alter a substantive resolution.

3.14.2 Motion to alter Having Effect to Rescission

If a motion to alter a substantive resolution in its form or effect would amount to a motion to rescind the substantive resolution, then it is to be treated as if it was a motion to rescind the substantive resolution.

3.15 Negatived Motion not to be Entertained within Three Months

A motion to the same effect as any motion which has been decided in the negative by the Council is not again to be entertained within a period of three (3) months unless a majority of the Councillors signify to the Clerk in writing before a meeting their consent to the motion being entertained at that meeting.

3.16 Suspension of Standing Orders

3.16.1 Motion to Suspend

(1) In cases of urgent necessity or whilst the Council is sitting behind closed doors, any Standing Order of the Council may be suspended on a motion duly made.

(2) If at an Ordinary meeting a Councillor makes an objection to such a motion to suspend a Standing Order pursuant to Section 175(3) of the Act, the motion is not to be declared carried unless it is agreed to by an absolute majority of the Members of the Council.

3.16.2 No Discussion on Motion to Suspend

A Councillor moving the suspension of Standing Orders is to state the object of the motion, but discussion is not otherwise to take place thereon.

3.16.3 Only Specified Clauses Suspended

(1) A Councillor moving the suspension of Standing Orders under this clause is to state the specific clause or clauses of the Standing Orders sought to be suspended.

(2) Only the clauses nominated in paragraph (1) are to be affected by any resolution to suspend Standing Orders under this clause.

PART IV—COMMITTEES

4.1 Appointment of Committees

4.1.1 Standing Committees

In addition to such Occasional Committees as may from time to time be appointed the Council may nominate such Standing Committees as it deems necessary at the first meeting of the Council after the Ordinary Elections.

4.1.2 Duties of Committees

(1) The powers and duties of Standing Committees are to be such as the Council from time to time defines.

(2) Subject to the provisions of section 182 of the Act, the Lord Mayor may be an ex-officio a member of every Committee. In the absence of the Lord Mayor the Deputy Lord Mayor may act in his or her stead.

4.1.3 Term of Appointment

Subject to the provisions of subclause 4.5.4, the Members of each Standing Committee are to—

- (i) be appointed for each two year period at the first meeting of the Council held after the Ordinary Elections; and
- (ii) hold office until the commencement of the first meeting after the Ordinary Elections then next ensuing or until the expiration of their terms of office as Councillor, whichever first occurs.

4.2 Occasional Committees

4.2.1 Appointment of Occasional Committees

The Council may appoint Occasional Committees to perform any duty which may be lawfully entrusted by it to a Committee.

4.2.2 Standing Committee Not to Interfere

A Standing Committee is not to interfere in any matter which has for the time being been entrusted to an Occasional Committee.

4.2.3 Details of Appointment

An Occasional Committee is not to be appointed except on a motion setting out—

- (i) the names of the Members of whom it is intended to constitute the Committee; or
- (ii) the number of Members intended to constitute the Committee and a provision that they be elected by a separate motion;
- (iii) the purpose or purposes for which the Occasional Committee is established.

4.2.4 Review of Occasional Committees

The Council is to review the desirability of continuing any particular Occasional Committee no less than every twelve months.

4.3 Advisory and Management Committees

4.3.1 Appointment of Advisory and Management Committees

Whenever the Council thinks fit it may appoint persons whether Members or not, as an Advisory Committee, or as a Management Committee in accordance with and for any of the purposes set out respectively in sections 180 and 181 of the Act.

4.4 Meetings

4.4.1 Calling Meeting of Committee

(1) The Clerk is to call a meeting of any Committee when requested so to do by—

- (i) the Lord Mayor; or
- (ii) the Chairperson of the Committee if the Lord Mayor is not Chairperson (section 179(1)); or
- (iii) any two Members of that Committee;

(2) The Clerk is to give notice of a meeting referred to in paragraph (1) to every Member of the Council.

4.4.2 Open Committee Meetings

Meetings of Standing and Occasional Committees are to be open to the public except on such occasions as the Committee, by resolution, decides otherwise.

4.4.3 Councillor attending Committee as Observer

(1) A Member may attend as an observer at meetings of a Standing or Occasional Committee notwithstanding that the Member is not a Member of that Committee.

(2) A Member attending a Committee meeting as an observer may speak with the leave of the Committee, but is not to vote on any question before the Committee unless the Member is a deputy of a Member excluded from a meeting due to a pecuniary interest or absent for other reasons.

(3) Subject to the preceding subclause a Member attending a Committee as an observer is to sit in an area set aside for observers separated from the Committee Members.

4.4.4 Adjournment of Committee

Any Committee of the Council may adjourn from time to time.

4.4.5 Quorum of Committee

At any meeting of a Committee the number of Members necessary to form a quorum—

- (i) where the total number of the Members of the Committee is an even number, is one-half of that total, plus one; or
- (ii) where the total number of the Members of the Committee is an odd number, is the integer nearest to but greater than one half of that total.

4.4.6 Failure of Quorum

- (1) Every meeting is to proceed to business as soon after the time stated in the Agenda as a quorum is constituted.
- (2) If a quorum is lacking 30 minutes after the hour at which a meeting of any Committee is appointed to be held, no meeting is to take place.
- (3) Where a meeting lacks a quorum after 30 minutes, the meeting is to stand adjourned until the day and time fixed for the next Ordinary meeting of the Committee, unless the Chairperson convenes a special meeting of the Committee for the transaction of the business standing adjourned.

4.4.7 Voting by Committees

The decision of a Committee on a question is that decided by a majority of the members present, including the Chairperson who has a deliberative vote, and who in the case of an equal division of votes has a casting vote (section 182(9)).

4.5 General

4.5.1 Composition of Committees

- (1) The number of Members of a Committee is to be decided upon by the Council at the first meeting of Council held after the Ordinary Elections. The number of Members of a Standing or Occasional Committee, inclusive of the ex-officio Member under section 182 of the Act if there is such a Member, is to be less than one half of the total number of Members of Council (section 179(1)(a)).
- (2) The Council may appoint a Member or Members thereof to be the deputy or deputies, as the case may be, to act on behalf of a member of an Occasional or Standing Committee whenever that member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council (section 179(1a)).
- (3) Where a member of a Standing or Occasional Committee does not attend a meeting thereof any deputy of that member is, subject to paragraph (4) hereof entitled to attend that meeting in place of the member and act for the member, and while so acting has all the powers of that member (section 179(1aa)).
- (4) A deputy who is one of two or more deputies of a member of a Standing or Occasional Committee is not entitled to attend a meeting of the Committee in place of that member if the meeting is attended by another deputy of that member who has precedence over that deputy in the order of seniority determined under paragraph (2) (section 179(1ab)).
- (5) A person who is a member of an Occasional or Standing Committee is not eligible to be appointed a deputy for a member of that Occasional or Standing Committee (section 179(1b)).

4.5.2 Chairman of Committees

- (1) Subject to the Act and these Standing Orders, the Lord Mayor is ex officio a member of every Committee of which he indicates his intention to be such a Member:
 - (a) at the time of the appointment of the Committee (section 182(2a)); or
 - (b) at the first meeting of the Committee held after any declaration of the election of Members of the Council that takes place after the appointment of the Committee (section 182(2b)(a)); or
 - (c) at any meeting of the Council at which the constitution of the Committee is altered (section 182(2b)(b)).
- (2) Where the Lord Mayor is ex officio a member of a Committee he or she may, but is not obliged to, preside as Chairperson of the meetings of a Committee. If in accordance with the Act the Lord Mayor intimates his or her intention not to do so or does not indicate his or her intention at all, members of the Committee may elect one of their number to preside in his or her stead (section 182(3)).
- (3) The Lord Mayor may indicate his or her intention to be Chairperson of a Committee by declaring it at the first meeting of the Committee held after the declaration of the election of members of the Council, or by giving each of the members of that Committee at or before that meeting, written notice of his or her intention not to preside. If at or before that meeting the Lord Mayor does not so give notice, he or she is regarded as having intimated that his or her intention is not to preside (section 182(4)).
- (4) If the Lord Mayor intimates or is regarded as having intimated that his or her intention is not to preside he or she is not, unless under section 182(6) of the Act he or she is authorised to do so, to preside until the corresponding first meeting of the Committee in the following year (section 182(5)).

4.5.3 Delegation of Powers to Committees

The Council may delegate to a Standing or Occasional Committee such of its powers and duties, except power to borrow money and power to impose rates, as the Council thinks fit (section 179(1)(c)).

4.5.4 Council may Change Membership

(1) The Council may—

- (i) by resolution carried pursuant to a notice of motion, by a simple majority; or
- (ii) on a motion moved without notice by an absolute majority;

change the membership of any committee or appoint a substitute for a Member absent pursuant to leave granted by the Council.

(2) The Council may resolve that a Standing Committee be reconstituted and upon such reconstitution, the new Committee is to elect its Chairperson.

4.5.5 Appointment of Committees

The initial membership of a Standing Committee or an Occasional Committee is to be determined by the Council in accordance with the Act.

4.5.6 Standing Orders to Apply

(1) Except insofar as they limit the number of times a Member may speak, these Standing Orders are to be observed at meetings of Committees.

(2) For the purpose of this subclause, reference to the Lord Mayor in Parts II to V inclusive are, where the context permits, to be read as a reference to the Chairperson of a Committee.

4.5.7 Committees to Report

Committees are answerable to the Council and are to—

- (i) report regularly to Ordinary Meetings of the Council;
- (ii) report to the Council fully on their activities when required by the Council to do so (section 179(4)).

4.5.8 Unfinished Business of Former Committees

Committees may take up matters referred by the Council to the preceding Committee which may not have been fully discharged at the time such Committee went out of office.

4.5.9 Appointment of Sub-Committees

A Committee may appoint a Sub-Committee of its Members for the purpose of providing advice and recommendations to that Committee on particular issues.

4.5.10 Papers for Committee Meeting to be put to all Members of Council.

When a meeting of any Committee is called the agenda for the meeting together with copies of all officers' reports relating to matters on the agenda for that meeting are to be forwarded to all Members of the Council, except those on leave of absence.

4.5.11 Minutes of Committees

(1) The Chairman of each Committee is to ensure that a Minute Book is kept in which are to be entered minutes of all its proceedings and transactions (section 182(8));

(2) The Chief Executive Officer is to assist the Chairman in carrying out his or her responsibility in paragraph (1), together with administrative support in the preparation of meeting agendas and correspondence.

4.5.12 Communications by Committees

No Committee is to communicate with any outside person or authority except through the Clerk, as the Officer of the Council duly authorised for the purpose.

4.5.13 Resignation of Seat on Committee

(1) Any Member of a Committee may resign his or her seat on the Committee by notice in writing signed by him or her and addressed to the Clerk (section 179(2)).

(2) When the notice referred to in paragraph (1) is delivered to the Clerk, his or her seat on the Committee is to become vacant.

(3) The Council may from time to time fill a vacancy on a Committee.

PART V—GENERAL

5.1 Election of Deputy Lord Mayor

(1) At the first meeting of the Council held after the Ordinary Elections, the Members shall, by secret ballot, elect one of their number to the office of Deputy Lord Mayor who is to hold that office until the commencement of the first meeting of the Council after the Ordinary Elections next succeeding his or her election to the office.

(2) Where there is any inconsistency between the provisions of this By-law and the provisions of section 143 of the Act, the latter prevails.

5.2 Representation on Statutory Authorities/Public Bodies

5.2.1 Clerk to Refer Invitation

Correspondence inviting the Council to submit nominations for appointment to statutory authorities on public bodies is to be referred by the Clerk to the Council, or if applicable, a Committee considered appropriate.

5.2.2 Committee to Make Recommendation

Where such correspondence is referred to a Committee, the Committee is to consider the matter and by resolution refer the business with its recommendations to the Council.

5.2.3 Obligations of Delegate

A Member appointed by the Council to be its delegate to a statutory authority or public body is, when required to express an opinion or vote on any item of business, to have regard to the resolutions, policies and practices of the Council.

5.3 Electors' Meetings

5.3.1 Standing Orders Apply

The Standing Orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this By-law and the provisions of Section 171 of the Act, the latter prevail.

5.3.2 Restriction on Voting and Speaking

A person who is not an elector—

- (i) is not entitled to vote at a meeting of electors; and
- (ii) may not take any part in any discussion at that meeting, unless the meeting, by a motion, requests him or her to do so.

5.4 Strategic Objectives

The following Vision, Mission and Beliefs and Objectives are hereby adopted by and for the municipality of the City of Perth—

(1) Vision Statement

That as the Capital of Western Australia, the City of Perth be widely acclaimed as a City of regional and international significance.

(2) Mission Statement

To facilitate a delivery of services which fosters a lifestyle and promotes:

- friendliness, cleanliness, safety and health.
- a prosperous and dynamic business, residential and tourist community.
- a richness in heritage, culture, beauty and environment.
- efficient, accountable and quality management of public assets and infrastructure.

(3) Statement of Beliefs

- that the interests of our ratepayers, residents, visitors and users of our City are paramount.
- that the quality and delivery of service shall be on the basis of "Getting it Right the First Time".
- that we are a team.

(4) Statement of Objectives

- to provide vision and leadership in all our activities for the overall benefit of the City and its people.
- to provide a comfortable and aesthetically pleasant City.
- to operate in a financially prudent and ethical manner.
- to ensure that services are delivered by best practice and standards.
- to deliver a high level of service in a friendly and courteous manner.
- to ensure our staff work in a safe and fulfilling environment and that they are properly compensated for their contribution.

PART VI—OFFICERS OF THE MUNICIPALITY

6.1 Complaints by Members

If any Member has any complaint concerning the ability, character or integrity of any officer or employee of the Council, or of any act or omission of such officer or employee, and desires to bring such complaint to the notice of the Council, he is to notify the Clerk of the complaint in writing giving such details as are available in order that the complaint may be investigated and, if necessary reported upon by the Clerk.

6.2 Right of Reply

If a complaint or criticism is made concerning an officer or employee of the Council, whether by a Member or any other person, that officer or employee may reply to the complaint or criticism either in writing to the Lord Mayor or, with the consent of the Council, to the Council itself.

PART VII—MISCELLANEOUS

7.1 Breach of Standing Orders

Any persons committing a breach of these Standing orders is liable upon conviction to a penalty not exceeding \$500.

7.2 Chairperson to Ensure Compliance

The Chairperson is authorised and empowered to ensure that meetings are conducted in accordance with these Standing Orders.

7.3 Council May Take Action

The Council may take proceedings under Section 646 of the Act against any persons committing a breach of these Standing Orders.

Dated this 26th day of April 1995.

The Common Seal of the City of Perth was hereunto affixed in the presence of—

CRAIG LAWRENCE, Chairman of the Commission.
GARRY G. HUNT, Chief Executive Officer/Town Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 23rd day of May 1995.

M. C. WAUCHOPE, Clerk of the Council.

LG315

LOCAL GOVERNMENT ACT 1960

The Municipality of the Town of Cambridge

STANDING ORDERS (MEETING PROCEDURE) BY-LAW NO. 1

In pursuance of the powers conferred upon it by the abovementioned Act, and all other powers enabling it, the Council of the Municipality of the Town of Cambridge hereby records having resolved on the 4th day of April 1995 to make and submit for confirmation by the Governor the following By-Laws.

PART I—PRELIMINARY

1.1 Standing Orders (Meeting Procedure)

The proceedings and business of the Council shall be conducted according to this By-law the clauses of which shall be referred to as "The Standing Orders".

1.2 Arrangement of By-law

The arrangement of this By-law is as follows:

Part I—Preliminary

Clause 1.1 Standing Orders (Meeting Procedure)

Clause 1.2 Arrangement of By-law

Clause 1.3 Interpretation

Part II—Meetings of the Council

Clause 2.1 Mayor to Preside

Clause 2.2 Notice of Meetings

Clause 2.3 Availability of Notice

Clause 2.4 Quorum

Clause 2.5 Kind of Meeting

Clause 2.6 Calling of Special Meeting

Clause 2.7 Business at Ordinary Meeting

Clause 2.8 Order of Business

Clause 2.9 Applications for Leave of Absence

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1.3 Interpretation

In this By-law, unless the context otherwise requires:—

“Act” means the Local Government Act 1960 as amended.

“Chairperson”

- (a) in relation to a meeting of the Council means the person presiding at the meeting as provided by Section 173(7) of the Act;
- (b) in relation to a Committee means the person presiding at the meeting as provided in clause 4.5.2 of this By-law.

“Town” means the municipality of Town of Cambridge.

“clause” means a clause of this By-law.

“Clerk” means the Chief Executive Officer/Town Clerk or Acting Chief Executive Officer/Town Clerk.

“Committee” means any Standing, Occasional, Advisory, Management or Sub-Committee appointed in accordance with the Act.

“Council” means the Council for the time being of the municipality of the Town of Cambridge.

“Councillor” means a member of the Council other than the Mayor.

"document" means a deed, book, report, paper or any other written material whatsoever or any other recorded or stored information.

"Mayor" means the Mayor or the Deputy Mayor in the Mayor's absence.

"Member" means the Mayor or a Councillor.

"Minister" means the Hon. Minister for Local Government.

"minor amendment" in relation to a motion to amend another motion ("the primary motion") means one which does not alter the primary or basic intent of the primary motion as determined by the person presiding at the meeting.

"notice paper" in relation to any proposed meeting means a paper setting out the terms of business to be transacted at the meeting and the order of that business. The notice calling a Special Meeting may stand as the notice paper for that meeting.

"order of the day" means any business left over from the previous meeting and any other business the person presiding at the meeting thinks desirable to bring to the notice of the meeting and has directed to be entered in the notice paper as an order of the day. In the case of unfinished business at Ordinary Meetings, the provisions of Clause 2.13 apply.

"substantive motion" means a resolution which is the subject of a motion of rescission or alteration.

"urgent business" means business dealt with in accordance with the provisions of Clause 2.11.

"without discussion" means without debate but does not preclude a member from asking such questions as the Chairperson permits, there being no discussion debate or challenge on the ruling of the Chairperson.

Where no definition is given in this By-law, the terminology is to be taken to be in accordance with the Act.

PART II—MEETINGS OF THE COUNCIL

2.1 Mayor to Preside

Subject to the Act the Mayor, or in his absence the Deputy Mayor, or in his absence a Councillor chosen by the Councillors present is to preside at any meeting of the Council (section 173(7)).

2.2 Notice of Meetings

2.2.1 Notice of Ordinary Meetings.

Notice of ordinary meetings of the Council are to:—

- (i) be given to Members in writing;
- (ii) be signed by or on behalf of the Clerk;
- (iii) state the place, date and hour of holding the meeting;
- (iv) state the business to be transacted; and
- (v) be served on each of the Members at least two clear business days before the time of the commencement of the meeting.

2.2.2 Notice of Adjourned Meeting

When a meeting of the Council is adjourned to a day and hour other than the next Ordinary Meeting of the Council, notice of the adjourned meeting is to, if time permits, be given in the manner provided by subclause 2.2.1 of this By-law except that at least 24 hours notice is to be given before the time of commencement of the meeting.

2.2.3 Notice of Special Meetings

Notice of each special meeting of the Council is to be given to all members of the Council in the manner provided by Section 178 of the Act at least 24 hours before the time of the commencement of the meeting.

2.3 Availability of Notice Paper

The Notice Paper for an Ordinary Meeting of the Council is to be made available for inspection by members of the public from the commencement of business on the day after having been served on the Members, at the office of the Council.

2.4 Quorum

2.4.1 Number of Members Required

Except in cases where section 173(4) of the Act applies, the number of Members necessary to form a quorum is to be:—

- (a) where the total number of Members is an even number, one half of that number;
- (b) where the total number of Members is an odd number, the integer nearest to, but greater than one half of the total (section 173(3)).

2.4.2 Quorum must be Present

The Council is not to transact business at a meeting unless a quorum is present (section 173(2)).

2.4.3 Quorum not Present

(1) If at the expiration of half an hour from the time fixed for the commencement of a meeting of the Council a quorum is not present, the Mayor or in his or her absence, the Deputy Mayor, or in his or her absence, the majority of Councillors present, or any Councillor present alone, or in the absence of the Mayor and all the Councillors, the Clerk, may adjourn the meeting.

(2) Business which could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting (section 173(5)).

2.4.4 Count Out

(1) If at any time during a meeting of the Council a quorum is not present, the Chairperson upon becoming aware of that fact is to thereupon suspend the proceedings of the meeting for a period of five minutes.

(2) If a quorum is not present at the expiration of the period in paragraph (1), the meeting is deemed to have been counted out, and the Chairperson is to adjourn it to some future time or date.

(3) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

2.4.5 Debate on Motion to be Resumed

(1) Where the debate on any motion, is interrupted by the Council being counted out, that debate is to be resumed at the next meeting at the point where it was so interrupted.

(2) Where the interruption in paragraph (1) occurs at an Ordinary Meeting the resumption is to be at the Next Ordinary Meeting unless a Special Meeting is called earlier for the purpose.

(3) Where the interruption in paragraph (1) is at a Special Meeting, the resumption is to be at the next Special Meeting called to consider the same business or at the next Ordinary Meeting if it occurs before a Special Meeting can be called.

2.4.6 Names to be Recorded

At any meeting at which:—

- (i) there is not a quorum of Members present; or
- (ii) the Council is counted out for want of a quorum;

the names of the Members then present are to be recorded in the Minute Book.

2.5 Category of Meeting

(1) Meetings of the Council and Committees are to be of two categories, namely "Ordinary" and "Special".

(2) Ordinary Meetings are those called at such place and at such times as the Council, from time to time, appoints for the transaction of the ordinary business of the Council, and any Committees.

(3) Special Meetings are those called to consider special business, the nature of which is to be specified in the notice convening the meeting.

(4) Subject to the provisions of the Act and these Standing Orders relating to the rescission or alteration of a resolution, no business is to be transacted at a Special Meeting other than that for which the Special Meeting has been called.

2.6 Calling of Special Meeting

2.6.1 Mayor May Convene

The Mayor may convene a Special Meeting of the Council as often as he or she thinks fit by notice in writing signed by the Mayor or the Clerk sent to each Councillor before the meeting (section 172(2)).

2.6.2 Members May Convene

If the Mayor refuses or neglects to call a meeting of the Council after receiving a request for that purpose signed by at least three Councillors, those Councillors may call a meeting of the Council by serving a notice in writing signed by them stating the business to be transacted, on each of the other members of the Council at least 24 hours before the time of the commencement of the meeting (section 172(3)).

2.7 Business at Ordinary Meeting

No business is to be transacted at any meeting of the Council other than specified in the notice relating thereto, except:—

- (i) matters which the Act permits to be dealt with without notice; and
- (ii) matters which this By-law expressly permits to be dealt with without notice.

2.8 Order of Business

Unless ordered by resolution of the Council, the order of business at any Ordinary meeting of the Council is to be as follows:—

- (i) Prayer;
- (ii) Apologies;

- (iii) Members on leave of absence and applications for leave of absence;
- (iv) Confirmation of minutes;
- (v) Announcements by the Chairperson without discussion;
- (vi) Declaration of members' interests;
- (vii) Questions of which due notice has been given without discussion;
- (viii) Correspondence;
- (ix) Petitions and memorials;
- (x) Orders of the Day;
- (xi) Reports;
- (xii) Motions of which previous notice has been given;
- (xiii) Representation on statutory authorities and public bodies;
- (xiv) Urgent business;
- (xv) Closure; and
- (xvi) Question time.

2.9 Applications for Leave of Absence

- (1) A Member seeking the Council's approval to take leave of absence is to give notice to the Clerk at least four ordinary office hours before the hour fixed for the time of commencement of the meeting.
- (2) The notice referred to in paragraph (1) is to include the period of leave of absence required and the reasons for seeking the leave.

2.10 Receipt of Correspondence

Discussion is not to be permitted on any motion that:—

- (i) any correspondence be received or not received; or
- (ii) any correspondence or any part thereof be referred to any Committee of the Council.

2.11 Urgent Business

A Councillor may move a motion involving urgent business that is not included in the Notice Paper for that meeting provided that:—

- (i) the Chairperson has first consented to the business being raised; and
- (ii) the Chairperson considers that either:—
 - (a) the urgency of the business is such that the business cannot await inclusion in the Notice Paper for the next meeting of the Council; or
 - (b) the delay in referring the business to the next meeting of the Council could have adverse legal or financial implications for the Town;
- (iii) if at an Ordinary Meeting a Councillor objects that a motion introduced as urgent business and moved without notice does not deal with ordinary business within the meaning of that term in subsection 175(2) of the Act, the motion is to be of no effect unless it is agreed to at the meeting by an absolute majority of the Members of the Council (section 175(3)).

2.12 Order of Business at Special Meeting

The order of business at any Special Meeting of the Council is to be the order which that business stands in the notice of the meeting.

2.13 Business at Adjourned Meeting

At an adjourned meeting of the Council no business is to be transacted other than that:—

- (i) specified in the notice of the meeting which had been adjourned; and
- (ii) which remains unresolved;

except in the case of an adjournment to the next Ordinary Meeting of the Council, when the business unresolved at the adjourned meeting is to have the precedence at that Ordinary Meeting.

2.14 Open Doors Except as Provided

(1) Subject to the provisions of paragraphs (2) and (3) the business of the Council is to be conducted with open doors.

(2) The Council may by resolution decide to conduct any specified business behind closed doors.

(3) Where the Council resolves to proceed "behind closed doors":—

- (i) the Chairperson is to direct all persons other than the Councillors and relevant officers and advisors of the Town to leave the meeting room and every person is forthwith to comply with that direction; and
- (ii) subject to paragraph (4), the business at that meeting is to be conducted behind closed doors until the Council resolves to proceed with open doors.

(4) If the resolution is to conduct specified business behind closed doors the meeting is to revert to open doors upon the completion of discussion of but prior to voting on the matter under consideration.

(5) A person failing to comply with a direction made under paragraph (3) may, by order of the Chairperson, be removed from the meeting room.

2.15 Confidential Business

(1) All business conducted by the Council behind closed doors is:—

- (i) to be treated as strictly confidential; and
- (ii) not, without the authority of the Council, to be disclosed to any person other than:—
 - (a) the Members; or
 - (b) officers of the Council but only to the extent necessary for the purpose of carrying out their duties;

prior to the discussion of that matter at a meeting of the Council held with open doors.

(2) Any report, document or correspondence which is to be placed before the Council or any Committee and which is in the opinion of the Clerk of a confidential nature may at his discretion be marked as such and:—

- (i) then to be treated as strictly confidential; and
- (ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the officers of the Council referred to in sub-paragraph (1)(ii)(b).

2.16 Reporters

Reporters of the press and other media:—

- (i) are to be permitted to attend at meetings of the Council, in such part of the Council Chambers as may be set aside for their accommodation;
- (ii) must withdraw during any period when the Council is sitting behind closed doors.

2.17 Recording of Proceedings Prohibited

No person is to use any electronic visual or vocal recording device or instrument to record the proceedings of the Council unless the person has been given written permission by the Council to do so.

2.18 Prevention of Disturbance

(1) No person, other than a Member, is to interrupt or interfere with the proceedings of any meeting of the Council, whether by expressing approval or dissent, by conversing or by any other means.

(2) A person who fails to comply with paragraph (1) is, when so directed by the Chairperson, to forthwith leave the meeting room.

(3) A person ordered to leave the meeting room and failing to do so may, by order of the Chairperson, be removed from the meeting room.

2.19 Declaration of Members' Interests

2.19.1 Obligation to Declare an Interest

(1) Any Member who has an interest within the meaning of sections 174 and 174B of the Act in a matter proposed to be dealt with at any meeting is to declare the interest at the time Declarations of Members' Interests are called for in the Order of Business for that meeting.

(2) Any Member who is not present at the time declarations are called for in the Order of Business is to declare an interest in a matter at the time that matter arises for consideration by the meeting, and before any discussion or voting on that matter takes place.

(3) If a member has an interest in a matter raised by way of amendment to a motion or an interest in a matter raised otherwise without notice, the member is to declare that interest at the earliest possible time but in any event before discussion and voting on the matter takes place.

(4) The obligation to declare an interest is to apply to all Members present at the meeting including a Member attending a Committee meeting in the capacity of an observer.

(5) The obligation to declare an interest applies in regard to each meeting at which the matter the subject of the interest arises.

(6) The obligation to declare an interest at a meeting does not apply to a member who has disclosed the Member's interest by written notice given to the Clerk prior to the meeting.

2.19.2 Details of Interest

At the time of declaring an interest, a Member is not required to give any details of the interest unless the Member wishes the meeting to consider and resolve upon the question of whether the Member:—

- (i) should be permitted to take part in the consideration or discussion of the matter; or

- (ii) should be permitted to vote on the matter pursuant to subsection 174(5) of the Act;

in which case the Member shall comply with subclauses 2.19.3 and 2.19.6.

2.19.3 Permission to Participate

(1) A Member who has declared an interest or who is liable to declare an interest in a matter and who:

- (a) desires to take part in the consideration or discussion of the matter; or
- (b) desires to vote on the matter;

is not to do either unless the meeting at which the matter arose determines by motion which may be moved without notice, that the Member should be allowed to speak or vote or both as the case may be.

(2) A meeting considering the question in item (b) of paragraph (1) of this subclause is to have regard only to the considerations in paragraphs (a) and (b) of subsection 174(5) of the Act, but may consider those and other considerations of a like kind when considering the question in item (a).

2.19.4 Obligation to Withdraw

(1) Notwithstanding that there is no obligation to do so, it is considered desirable that a Member who has declared an interest in a matter including a Member attending a meeting should depart from and remain absent from the Chamber or room while the matter is under consideration and until a vote on the matter has been taken.

(2) A Member who has declared an interest and who does not desire to take part in the consideration or discussion of the matter or to vote on the matter and who elects to depart in accordance with the recommendation in paragraph (1) should depart from the Chamber or room when the matter arises for consideration or when invited to do so.

(3) A Member who has declared an interest in a matter ("the substantial matter") but who desires either to participate in the consideration or discussion of the matter or to vote on the matter should remain in the Chamber or room to give an explanation in support of a motion that the Member be permitted to speak and/or to vote on the matter (as the case may be) but thereafter should depart until the vote on that matter is known.

(4) If it is resolved at a meeting that a Member who has declared an interest in a matter be permitted to participate in the consideration and discussion of the matter or to vote on the matter or both, then the Member may return and participate to the extent permitted.

2.19.5 Exclusion by Motion

Notwithstanding the provisions of subclause 2.19.4 if a Member has declared an interest in a matter or is liable to declare an interest, and has not elected to withdraw from the Council Chamber or the meeting room in accordance with the recommendation in subclause 2.19.4, the Council or Committee may by motion, which may be moved without notice, exclude the Member from the Chamber or room in the circumstances referred to in subsection 174(9) of the Act.

2.19.6 Full Details of Interest to be Given

(1) If a Member declares an interest in a matter, the question of whether:—

- (a) the Member should be permitted to take part in the consideration or discussion of the matter; or
- (b) the Member should be permitted to vote on the matter;

should not be considered unless full details of the Member's interest have been given to the meeting, sufficient to enable other Members present at the meeting to make a fair and informed decision on such questions.

(2) A Member who has declared an interest or who is liable to declare an interest in a matter should not take part in the consideration and discussion or voting on the matter unless full details of the Member's interest have been given to the meeting, sufficient to enable other Members present at the meeting to make a fair and informed decision on the question whether the declaring member should be permitted to do so.

(3) The prohibition in paragraph (2) should continue to apply whether or not the meeting has resolved to permit the Member to participate in the consideration and discussion or in the voting on the matter.

2.19.7 Invitation to Return to Provide Information

(1) Where a Member has declared an interest in a matter, and has departed from the Chamber or room in accordance with the recommendation in subclause 2.19.4, the meeting may resolve to invite the Member to return to provide information in respect of the matter or in respect of the Member's interest in the matter.

(2) In such case the Member should withdraw after providing the information.

2.19.8 Substitution of Deputy at Committee

Where a Member withdraws from a meeting of a Committee during the consideration of a matter in accordance with the recommendation in subclause 2.19.4, the meeting may resolve to invite another Member present at the meeting who is a deputy of the excluded Member for that Committee to participate as a Member of the Committee in place of the excluded Member during the consideration of that matter only.

2.19.9 Declaring Interest in Urgent Business

In the case of a matter which comes before the Council as urgent business, any Member who:—

- (i) has an interest in that matter within the meaning of section 174 of the Act; and
- (ii) has not had an earlier opportunity to declare an interest in the matter;

is to declare an interest when the matter comes forward for consideration by the meeting.

2.19.10 Notification of Interest at Meeting

A Member who has an interest in a matter proposed to be dealt with at a meeting may give written notice of an interest in that matter at or prior to the meeting, but in any event the fact of the interest having been declared is to be notified to the meeting.

2.19.11 Recording of Declaration

Any declaration of interest is to be recorded in accordance with the provisions of subsection 174(8) of the Act.

2.19.12 Exemption by Minister

(1) Where the Minister grants an exemption under the provisions of subsection 174(10) of the Act, in the case of any inconsistency between the provisions of this clause and the exemption the provisions of the exemption are to prevail.

(2) The terms of any exemption granted by the Minister are to be recorded in the same manner of declaration of interest pursuant to subsection 174(8) of the Act.

2.20 Declaration of Officers' Interests

(1) An Officer of the Council who is liable to declare an interest in a matter under the provisions of section 174A of the Act when giving advice or a report to the meeting is to disclose the fact of the interest in or at the time of giving such advice or report.

(2) An Officer disclosing an interest in accordance with paragraph (1) is to provide sufficient details of the interest to enable the meeting to make a fair and informed evaluation of the extent and nature of the Officer's interest and any effect that interest might be thought to have upon the advice or report given.

(3) The details of the interest of an Officer so disclosed are to be recorded in a book in accordance with subsection 174A(4) of the Act, and the fact of the disclosure is to be recorded in the Minutes of the meeting.

2.21 Minutes

2.21.1 Confirmation of Minutes

(1) The Minutes of Council meetings, whether of an Ordinary or a Special meeting, not previously confirmed, are where practicable to be submitted to the next ordinary meeting of the Council for confirmation.

(2) Discussion of any Minutes, other than discussion as to their accuracy as a record of the proceedings is not to be permitted.

2.21.2 Minute Book

The pasting or otherwise permanently affixing of the minutes to or as the leaves of a book is to be sufficient recording of the minutes in the minute book (section 188(2)).

2.21.3 Reading of Minutes may be Dispensed With

The reading at the next Ordinary meeting of the Council of the minutes of a previous meeting may be dispensed with when Members have been supplied with copies of the Minutes at least three days before the holding of the next Ordinary meeting (section 188(2)).

2.22 Questions

2.22.1 Questions with Notice

(1) A member desiring to put a question as to the work or procedure of the Council is to give notice thereof in writing to the clerk at least eight ordinary office hours before the hour fixed for the commencement of the meeting.

(2) If the question referred to in paragraph (1) is in order, the answer is to, as far as practicable, be placed in written form at the next meeting of the Council.

2.22.2 Question and Answers to be Brief

Every question and answer is to be submitted as briefly and concisely as possible, and no discussion is to be allowed thereon.

2.22.3 Question Without Notice

(1) A question requesting general information from an Officer present at the meeting may be asked without notice but the Officer is to have the right to ask that:—

- (i) the question be placed on notice for the next meeting of the Council; or
- (ii) the answer to the question be given to the Member who asked it, within seven days.

2.22.4 No Discussion on Questions

No discussion or further question is to be allowed on any question or the answer thereto, unless with the consent of the Chairperson.

2.22.5 Questions by the public

Any member of the public other than a Member, may ask a question at an Ordinary meeting of the Council, provided that:—

- (i) the question time is to be for a maximum period of 15 minutes immediately following the closure of an Ordinary meeting;
- (ii) questions are to be relevant to the Notice Paper of the meeting just concluded;
- (iii) questions are to be submitted in writing and will be read by the Clerk;
- (iv) questions will be answered by the relevant Member or officer nominated by the Chairperson;
- (v) the Chairperson may accept or reject a question or determine that any complex question requiring research be answered in writing; and
- (vi) all questions, in addition to any verbal response, are to be answered in writing.

2.23 Reports by the Clerk (Chief Executive Officer)

2.23.1 Clerk May Prepare Reports

The Clerk may prepare for presentation to any meeting a report dealing with any matter which in the opinion of the Clerk should be drawn to the attention of the meeting.

2.23.2 Distribution to the Members

Subject to subclause 2.23.3 the Clerk is to send to each Member a copy of any report which is to be presented to a meeting. The report is to be sent to each member not less than 24 hours before the commencement of the meeting.

2.23.3 Late Report

In cases of urgency or other special circumstances a report by the Clerk may, with the consent of the Chairperson, be read or otherwise given to members at the meeting notwithstanding that it has not been sent to Members in accordance with the subclause 2.23.2.

2.24 Presentation of Committee Reports

(1) Every Standing, Occasional, Advisory and Management Committee is to cause:—

- (i) a report with recommendations and suitable preamble;
- (ii) minutes of the Committee's proceedings and transactions;

to be presented to the Council by the Chairperson of each Committee concerned, or in his absence, a Member of the Committee in the form of a motion "That the report be received and the recommendations therein be adopted".

(2) No objection to the receipt of a report of any Committee, or any part thereof, is to be raised when such reports are presented to the Council, except for reasons arising out of such reports.

(3) The Chairperson is to:—

- (i) put the question that the report be received;
- (ii) call for a motion to be moved by any Member pursuant to subclause 3.6.2 with the exception of item (i) of that paragraph with respect to any recommendation contained in the report;
- (iii) as to the recommendations contained in the report, apart from a recommendation or recommendations the subject of a motion by a Member pursuant to the preceding item of this paragraph, put the question that the recommendations be adopted;
- (iv) in relation to a recommendation or those recommendations in the report which are the subject of a motion or motions by a Member or Members pursuant to subclause 3.6.2, the motion or motions are to be debated and dealt with in accordance with this By-law.

2.25 Deputations

(1) A deputation wishing to be received by the Council or a Committee is to apply in writing to the Clerk who is to forward the written request to the Mayor or the Committee Chairperson, as the case may be.

(2) If the Mayor is of the opinion that the request for a deputation is one which should be brought before the Council and if the Council makes an order to that effect, the deputation is to be invited to attend.

(3) If the Chairperson of a Committee is of the opinion that the request for a deputation is one which should be brought before the Committee and the majority of members are in agreement, the deputation is to be invited to attend.

(4) A deputation invited to attend a Council or Committee meeting:—

- (i) is not to exceed five members, only two of which may address the Council although others may respond to specific questions from the Members; and
- (ii) is not to address the Council or Committee for a period exceeding 15 minutes.

(5) Any matter which is the subject of a deputation to the Council or a Committee is not to be further considered by the Council or that Committee until the deputation has withdrawn.

2.26 Petitions

(1) A petition must:—

- (i) contain the name, address and signature of each petitioner; and
- (ii) have the name of the person who lodged the petition with the Council shown at the top of the first page thereof;

but need not otherwise be in any particular form.

(2) Every properly constituted petition is to be presented to the Council by a Member or the Clerk.

(3) The presentation of a petition, is to be confined to the reading of the petition.

(4) The only motions that are in order are that:—

- (i) the petition be received;
- (ii) that a report be prepared; or
- (iii) that it be referred to a Committee.

2.27 Notices of Motion

2.27.1 Giving Notice of Motion

(1) Unless the Act or this By-law otherwise provides, a Member may raise at an Ordinary meeting of the Council such business as he considers appropriate in the form of a motion of which notice has been given in writing to the Clerk.

(2) A notice of motion is to be given at least four (4) clear days before the meeting at which it is raised.

(3) Every notice of motion is to relate to some question affecting the constitution, administration or condition of the Municipality or the Council.

2.27.2 Exclusion or Amendment of Notices

(1) The Clerk:—

- (i) with the concurrence of the Mayor, may exclude from the Notice Paper any notice of motion which is out of order; or
- (ii) may on his own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form.

(2) No notice of motion is to be deemed informal by reason of:—

- (i) the policy involved being considered objectionable; or
- (ii) its having relation to a matter not within the scope of the ordinary work of the Council, so long as in the opinion of the Mayor such matter is one of public interest, utility or importance.

(3) Nothing in this subclause is to limit or affect the power of a Councillor, at an ordinary meeting of the Council to object to a motion pursuant to subsection 175(3) of the Act.

2.27.3 Motion to Lapse

Subject to the provisions of subclause 3.13.7 a motion of which notice has been given is to lapse unless:—

- (i) the member who gave notice thereof, or some other member authorised by him in writing is present to move the motion when called on; or
- (ii) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

2.27.4 Dealing with Lapsed Motion

(1) If a notice of motion is given and lapses in the circumstances referred to in the preceding subclause, notice of motion in the same terms or the same effect may be given for consideration at a subsequent meeting of the Council.

(2) If a motion lapses and is in the same terms or to the same effect as a motion which lapsed at a previous meeting of the Council, the Council is not to entertain a motion in the same terms or to have the same effect at a subsequent meeting until at least three months have elapsed from the date of the meeting at which the motion last lapsed.

(3) The provision in paragraph (2) is not to apply to motions to rescind or alter a resolution and to which subclauses 3.13.7 and 3.14.1 apply.

2.27.5 Amendments to Notice of Motion

(1) An amendment other than a minor amendment to a motion of which Notice of Motion has been given in accordance with subclause 2.27.1 is not to be considered at a meeting unless notice in writing of the amendment is received by the Clerk at least one clear day before the meeting at which the relevant motion is to be taken into consideration, excluding any day on which the Council's Administrative Office is not open for business.

(2) A Notice of Amendment of Motion received by the Clerk not less than two clear days before the meeting at which the relevant motion is to be considered is to be properly entered on the Notice Paper immediately after the notice of the relevant motion.

(3) The Mayor is to decide whether any amendment moved without notice in accordance with the preceding paragraphs of this subclause is a minor amendment but the Council may dissent from the Mayor's ruling in accordance with the provisions of subclause 3.2.6.

PART III—MEETINGS—PROCEDURE AND CONDUCT

3.1 General Procedure

3.1.1 Meeting to Proceed to Business

Subject to Clause 2.4, every meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

3.1.2 Members to Occupy own Seats

At meetings of the Council each Member is to occupy the place assigned to that Member within the Council Chamber.

3.1.3 Substance of Motion to be Stated

Any Councillor wishing to propose an original motion or amendment is to state the substance of the motion before addressing the Council on that matter.

3.1.4 Unopposed Business

(1) Upon a motion being moved and seconded, the Chairperson may ask the meeting if any Councillor opposes it.

(2) If no one signifies opposition to the motion the Chairperson may declare the motion in paragraph (1) carried without debate and without taking a vote on it.

(3) A motion carried under paragraph (2) is to be taken, for all purposes, as a resolution of the Council.

(4) If a Councillor signifies opposition to a motion the motion is to be dealt with according to this By-law.

3.1.5 Motion and amendments to be seconded

(1) Subject to subclause 3.1.4 a motion or amendment is not to be discussed or put to the vote of the Council unless seconded.

(2) A motion or amendment is not to be altered by the mover without the consent of the seconder.

3.1.6 Titles to be Used

In referring to any other person present in the capacity of a Member or officer of the Council, a speaker is to designate that other person by the title of Mayor or Councillor, or by the title of the particular officer, as the case may be.

3.1.7 Councillors to Address Chairperson

A Councillor moving a motion or amendment, or taking part in the discussion thereon, may be called upon by the Chairperson to rise and address the Chairperson, except when prevented from doing so by sickness, infirmity, or physical impairment.

3.2 Preserving Order

3.2.1 Chairperson to Preserve Order

The Chairperson is to preserve order, and may call any Councillor to order, whenever, in the Chairperson's opinion, there is cause for so doing.

3.2.2. Definition of Order

Any Member who does anything or behaves in a manner which is forbidden by any of these Standing Orders is to be deemed to be out of order.

3.2.3. Breaches of Order

The following are to be recognised as breaches of order:—

- (i) discussion of a question not before the Council; or
- (ii) the use of offensive or insulting language; or
- (iii) the violation of any by-law or standing order of the Council.

3.2.4 Raising Point of Order

(1) Any Councillor may direct the attention of the Chairperson to any breach of order by any other Councillor.

(2) A Councillor raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.

(3) A Councillor rising to express a difference of opinion or to contradict a speaker is not to be recognised as raising a point of order.

3.2.5 Precedence of Questions of Order

Notwithstanding anything contained in this by-law to the contrary, all questions of order at any time arising are, until decided, to suspend the consideration of and decision on every other matter.

3.2.6 Rulings by Chairperson

(1) The Chairperson, when deciding a point of order or practice, is to give his or her decision, and argument or comment is not to be permitted thereon.

(2) The Chairperson's decision in paragraph (1) is final in that particular case, unless a majority of the Councillors then present, upon motion made forthwith without discussion, dissent therefrom.

(3) Notwithstanding the generality of paragraphs (1) and (2) there is to be no dissent from a ruling of the Chairperson allowing or disallowing a question on a matter required to be dealt with without discussion.

3.2.7 Ruling Out of Order

(1) Whenever the Chairperson has decided that any motion, amendment or other matter before the Council is out of order, it is to be rejected.

(2) Whenever anything said or done by any Councillor is similarly decided to be out of order, that Councillor is to be called upon by the Chairperson to make such explanation, retraction or apology, as the case may require.

3.2.8 Continued Breach of Order

Where a Councillor:—

- (i) persists in any conduct which the Chairperson decides is out of order; or
- (ii) refuses to make any explanation, retraction or apology required by the Chairperson under subclause 3.4.5;

the Chairperson may direct that Councillor to refrain from taking any further part in the meeting of the Council, other than by recording his or her vote. The Councillor is to comply with such a direction.

3.2.9 Serious Disorder

(1) If at a meeting of the Council the Chairperson is of the opinion that by reason of disorder or otherwise the business of the Council cannot effectively be continued, the meeting may be adjourned for a period of no more than fifteen minutes.

(2) After the adjournment in paragraph (1) the Council is to re-assemble and decide whether business is to be proceeded with, and that question is to be decided forthwith and without debate.

(3) Where after any proceedings under paragraphs (1) and (2), the Chairperson is again of the opinion that the business of the Council cannot effectively be continued, the meeting may be closed or adjourned.

3.2.10 Chairperson may be Heard

Whenever the Chairperson rises during debate to raise or rule on a point of order, any Councillor then speaking or offering to speak is to be silent so that the Chairperson may then be heard without interruption.

3.3 Rules of Debate

3.3.1 Chairperson may take part in debate

Subject to the provisions of this By-law the Chairperson may take part in the discussion upon any question before the Council.

3.3.2. Priority of Speaking

Where two or more Councillors rise to speak at the same time, the Chairperson is to decide which of them is entitled to priority.

3.3.3 Speaking Without Interruption

(1) A Member who is speaking on any question is not to be interrupted except on a point of order.

(2) In the event of a point of order the Member speaking is to be seated until the Councillor raising the point of order has been heard thereon and the question of order has been decided whereupon the Councillor so interrupted may, if permitted proceed.

3.3.4 Speaking Twice

(1) Subject to subclause 3.3.7 no Councillor is to speak twice on the same question, except:—

- (i) in reply upon an original motion of which he was the mover; or
- (ii) as the mover of an amendment last moved.

(2) The mover of any original motion may exercise a right of reply after any amendments thereto have been moved and decided.

3.3.5 Calling to Order for Speaking Twice

Subject to subclause 3.3.7, the Chairperson is to call to order any Member proceeding to speak a second time on the same question, without waiting for the intervention of the Council.

3.3.6 Mover or Seconder to be Held to Have Spoken

(1) A Councillor moving a motion or amendment is to be held to have spoken thereon.

(2) A Councillor seconding a motion or amendment is to be held to have spoken thereon unless at the time of seconding the motion or amendment the Councillor reserves the right to speak on the motion or amendment later in the debate.

3.3.7 Resolution to Allow Speaking Twice

The Council may, by resolution moved without notice, suspend the operation of subclause 3.3.4 hereof in the following circumstances:—

- (i) there may be a general suspension in which case subclause 3.3.4 is to be suspended until such time as the Council by resolution resolves to lift the suspension; or
- (ii) there may be a specific suspension giving the right to speak twice to specified Members and that suspension is to be automatically lifted when all Members specified have spoken twice or waived the right to do so.

3.3.8 Questions During Debate

A Member may ask a question at any time during the debate on a motion before the motion is put, but no discussion thereon is permitted.

3.3.9 No Speaking After Motion Put

No Member is to speak on any motion or amendment:—

- (i) after the mover has replied; or
- (ii) after the question has been put.

3.3.10 Limit of Speeches

(1) A Member is not to speak:—

- (i) upon any motion or amendment for a longer period than five (5) minutes; or
- (ii) in answer to any question with or without notice for a longer period than five (5) minutes; or
- (iii) in reply for a longer period than five (5) minutes;

without the consent of the Council to extend, which is to be signified without discussion.

(2) The Council is not to consent to the extension of a Member's time for speaking beyond ten (10) minutes of total extensions.

3.3.11 Speaking in Reply

A Member speaking in reply is not to introduce any new matter but is to be strictly confined to answering previous speakers.

3.3.12 Division of Motions

The Chairperson, or the Council by resolution passed without debate, may order a motion to be divided and put in the form of two or more motions.

3.3.13 Withdrawal of Motions

A motion or amendment may be withdrawn by the mover, with the consent of the Council, which is to be signified without debate.

3.4 Conduct of Members

3.4.1 No Digression

A Member is not to speak otherwise than upon, or digress from, the question then before the Council.

3.4.2 No Adverse Reflection on Council Resolution

A Member is not to reflect adversely upon a resolution of the Council except on a motion that the resolution be rescinded.

3.4.3 No Adverse Reflection on Member or Officer

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

3.4.4 Recording of Statements

Any Member may require the Clerk to take down any particular words used by a Member immediately upon their being used and to read such words back to the meeting for verification.

3.4.5 Withdrawal of Offensive Language

(1) Any Councillor who uses an expression which in the opinion of the Chairperson reflects offensively on any Member or officer of the Council, is to when required by the Chairperson, unreservedly withdraw the expression and make a satisfactory apology to the Chair.

(2) If the Councillor in paragraph (1) declines, or neglects to do so, the Chairperson may refuse to hear the Councillor further upon the matter then under discussion and may call upon the next speaker.

3.4.6 Disturbance by Councillor

A Councillor is not to make any noise or disturbance or speak aloud while any other person is addressing the Council, except to:—

- (i) raise a point of order; or
- (ii) call attention to the want of a quorum.

3.4.7 Continued Irrelevance

The Chairperson may:—

- (i) call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Councillor; and
- (ii) direct that Councillor, if speaking, to stop speaking;

thereupon, the Councillor is to cease speaking and be seated.

3.4.8 Crossing Council Chambers

(1) When the Chairperson is putting any question, a Councillor is not to leave or cross the Chamber.

(2) A Councillor is not, whilst any other Member is speaking, to pass between the speaker and the Chair.

3.5 Voting

3.5.1 Voting by Chairperson

(1) The Mayor is not to vote unless there is an equal division of votes, in which case he or she has, and may exercise a casting vote (section 173(8)(a)).

(2) Where the Deputy Mayor or a Councillor presides at a meeting of the Council he or she is to exercise a deliberative vote only (section 173(8)(aa)).

3.5.2 Members must Vote

At meetings of the Council, except where he or she is prohibited from voting by the Act and subject to the preceding subclause, a Member present in the Council Chamber when a question is put is to:—

- (i) vote on the question; and
- (ii) except where the Act provides otherwise, vote openly and not by secret ballot (section 173(9)).

3.5.3 Method of Taking Vote

(1) The Chairperson, in taking the vote on any motion or amendment, is to:—

- (i) put the question, first in the affirmative and then in the negative;
- (ii) determine whether, the affirmative or the negative has the majority of votes; and
- (iii) declare the result of the vote.

(2) The question put under paragraph (1) may be put as often as is necessary to enable the Chairperson to determine whether the affirmative or the negative has the majority of votes.

(3) The result of voting openly is determined on the count of raised hands, but it may be determined on the voices unless a Member calls for a show of hands (section 173(10)).

(4) Upon a vote on the voices or on a show of hands being taken, a Councillor may call for a division (section 173(10)).

3.5.4 Procedure on Division

(1) The division is thereupon to be taken by those voting in the affirmative passing to the right of the Chair and those voting in the negative to the left of the Chair (section 173(11)).

(2) Upon a division being called for, the Chairperson may if he or she thinks fit order that the division bell be rung, and after the lapse of one half of a minute from the bell ceasing to ring a Councillor is not to be permitted to enter or leave the Council Chamber until after the division has been taken.

(3) The names of the Councillors who voted on the question on which there was the division are to be recorded by the Clerk in respect of every division together with details of whether they voted in the affirmative or negative together with the names of those Councillors who abstained from voting by reason of a pecuniary interest in the question or otherwise (section 173(12)).

3.6 Motions

3.6.1 Permissible Formal Motions during Debate

Subject to subclause 3.6.2, when a motion is being debated no further motions are to be moved except the following:—

- (i) that the motion be amended;
- (ii) that the motion be deferred;
- (iii) that the Council adjourn;
- (iv) that the debate be adjourned;
- (v) that the question be put;
- (vi) that the question lie on the table;
- (vii) that the Council proceed with the next business;
- (viii) that the Council sit behind closed doors; or
- (ix) that the meeting be now closed.

3.6.2 Permissible Motions on Recommendation From Committee

(1) A recommendation made by or contained in a report of a Committee may be:—

- (i) adopted by the Council without amendment or modification;
- (ii) rejected by the Council in its entirety;
- (iii) subject to subclause 3.7.1 amended or modified and adopted with such amendments or modifications; or
- (iv) referred back to the Committee for further consideration in accordance with paragraph (2) hereof.

(2) A Member may at the conclusion of the speech of any other Member move without notice that the question or part thereof be referred back to the Committee;

(3) On a motion referred to in paragraph (1):—

- (i) the mover may speak for not more than five (5) minutes;
- (ii) the seconder is not to speak other than to formally second; and
- (iii) no other debate is to be allowed.

(4) Where part of the recommendation is referred back to the Committee, the balance of the recommendation is to be dealt with otherwise in accordance with this subclause.

3.6.3 Recommendations may be Questioned

During the consideration of a recommendation of a Committee by the Council, a Councillor may, through the Chairperson, question the Chairperson of the Committee upon any matter arising directly out of or having relevance to the recommendation.

3.7 Amendments

3.7.1 Relevancy of amendment

Every amendment is:—

- (i) to be relevant to the motion to which it is moved; and
- (ii) not to have the effect of negating the motion.

3.7.2 Amendment to be Read

Every amendment is to be read before being moved.

3.7.3 One Amendment at a Time

- (1) Only one amendment at a time is to be discussed.
- (2) Whenever an amendment is lost, another amendment may be moved before the original motion is put to the vote.
- (3) Where an amendment is carried, one further amendment to the original motion as amended, and no more may be moved.
- (4) In speaking to an amendment a Councillor may give notice of his intention to move a further amendment.

3.7.4 Amended Motion Treated as Original Motion

- (1) Where an amendment is carried, the original motion as amended is, for all purposes of subsequent debate, subject only to subclause 3.7.3, to be treated as if it was the original motion.
- (2) Only the mover of the original motion referred to in paragraph (1) is to have the right of reply in respect of the original motion as amended.

3.7.5 Recommendations become Resolutions

Where the Council adopts a recommendation contained in a report, either with or without amendment or modification, the recommendation so adopted is to be deemed to be a resolution of the Council.

3.8 Adjournment

3.8.1 Motion that Council Adjourn

(1) A Councillor may:—

- (i) at the conclusion of the speech of any other Member; or
- (ii) on the conclusion of any business;

move without notice that the Council do now adjourn.

(2) A motion seeking to adjourn the Council is to state the time and date to which the adjournment is to be made.

3.8.2. Times for Speaking on Motion to Adjourn

(1) On a motion to adjourn:—

- (i) the mover may speak for not more than five (5) minutes;
- (ii) the seconder is not to speak other than formally to second;
- (iii) the mover of the motion (if any) which was then under debate may speak for not more than five (5) minutes; and
- (iv) no other debate is to be allowed;

(2) The mover of a motion under debate speaking in opposition of an adjournment is not to lose the right of reply.

3.8.3 Subsequent Motion to Adjourn

If a motion for the adjournment of the Council is negatived, no similar motion is to be moved until:—

- (i) after the conclusion of the business under discussion at the time the adjournment was moved; or
- (ii) if the adjournment was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
- (iii) after the conclusion of any other business allowed precedence by the Council.

3.8.4 Restraint on Councillors Right to Move Adjournment

(1) A Councillor who has spoken on the question then before the Council is not to move the adjournment of the Council.

(2) A Councillor is not, at the same sitting of the Council, to move or second more than one motion for the adjournment of the Council.

3.8.5 Resumption of Debate after Adjournment of Meeting

On a motion for the adjournment of the Council being carried, the discussion on the question (if any) under debate when the motion was moved is to be continued immediately upon the Council resuming after the adjournment.

3.8.6 Recording Speakers before Adjournment of Meeting

(1) On a motion for the adjournment of the Council being carried, a record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

(2) Those Councillors to which paragraph (1) applies are not to be permitted to speak on any subsequent consideration of the same subject.

(3) This subclause does not deprive a mover of the right of reply.

3.8.7 Adjournment of Council

On the motion for the adjournment of Council being carried:—

- (i) the Chairperson is to adjourn the Council to the time and date specified in the motion; or
- (ii) where no time and date is specified, to a time and date determined by the Chairperson.

3.8.8 Motion that Debate be Adjourned

A Councillor may, at the conclusion of the speech of any other Member move, without notice, that the debate be adjourned to a later hour of the same meeting or to a subsequent meeting of the Council.

3.8.9 Times for Speaking on Adjournment of Debate

(1) On a motion that the debate be adjourned:—

- (i) the mover may speak for not more than five (5) minutes;
- (ii) the seconder is not to speak other than formally to second; and
- (iii) the mover of the motion then under debate may speak for not more than five (5) minutes.

(2) If the question then before the Council is a recommendation from a Committee:—

- (i) the Chairperson of the Committee concerned; or
- (ii) in his absence, a Member thereof;

may speak for not more than five (5) minutes.

(3) On a motion that the debate be adjourned, no debate is to be allowed other than that provided for in paragraphs (1) and (2).

(4) The mover of a motion under debate speaking in opposition to an adjournment is not thereby to lose the right of reply.

3.8.10 Restraint on Councillor's right to move Adjournment of Debate

(1) A Councillor who has spoken on the question then under debate is not to move the adjournment of the debate.

(2) A Councillor is not, at the same sitting of the Council, to move or second more than one motion for the adjournment of the same debate.

3.8.11 Resumption after Adjournment of Debate

On resuming an adjourned debate the Councillor who moved its adjournment is entitled to speak first.

3.8.12 Recording Speakers Before Adjournment of Debate

(1) On a motion for the adjournment of a debate being carried, a record is to be taken of all those who have spoken on the subject under debate.

(2) Those Councillors to which paragraph (1) applies are not to be permitted to speak on any resumption of the debate on that subject.

(3) This subclause does not deprive a mover of the right of reply.

3.9 Resumption After Counting Out

Where the debate on any motion moved and seconded is interrupted by the Council being counted out, the procedure on resumption is to be in accordance with subclause 2.4.5.

3.10 Motion that the Question be Now Put

3.10.1 Moving Closure

(1) A Councillor may, at the conclusion of the speech of any other Councillor move, without notice and without comment, that the question under consideration be now put.

(2) Upon the motion referred to in paragraph (1) being formally seconded it is to immediately be put, without debate.

3.10.2 Restraint on Councillor's Right to Move Closure

(1) A motion that the question under consideration be put is not to be moved by a Councillor who has already spoken on the question.

(2) At an Ordinary meeting, if any Councillor objects pursuant to Section 175(3) of the Act, the motion is not to be carried except by an absolute majority of the Members of the Council.

3.10.3 Times for Speaking on Closure Motion

(1) When it is decided by the Council that the question under consideration be put, the mover of the question under consideration is, if the debate has occurred and if otherwise entitled to do so, to be permitted to speak in reply for not more than five (5) minutes before the question is put.

(2) Thereafter the question is to immediately be put.

3.10.4 The Question to be Put on a Closure

(1) Whenever it is decided by the Council that the question be put, the question to be put includes the original motion as well as any amendment thereto adopted by the Council.

(2) If the closure referred to in paragraph (1) is moved during debate on an amendment, it is the amendment which is put to the vote and not the original motion.

3.11 Motion that Council Proceed to the Next Business

3.11.1 Moving the "Next Business"

(1) A Councillor may, at the conclusion of the speech of any other Member move, without notice and without comment, that the Council do proceed to the next business.

(2) Upon the motion referred to in paragraph (1) being formally seconded, it is to be immediately put, without debate.

3.11.2 Effect of a "Next Business" Resolution

(1) Where the Council decides to proceed to the next business, the question which was then under discussion is to be considered as lapsed.

(2) The effect of the motion referred to in paragraph (1) thus lapsing is to be the same as if it had been lost on a vote of the Council.

3.11.3 Subsequent "Next Business" Motion

During the same debate on any question, a "Next Business" motion is not to be moved within one hour after a similar motion has been negatived.

3.12 Motion that the Meeting be now Closed

3.12.1 Moving the Closure of the Meeting

A Councillor may, at the conclusion of the speech of any other Member or on the conclusion of any business, move, without notice, that the meeting of the Council be now closed.

3.12.2 Times for Speaking on Closure of Meeting

(1) On a motion that the meeting of the Council be now closed:—

- (i) the mover may speak for not more than five (5) minutes;
- (ii) the seconder is not to speak other than formally to second;
- (iii) the mover of the motion (if any) then under debate may speak for not more than five (5) minutes; and
- (iv) no other debate is to be allowed.

(2) The mover of a motion under debate speaking in opposition to the Closure of the meeting is not thereby to lose the right of reply.

3.12.3 Subsequent Motion to Close Meeting

If a motion that the meeting of the Council be closed is negatived, no similar motion is to be moved until:—

- (i) after the conclusion of the question under discussion at the time the closure was moved; or
- (ii) if the closure was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
- (iii) after the conclusion of any other business allowed precedence by the Council.

3.12.4 Restraint on Councillor's Right to Move Closure of Meeting.

(1) A Councillor who has spoken on the question then before the Council is not to move that the meeting be closed.

(2) A Councillor is not, at the same meeting of the Council, to move or second more than one motion that the meeting be closed.

3.12.5 Effect of Closure of Meeting

On a motion that the meeting be closed being carried, the discussion on the question (if any) under debate when that motion was moved is to stand adjourned to its place on the notice paper for the next meeting of the Council.

3.12.6 Recording Speakers Before Closure of Meeting

(1) On a motion that the meeting be closed being carried:—

- (i) a record is to be taken of all those who have spoken on the subject under consideration up to the closing of the meeting; and
- (ii) those Councillors are not to be permitted to speak on any subsequent consideration of the same subject.

(2) This subclause does not deprive a mover of the right of reply.

3.13 Motion for Rescission

3.13.1 Rescission at Same Meeting

The Council may at the same meeting at which it is passed, rescind a resolution if all Members who were present in the Council Chamber at the time the resolution was passed are also present in the Council Chamber at the time the rescission is proposed (section 177(1)).

3.13.2 Rescission at Subsequent Meeting

The Council may, at a meeting after that at which it was passed rescind a resolution:—

- (i) where notice of motion to rescind is not given, if a motion to that effect is carried by an absolute majority of the Members; or
- (ii) where the Member intending to propose the rescission has, through the Clerk given written notice of his intention to each of the other Members at least 7 days before the meeting, if a motion to that effect is carried by the majority of the Members voting on the proposal at the meeting;

but not otherwise (section 177(2)).

3.13.3 Terms of and Reasons for Rescission to be Stated

(1) When making a motion of rescission at the same meeting at which the substantive resolution was passed or at a subsequent meeting without notice, the Member moving the rescission is to state in clear terms:—

- (i) the terms of the motion of rescission identifying the resolution proposed to be rescinded; and
- (ii) the reason or reasons for seeking rescission.

(2) The Chairperson is not to accept a motion for rescission which does not comply with the requirements in paragraph (1).

3.13.4 Terms and Reasons to be Stated in Notice

When giving notice of motion of rescission the Member giving notice is to record in writing in clear terms:—

- (i) the terms of the motion of rescission identifying the resolution proposed to be rescinded; and
- (ii) the reason or reasons for seeking the rescission.

3.13.5 Notices Received During Same Meeting

(1) If the Clerk receives a notice of motion to rescind a substantive resolution before the close of the meeting at which the substantive resolution was passed:—

- (i) the Clerk is to forthwith deliver the notice to the Chairperson;
- (ii) the Chairperson is, at the earliest opportunity, to notify the meeting of the notice; and
- (iii) thereafter, at the first available opportunity the Chairperson is to bring on the rescission motion before the close of the meeting.

(2) If the Clerk receives a notice of motion to rescind a substantive resolution after the closure of the meeting at which the substantive resolution was passed, the Clerk is to ensure that the rescission motion is considered at a Special or Ordinary meeting of the Council held at the earliest opportunity after the meeting at which the substantive resolution was passed.

3.13.6 Multiple Rescission Notices

The Clerk may receive more than one notice of motion to rescind the same substantive resolution.

3.13.7 Absence of Mover or Seconder

If a motion to rescind a resolution fails to be considered by the Council by reason that at the time the motion is called on:—

- (i) the Member who gave notice of the motion is not present or is not willing to move the motion; and
- (ii) there is no other Member present willing to move the motion;

then the motion is to lapse and a motion to the same effect is not thereafter to be entertained by the Council.

3.13.8 No Rescission of Procedural Resolution or a Resolution to Rescind

The Council is not to entertain a motion to rescind a substantive resolution which is:—

- (i) merely procedural in its form and effect; or
- (ii) a resolution to rescind another resolution.

3.13.9 Repeated Rescissions by the Same Member Prohibited.

If the Council, on a motion moved by any Member, resolved not to rescind a substantive resolution, then the Council is not to subsequently entertain a motion moved by the same Member to rescind the same substantive resolution.

3.14 Motion to alter Resolution

3.14.1 Rescission Provisions Apply to Alteration.

The provisions of this By-law relating to rescission are to apply so far as the context permits to any motion to alter a substantive resolution.

3.14.2 Motion to alter Having Effect to Rescission

If a motion to alter a substantive resolution in its form or effect would amount to a motion to rescind the substantive resolution, then it is to be treated as if it was a motion to rescind the substantive resolution.

3.15 Negatived Motion not to be Entertained within Three Months

A motion to the same effect as any motion which has been decided in the negative by the Council is not again to be entertained within a period of three (3) months unless a majority of the Councillors signify to the Clerk in writing before a meeting their consent to the motion being entertained at that meeting.

3.16 Suspension of Standing Orders

3.16.1 Motion to Suspend

(1) In cases of urgent necessity or whilst the Council is sitting behind closed doors, any Standing Order of the Council may be suspended on a motion duly made.

(2) If at an Ordinary meeting a Councillor makes an objection to a motion to suspend a Standing Order pursuant to Section 175(3) of the Act, the motion is not to be declared carried unless it is agreed to by an absolute majority of the Members of the Council.

3.16.2 No Discussion on Motion to Suspend

A Councillor moving the suspension of Standing Orders is to state the object of the motion, but discussion is not otherwise to take place thereon.

3.16.3 Only Specified Clauses Suspended

(1) A Councillor moving the suspension of Standing Orders under this clause is to state the specific clause or clauses of the Standing Orders sought to be suspended.

(2) Only the clauses nominated in paragraph (1) are to be affected by any resolution to suspend Standing Orders under this clause.

PART IV—COMMITTEES

4.1 Appointment of Committees

4.1.1 Standing Committees

In addition to such Occasional Committees as may from time to time be appointed the Council may nominate such Standing Committees as it deems necessary at the first meeting of the Council after the Ordinary Elections.

4.1.2 Duties of Committees

(1) The powers and duties of Standing Committees are to be such as the Council from time to time defines.

(2) Subject to the provisions of section 182 of the Act, the Mayor may be an ex-officio a member of every Committee. In the absence of the Mayor the Deputy Mayor may act in his or her stead.

4.1.3 Term of Appointment

Subject to the provisions of subclause 4.5.4, the Members of each Standing Committee are to:—

- (i) be appointed for each two year period at the first meeting of the Council held after the Ordinary Elections; and
- (ii) hold office until the commencement of the first meeting after the Ordinary Elections then next ensuing or until the expiration of their terms of office as Councillor, whichever first occurs.

4.2 Occasional Committees

4.2.1 Appointment of Occasional Committees

The Council may appoint Occasional Committees to perform any duty which may be lawfully entrusted by it to a Committee.

4.2.2 Standing Committee Not to Interfere

A Standing Committee is not to interfere in any matter which has for the time being been entrusted to an Occasional Committee.

4.2.3 Details of Appointment

An Occasional Committee is not to be appointed except on a motion setting out:—

- (i) the names of the Members of whom it is intended to constitute the Committee; or
- (ii) the number of Members intended to constitute the Committee and a provision that they be elected by a separate motion;
- (iii) the purpose or purposes for which the Occasional Committee is established.

4.2.4 Review of Occasional Committees

The Council is to review the desirability of continuing any particular Occasional Committee no less than every twelve months.

4.3 Advisory and Management Committees

4.3.1 Appointment of Advisory and Management Committees

Whenever the Council thinks fit it may appoint persons whether Members or not, as an Advisory Committee, or as a Management Committee in accordance with and for any of the purposes set out respectively in sections 180 and 181 of the Act.

4.4 Meetings

4.4.1 Calling Meeting of Committee

(1) The Clerk is to call a meeting of any Committee when requested so to do by:—

- (i) the Mayor; or
- (ii) the Chairperson of the Committee if the Mayor is not Chairperson (section 179(1));
or

(iii) any two Members of that Committee;

(2) The Clerk is to give notice of a meeting referred to in paragraph (1) to every Member of the Council.

4.4.2 Open Committee Meetings

Meetings of Standing and Occasional Committees are to be open to the public except on such occasions as the Committee, by resolution, decides otherwise.

4.4.3 Councillor attending Committee as Observer

(1) A Member may attend as an observer at meetings of a Standing or Occasional Committee notwithstanding that the Member is not a Member of that Committee.

(2) A Member attending a Committee meeting as an observer may speak with the leave of the Committee, but is not to vote on any question before the Committee unless the Member is a deputy of a Member excluded from a meeting due to a pecuniary interest or absent for other reasons.

(3) Subject to the preceding subclause a Member attending a Committee as an observer is to sit in an area set aside for observers separated from the Committee Members.

4.4.4 Adjournment of Committee

Any Committee of the Council may adjourn from time to time.

4.4.5 Quorum of Committee

At any meeting of a Committee the number of Members necessary to form a quorum:—

- (i) where the total number of the Members of the Committee is an even number, is one-half of that total, plus one; or
- (ii) where the total number of the Members of the Committee is an odd number, is the integer nearest to but greater than one half of that total.

4.4.6 Failure of Quorum

(1) Every meeting is to proceed to business as soon after the time stated in the Agenda as a quorum is constituted.

(2) If a quorum is lacking 30 minutes after the hour at which a meeting of any Committee is appointed to be held, no meeting is to take place.

(3) Where a meeting lacks a quorum after 30 minutes, the meeting is to stand adjourned until the day and time fixed for the next Ordinary meeting of the Committee, unless the Chairperson convenes a special meeting of the Committee for the transaction of the business standing adjourned.

4.4.7 Voting by Committees

The decision of a Committee on a question is that decided by a majority of the members present, including the Chairperson who has a deliberative vote, and who in the case of an equal division of votes has a casting vote (section 182(9)).

4.5 General

4.5.1 Composition of Committees

(1) The number of Members of a Committee is to be decided upon by the Council at the first meeting of Council held after the Ordinary Elections. The number of Members of a Standing or Occasional Committee, inclusive of the ex-officio Member under section 182 of the Act if there is such a Member, is to be less than one half of the total number of Members of Council (section 179(1)(a)).

(2) The Council may appoint a Member or Members thereof to be the deputy or deputies, as the case may be, to act on behalf of a member of an Occasional or Standing Committee whenever that member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council (section 179(1a)).

(3) Where a member of a Standing or Occasional Committee does not attend a meeting thereof any deputy of that member is, subject to paragraph (4) hereof entitled to attend that meeting in place of the member and act for the member, and while so acting has all the powers of that member (section 179(1aa)).

(4) A deputy who is one of two or more deputies of a member of a Standing or Occasional Committee is not entitled to attend a meeting of the Committee in place of that member if the meeting is attended by another deputy of that member who has precedence over that deputy in the order of seniority determined under paragraph (2) (section 179(1ab)).

(5) A person who is a member of an Occasional or Standing Committee is not eligible to be appointed a deputy for a member of that Occasional or Standing Committee (section 179(1b)).

4.5.2 Chairman of Committees

(1) Subject to the Act and these Standing Orders, the Mayor is ex officio a member of every Committee of which he indicates his intention to be such a Member:

- (a) at the time of the appointment of the Committee (section 182(2a)); or
- (b) at the first meeting of the Committee held after any declaration of the election of Members of the Council that takes place after the appointment of the Committee (section 182(2b)(a)); or
- (c) at any meeting of the Council at which the constitution of the Committee is altered (section 182(2b)(b)).

(2) Where the Mayor is ex officio a member of a Committee he or she may, but is not obliged to, preside as Chairperson of the meetings of a Committee. If in accordance with the Act the Mayor intimates his or her intention not to do so or does not indicate his or her intention at all, members of the Committee may elect one of their number to preside in his or her stead (section 182(3)).

(3) The Mayor may indicate his or her intention to be Chairperson of a Committee by declaring it at the first meeting of the Committee held after the declaration of the election of members of the Council, or by giving each of the members of that Committee at or before that meeting, written notice of his or her intention not to preside. If at or before that meeting the Mayor does not so give notice, he or she is regarded as having intimated that his or her intention is not to preside (section 182(4)).

(4) If the Mayor intimates or is regarded as having intimated that his or her intention is not to preside he or she is not, unless under section 182(6) of the Act he or she is authorised to do so, to preside until the corresponding first meeting of the Committee in the following year (section 182(5)).

4.5.3 Delegation of Powers to Committees

The Council may delegate to a Standing or Occasional Committee such of its powers and duties, except power to borrow money and power to impose rates, as the Council thinks fit (section 179(1)(c)).

4.5.4 Council may Change Membership

(1) The Council may:—

- (i) by resolution carried pursuant to a notice of motion, by a simple majority; or
- (ii) on a motion moved without notice by an absolute majority;

change the membership of any committee or appoint a substitute for a Member absent pursuant to leave granted by the Council.

(2) The Council may resolve that a Standing Committee be reconstituted and upon such reconstitution, the new Committee is to elect its Chairperson.

4.5.5 Appointment of Committees

The initial membership of a Standing Committee or an Occasional Committee is to be determined by the Council in accordance with the Act.

4.5.6 Standing Orders to Apply

(1) Except insofar as they limit the number of times a Member may speak, these Standing Orders are to be observed at meetings of Committees.

(2) For the purpose of this subclause, reference to the Mayor in Parts II to V inclusive are, where the context permits, to be read as a reference to the Chairperson of a Committee.

4.5.7 Committees to Report

Committees are answerable to the Council and are to:—

- (i) report regularly to Ordinary Meetings of the Council;
- (ii) report to the Council fully on their activities when required by the Council to do so (section 179(4)).

4.5.8 Unfinished Business of Former Committees

Committees may take up matters referred by the Council to the preceding Committee which may not have been fully discharged at the time such Committee went out of office.

4.5.9 Appointment of Sub-Committees

A Committee may appoint a Sub-Committee of its Members for the purpose of providing advice and recommendations to that Committee on particular issues.

4.5.10 Papers for Committee Meeting to be put to all Members of Council.

When a meeting of any Committee is called the agenda for the meeting together with copies of all officers' reports relating to matters on the agenda for that meeting are to be forwarded to all Members of the Council, except those on leave of absence.

4.5.11 Minutes of Committees

(1) The Chairman of each Committee is to ensure that a Minute Book is kept in which are to be entered minutes of all its proceedings and transactions (section 182(8));

(2) The Chief Executive Officer is to assist the Chairman in carrying out his or her responsibility in paragraph (1), together with administrative support in the preparation of meeting agendas and correspondence.

4.5.12 Communications by Committees

No Committee is to communicate with any outside person or authority except through the Clerk, as the Officer of the Council duly authorised for the purpose.

4.5.13 Resignation of Seat on Committee

(1) Any Member of a Committee may resign his or her seat on the Committee by notice in writing signed by him or her and addressed to the Clerk (section 179(2)).

- (2) When the notice referred to in paragraph (1) is delivered to the Clerk, his or her seat on the Committee is to become vacant.
- (3) The Council may from time to time fill a vacancy on a Committee.

PART V—GENERAL

5.1 Election of Deputy Mayor

- (1) At the first meeting of the Council held after the Ordinary Elections, the Members shall, by secret ballot, elect one of their number to the office of Deputy Mayor who is to hold that office until the commencement of the first meeting of the Council after the Ordinary Elections next succeeding his or her election to the office.
- (2) Where there is any inconsistency between the provisions of this By-law and the provisions of section 143 of the Act, the latter prevails.

5.2 Representation on Statutory Authorities/Public Bodies

5.2.1 Clerk to Refer Invitation

Correspondence inviting the Council to submit nominations for appointment to statutory authorities on public bodies is to be referred by the Clerk to the Council, or if applicable, a Committee considered appropriate.

5.2.2 Committee to Make Recommendation

Where such correspondence is referred to a Committee, the Committee is to consider the matter and by resolution refer the business with its recommendations to the Council.

5.2.3 Obligations of Delegate

A Member appointed by the Council to be its delegate to a statutory authority or public body is, when required to express an opinion or vote on any item of business, to have regard to the resolutions, policies and practices of the Council.

5.3 Electors' Meetings

5.3.1 Standing Orders Apply

The Standing Orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this By-law and the provisions of Section 171 of the Act, the latter prevail.

5.3.2 Restriction on Voting and Speaking

A person who is not an elector:—

- (i) is not entitled to vote at a meeting of electors; and
- (ii) may not take any part in any discussion at that meeting, unless the meeting, by a motion, requests him or her to do so.

5.4 Strategic Objectives

The following Vision, Mission and Beliefs and Objectives are hereby adopted by and for the municipality of the Town of Cambridge:—

(1) Vision Statement

That the Town of Cambridge be acclaimed as a municipality of significance in metropolitan Perth providing a quality living environment.

(2) Mission Statement

To facilitate a delivery of services which fosters a lifestyle and promotes:

- friendliness, cleanliness, safety and health.
- a prosperous and dynamic business, residential and tourist community.
- a richness in heritage, culture, beauty and environment.
- efficient, accountable and quality management of public assets and infrastructure.

(3) Statement of Beliefs

- that the interests of our ratepayers, residents, visitors and users of our Town are paramount.
- that the quality and delivery of service shall be on the basis of "Getting it Right the First Time".
- that we are a team.

(4) Statement of Objectives

- to provide vision and leadership in all our activities for the overall benefit of the Town and its people.
- to provide a comfortable and aesthetically pleasant Town.
- to operate in a financially prudent and ethical manner.
- to ensure that services are delivered by best practice and standards.
- to deliver a high level of service in a friendly and courteous manner.
- to ensure our staff work in a safe and fulfilling environment and that they are properly compensated for their contribution.

PART VI—OFFICERS OF THE MUNICIPALITY**6.1 Complaints by Members**

If any Member has any complaint concerning the ability, character or integrity of any officer or employee of the Council, or of any act or omission of such officer or employee, and desires to bring such complaint to the notice of the Council, he is to notify the Clerk of the complaint in writing giving such details as are available in order that the complaint may be investigated and, if necessary reported upon by the Clerk.

6.2 Right of Reply

If a complaint or criticism is made concerning an officer or employee of the Council, whether by a Member or any other person, that officer or employee may reply to the complaint or criticism either in writing to the Mayor or, with the consent of the Council, to the Council itself.

PART VII—MISCELLANEOUS**7.1 Breach of Standing Orders**

Any persons committing a breach of these Standing orders is liable upon conviction to a penalty not exceeding \$500.

7.2 Chairperson to Ensure Compliance

The Chairperson is authorised and empowered to ensure that meetings are conducted in accordance with these Standing Orders.

7.3 Council May Take Action

The Council may take proceedings under Section 646 of the Act against any persons committing a breach of these Standing Orders.

Dated this 26th day of April 1995.

The Common Seal of the Town of Cambridge was hereunto affixed in the presence of:—

CRAIG LAWRENCE, Chairman of the Commission.
GRAHAM D. PARTRIDGE, Chief Executive Officer/Town Clerk.

Recommended:—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 23rd day of May 1995.

M. C. WAUCHOPE, Clerk of the Council.

LG316

LOCAL GOVERNMENT ACT 1960*Municipality of the Shire of Merredin***BY-LAWS RELATING TO FENCING**

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it the Council of the abovementioned municipality hereby records having resolved on the 21st February 1995 to—

Repeal all previous *By-laws Relating to Fencing* made under the *Local Government Act* as published in the *Government Gazette*.

Dated this 22nd day of February 1995.

The Common Seal of the Shire of Merredin was hereunto affixed in the presence of—

GLORIA RAE BANKS, President.
ROY LITTLE, Shire Clerk.

Recommend—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 23rd day of May 1995.

M. C. WAUCHOPE, Clerk of the Council.

LG401

SHIRE OF NUNGARIN

Scale of Fees and Charges 1995/96

Particulars	1994/95	1995/96
PRIVATE WORKS		
Grader	\$82.00	\$82.00
Front End Loader	\$65.00	\$65.00
Small Front End Loader	\$47.00	\$47.00
Tandem Truck	\$70.00	\$70.00
Small Trucks	\$45.00	\$45.00
Tractor with roller	\$54.00	\$54.00
Cement Mixer (per day or part thereof)	Not for Hire	
Self Propelled Roller	\$50.00	\$50.00
Sand (5km range)	\$8/t	\$8/t
Gravel (5km range)	\$9/t	\$9/t
Delivery (beyond 5km) 15c per tonne per km	\$.15/km	\$.15/km
OTHER EQUIPMENT		
Scaffolding (per week or part thereof)	\$25.00	\$25.00
ONLY AVAILABLE FOR WORK WITHIN SHIRE		
RECREATION GROUND		
PERMANENT (per annum)		
Bond \$100		
Football Club (Junior)	\$80.00	\$0.00
Cricket Association	\$500.00	\$500.00
Tennis Club	\$600.00	\$600.00
Golf Club	\$55.00	\$55.00
PAVILION (per hire)		
NOTE: 75% discount applies for school related hire.		
Bond \$100		
Dining room and kitchen without liquor	\$20.00	\$20.00
Dining room and kitchen with liquor	\$25.00	\$25.00
Function room—meeting	\$18.00	\$18.00
Function room—social	\$25.00	\$25.00
Tennis Courts	\$30.00	\$0.00
BBQ Bond: \$100		\$20.00
HALL HIRE (per hire)		
NOTE: 75% discount applies for school related hire.		
Liquor bond \$50		
Entire hall without liquor	\$30.00	\$30.00
Entire hall with liquor	\$60.00	\$60.00
Badminton Club	\$10.00	\$10.00
Stage and Kitchen	\$30.00	\$30.00
Stage Only	\$10.00	\$10.00
OTHER		
Pie Warmers	\$10.00	\$10.00
Chairs (each)	\$0.50	\$0.50
Wooden Trestles (each)	\$5.00	\$5.00
Cutlery and Crockery (6 piece)	\$1.00	\$1.00
(Breakage to be replaced at Hirer's expense)		
SWIMMING POOL		
Season		
Family ticket	\$35.00	\$40.00
Single ticket (Adult)	\$22.00	\$25.00
Single ticket (Child)	\$12.00	\$15.00
Casual		
Adult	\$1.50	\$1.50
Children	\$0.60	\$0.60
Classes		
Adults	\$15/hr	\$15/hr
Children	\$10/hr	\$10/hr
NOTE: Persons attending classes are not required to pay an Admittance Fee.		

Particulars	1994/95	1995/96
McCORRYS HOTEL		
Bond \$50		
Not self contained		
Accommodation Only	\$10.00	\$10.00
Function Only	\$50.00	\$50.00
School Camps (supervised only)	\$2/head	\$2/head
Dormitory	\$5/head	\$5/head
Caravan per night		\$10.00
Caravan per week (7 days)		\$50.00
Tent per night		\$5.00
ADMINISTRATION		
Facsimile Outward	\$5 for First page, \$1 every page thereafter	
Facsimile Inward	\$1 per page	
Photocopying:		
1-50 copies	\$0.30	\$0.30
50+ copies	\$0.20	\$0.20
Local Sporting and Community Organisations	\$0.15	\$0.15
Nungarin Landcare Group	nil	nil
Nungarin Community Development Group	nil	nil
Other Documents:		
Council Agenda		\$5.00
Council Minutes		\$5.00
Policy Manual (In process of preparation)30 per page
Council Budget		\$5.00
Council Annual Financial Statements		\$5.00
Council By-laws30 per page
Consolidated Roll		\$10.00
Owner and Occupier Roll		\$10.00
Road Map		\$10.00
Freedom of Information:		
Application Fee		30
Activity Charge (per hour or pro-rata per hour)		30
Advance Deposits		
Section 18(1) FOI Act 25% of Application fee		
Section 18(4) FOI Act 75% of Application fee		

LG404

LOCAL GOVERNMENT ACT 1960*City of Gosnells***RATING EXEMPTION**Department of Local Government,
Perth, 23 May 1995.

LG: GS5-6

It is hereby notified for public information that His Excellency the Governor, acting pursuant to section 532 (10) of the *Local Government Act 1960*, had declared exempt from Municipal Rates land described as Lot 5 (109) Hicks Street, Gosnells, which is owned by Amaroo Cottages (Inc).

JOHN LYNCH, Executive Director.

LG402

SHIRE OF WANDERING

It is hereby notified for public information that the following Officers have been appointed the authorised officers under the following Acts, Regulations and By-laws by the Shire of Wandering—

M. G. Oliver	Local Government Act and Regulations
	Dog Act and Regulations
	Bush Fires Act and Regulations
	Litter Act and Regulations
	Council By-laws

R. G. Warburton

Dog Act

B. R. Jones

Dog Act

The appointments of G. N. Evans, D. E. Rowe and P. J. Mason as authorised officers under the Dog Act are hereby cancelled.

23 May 1995.

M. G. OLIVER, Shire Clerk.

LG403

BUSH FIRES ACT 1954*Shire of Wandering*

It is hereby notified for public information that the following Bush Fire Control Officers have been appointed under the Bush Fires Act by the Shire of Wandering—

Chief Fire Control Officer	Mr B. Dowsett
Deputy Chief Fire Control Officer	Mr J. McNeil
Fire Control Officers	Mr M. J. E. Watts (Wandering Brigade) Mr B. E. Dowsett (Wandering Brigade) Mr N. F. Ferguson (Wandering Brigade) Mr D. L. English (Wandering Brigade) Mr T. M. Hardie (Wandering Brigade) Mr J. R. Price (Codjototine Brigade) Mr P. B. Monk (Codjototine Brigade) Mr D. R. Warburton (Codjototine Brigade) Mr K. J. Price (Codjototine Brigade) Mr J. M. Bostock (Hastings Brigade) Mr C. D. Young (Hastings Brigade) Mr J. R. McNeil (Hastings Brigade) Mr G. R. Parsons (Hastings Brigade) Mr A. F. Salau (Hastings Brigade)
Clover Permit Officers	J. R. McNeil B. E. Dowsett
Fire Weather Officers	P. B. Monk G. R. Parsons D. L. English M. G. Oliver

All other appointments of Fire Control Officers are hereby cancelled.

23 May 1995.

M. G. OLIVER, Shire Clerk.

LG905

LOCAL GOVERNMENT ACT 1960*City of Fremantle***NOTICE OF INTENTION TO BORROW**

Pursuant to section 610 of the Local Government Act 1960 the City of Fremantle hereby gives notice that it proposes to borrow money by sale of debenture repayable at the Office of the Lender on the following terms and conditions:

Notice of Intention to borrow proposed Loan 209—\$200 000

Amount:	\$200 000.
Repayment:	Quarterly instalments of Principal and Interest over a period of five (5) years.
Purpose:	Purchase of gymnasium equipment for the Fremantle Aquatic Centre.

Notice of Intention to borrow proposed Loan 210—\$95 000

Amount:	\$95 000.
Repayment:	Quarterly instalments of Principal and Interest over a period of one (1) year.
Purpose:	Purchase of land—part Fremantle Town Lot 43, Corner Queen Victoria Street and Tydeman Road, North Fremantle.

Plans, specifications and estimates of costs thereof and the statement required by Section 609 are open for inspection at the Office of the Council, 8 William Street, Fremantle, for 35 days from the publication of this notice.

Dated this 24th day of May 1995.

J. K. ARCHIBALD, Mayor.
F. PEARCE, Town Clerk.

LG901

LOCAL GOVERNMENT ACT 1960*Shire of Boyup Brook***NOTICE OF INTENTION TO BORROW**

Proposed Loan No. 100—\$50 000

Pursuant to section 610 of the Local Government Act 1960 the council of the Shire of Boyup Brook hereby gives notice that it proposed to borrow money by the sale of debenture repayable at the office of the Lender, on the following terms and conditions—

Amount: \$50 000.
Repayment: Quarterly instalments of principal and interest.
Purpose: Construction of dam for recreation ground.
Term: 10 years.

Plans, specifications and estimates as requested by section 609 of the Local Government Act are available for inspection at the office of the Council during normal business hours for thirty five (35) days after the publication of this notice.

Dated this 24th day of May, 1995.

E. H. BLECHYNDEN, President.
P. R. WEBSTER, Shire Clerk.

LG902

LOCAL GOVERNMENT ACT 1960*Shire of Boyup Brook***NOTICE OF INTENTION TO BORROW**

Proposed Loan No. 101—\$165 000

Pursuant to section 610 of the Local Government Act 1960 the council of the Shire of Boyup Brook hereby gives notice that it proposed to borrow money by the sale of debenture repayable at the office of the Lender, on the following terms and conditions—

Amount: \$165 000.
Repayment: Quarterly instalments of principal and interest.
Purpose: Construction of swimming pool changerooms.
Term: 10 years.

Plans, specifications and estimates as requested by section 609 of the Local Government Act are available for inspection at the office of the Council during normal business hours for thirty five (35) days after the publication of this notice.

Dated this 24th day of May, 1995.

E. H. BLECHYNDEN, President.
P. R. WEBSTER, Shire Clerk.

LG903

LOCAL GOVERNMENT ACT 1960*Shire of Boyup Brook***NOTICE OF INTENTION TO BORROW**

Proposed Loan No. 102—\$85 000

Pursuant to section 610 of the Local Government Act 1960 the council of the Shire of Boyup Brook hereby gives notice that it proposed to borrow money by the sale of debenture repayable at the office of the Lender, on the following terms and conditions—

Amount: \$85 000.
Repayment: Quarterly instalments of principal and interest.
Purpose: Construction of swimming pool changerooms.
Term: 10 years.

Plans, specifications and estimates as requested by section 609 of the Local Government Act are available for inspection at the office of the Council during normal business hours for thirty five (35) days after the publication of this notice.

Dated this 24th day of May, 1995.

E. H. BLECHYNDEN, President.
P. R. WEBSTER, Shire Clerk.

LG904**LOCAL GOVERNMENT ACT 1960***Shire of Derby / West Kimberley***NOTICE OF INTENTION TO BORROW**

Proposed Loan No. 122—\$300 000

Pursuant to section 610 of the Local Government Act 1960 the council of the Shire of Derby/West Kimberley hereby gives notice that it proposes to borrow money by the sale of debentures, repayable at the office of the Lender, by equal half yearly instalments of Principal and Interest, for the following term and purpose—

Amount: \$300 000.
 Term: 10 years.
 Purpose: Purchase of office accommodation.

Information relating to the plans, specifications and estimates required by section 609 are available for inspection at the office of the Council for a period of thirty five (35) days from the date of this notice.

Dated this 11th day of January, 1995.

P. J. McCUMSTIE, President.
 P. D. ANDREW, Shire Clerk.

MAIN ROADS**MA401**

MRWA 42-30-H

MAIN ROADS ACT 1930**PUBLIC WORKS ACT 1902****NOTICE OF INTENTION TO TAKE OR RESUME LAND**

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in the Brookton District, for the purpose of the following public works namely, widening of the Armadale-Ravensthorpe Road and that the said pieces or parcels of land are marked off on MRWA Drawing 9409-310 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

Schedule

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (Approx.)
1.	Idahno Park Pty Ltd	Idahno Park Pty Ltd	Portion of Avon Locations 7750 and 7751 and being part of the land contained in Certificate of Title Volume 1299 Folio 701.	3 300 m ²

Dated this 21st day of May 1995.

D. R. WARNER, Director Corporate Services.

MINERALS AND ENERGY**MN404****MINING ACT 1978****NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Minerals & Energy,
 Meekatharra.

In accordance with Regulation 49 (2) (c) of the Mining Act 1978 notice is hereby given that the licences are liable to forfeiture under the provision of Section 96 (1) (a) for breach of covenant, viz. non payment of rent.

Warden.

To be heard in the Warden's Court Meekatharra on 15 June 1995.

EAST MURCHISON MINERAL FIELD

P53/746—Cyprus Gold Australia Corporation.

MN401

PETROLEUM ACT 1967**SECTION 47 (3)****REVOCATION OF DECLARATION OF A LOCATION**

I, Peter William Baillie, Acting Director of the Petroleum Operations Division in the Department of Minerals and Energy for the State of Western Australia being the officer for the time being holding certain powers and functions of the Minister in respect of the area specified in the State of Western Australia by virtue of an instrument of delegation dated 2 March 1993 and published in the *Government Gazette* of Western Australia on 12 March 1993, hereby revoke the declaration of a location of the following blocks as published in the *Government Gazette* of 24 May 1991.

Hamersley Range Map Sheet

Blocks	Location No.
7017, 7018, 7089, 7090	2/90-1

These blocks are the subject of Exploration Permit No. EP 41 held by:

Ampolex Limited
Minora Oil NL
Enterprise Oil Exploration Limited
Lansvale Oil & Gas Pty Ltd
Minora Resources NL
Jarmina Pty Limited
Pace Petroleum Pty Ltd
Perthshire Petroleum Limited
Gondwana Resources NL
Discovery Petroleum NL

Dated this 23rd day of May 1995.

PETER WILLIAM BAILLIE, Acting Director,
Petroleum Operations Division.

MN402

MINING ACT 1978**NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Minerals and Energy.

In accordance with Regulation 49 (2) (c) of the Mining Act 1978, notice is hereby given that the licences are liable to forfeiture under the provisions of Section 96 (1) (a) for breach of covenant, viz. non payment of rent.

Warden.

To be heard in the Warden's Court, Marble Bar on the 23rd June 1995.

PILBARA MINERAL FIELD*Marble Bar District*

P45/2009—Holecka, Joseph Michael
P45/2106—Nosmada Gold & Minerals Pty Ltd
L45/22—St Barbara Mines Ltd
L45/23—St Barbara Mines Ltd
L45/24—St Barbara Mines Ltd
L45/25—St Barbara Mines Ltd
L45/26—St Barbara Mines Ltd
L45/27—St Barbara Mines Ltd
L45/28—St Barbara Mines Ltd

PILBARA MINERAL FIELD

Nullagine District

P46/1172—Shanks, Helen Janette

P46/1173—Shanks, Helen Janette

P46/1181—Kay, Wally

MN403

MINING ACT 1978

NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals & Energy,
Southern Cross.

In accordance with Regulation 49 (2) (c) of the Mining Regulations, 1981 notice is hereby given that the licences are liable to forfeiture under the provisions of Section 96 (1) (a) of the Mining Act, 1978 for breach of covenant, viz. non-payment of rent.

F. CULLEN, Warden.

To be heard in the Warden's Court, Southern Cross on the 13th July, 1995.

YILGARN MINERAL FIELD

Miscellaneous Licences

77/7—Reynolds Australian Gold Operations Ltd.

77/65—Reynolds Australian Gold Operations Ltd.

77/66—Reynolds Australian Gold Operations Ltd.

77/93—HB Brady Co. Pty Ltd.

77/118—Robertson, Stuart Malcolm.

Prospecting Licences

77/2770—Noretel Pty Ltd; Barcombe Pty Ltd; Standale Pty Ltd & Wearside Pty Ltd.

77/2771—Noretel Pty Ltd; Barcombe Pty Ltd; Standale Pty Ltd & Wearside Pty Ltd.

77/2772—Noretel Pty Ltd; Barcombe Pty Ltd; Standale Pty Ltd & Wearside Pty Ltd.

77/2776—Noretel Pty Ltd; Barcombe Pty Ltd; Standale Pty Ltd & Wearside Pty Ltd.

77/2800—Nugold Hill Mines NL.

77/2801—Nugold Hill Mines NL.

77/3027—Della Bosca, Paul David; Strange, Vernon Wesley.

77/3028—Della Bosca, Paul David; Strange, Vernon Wesley.

77/3029—Della Bosca, Paul David; Strange, Vernon Wesley.

77/3030—Della Bosca, Paul David; Strange, Vernon Wesley.

77/3067—Earlminster Investments Pty Ltd.

77/3068—Earlminster Investments Pty Ltd.

77/3070—Knowler, John Arthur.

PARLIAMENT

PA401

PARLIAMENT OF WESTERN AUSTRALIA

Bills Assented to

It is hereby notified for public information that the Lieutenant Governor and deputy of the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the dates shown, to the under-mentioned Bills passed by the Legislative Council and the Legislative Assembly during the Second Session of the Thirty-Fourth Parliament.

Short Title of Bill	Date of Assent	Act No.
Agricultural and Veterinary Chemicals (Western Australia) Bill 1995	May 17, 1995	3 of 1995
Agricultural and Veterinary Chemicals (Taxing) Bill 1995	May 17, 1995	4 of 1995

L. B. MARQUET, Clerk of the Parliaments.

PLANNING**PD401****METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959****METROPOLITAN REGION SCHEME****Notice of Section 33 Amendment****"South East Corridor—South of Armadale"**

File No: 809-2-1-31.

Amendment No: 966/33.

The Metropolitan Region Scheme (the Scheme) is proposed to be amended for various portions of land in the South East Corridor area of the Perth metropolitan region. The proposals are intended to implement planning proposals contained in the draft South-East Corridor Structure Plan of 1994.

The procedure for amending the Scheme, as set out in section 33 of the Metropolitan Region Town Planning Scheme Act 1959 (as amended), is to be used to advertise this proposal. Public submissions are invited and the amendment will eventually be put to Parliament for final approval. In accordance with the procedure in section 33, the Hon Minister for Planning has approved the amendment for public display and for the calling of submissions.

Copies of the maps showing the proposed changes to the zones and reservations of the Scheme are available for the public inspection at each of the places listed hereunder.

The Metropolitan Region Scheme is proposed to be amended by substituting amending map sheets numbered 20/97m, 24/60m, 28/20m, 32/6 and 36/2 for those parts of map sheets 20, 24, 28, 32 and 36. The detail of these changes are included in a report which is available at the places of exhibition.

The amending plans 1.3329, 1.3330/1 and 1.3331 and the relevant detail plans are available for inspection from Monday April 10, 1995 to Friday July 14, 1995 at each of the following places:

- (a) Ministry for Planning
1st Floor Albert Facey House
469-489 Wellington Street
PERTH WA 6000
- (b) Council Offices of the municipalities of:
 - (i) City of Perth
Westralia Square
141 St George's Terrace
PERTH WA 6000
 - (ii) City of Fremantle
Corner Newman and William Street
FREMANTLE WA 6160
 - (iii) City of Armadale
7 Orchard Ave
ARMADALE WA 6112
 - (iv) Shire of Serpentine-Jarrahdale
6 Paterson St
MUNDIJONG WA 6202
- (c) J S Battye Library
Alexander Library Building
Cultural Centre Francis Street
NORTHBRIDGE WA 6003
- (d) Main Roads WA
Waterloo Crescent
EAST PERTH WA 6004

Any person who desires to make a submission either supporting or objecting to any provisions of the proposed amendment may do so on Form 6A. Submission forms are available on request from the display locations and must be lodged with the:

Secretary,
Western Australian Planning Commission
469-489 Wellington Street
PERTH WA 6000

on or before 4.30 pm Friday July 14, 1995.

IAN WIGHT-PICKIN, Acting Secretary,
Western Australian Planning Commission.

PD402

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Canning

Town Planning Scheme No. 40—Amendment No. 17

Ref: 853/2/16/44 Pt. 17.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the City of Canning Town Planning Scheme Amendment on 16 May 1995 for the purpose of—

1. The amendment of paragraph 6.4.5.1 by the addition of the following words “with the exception of buildings associated with Trade Display”, after the words “any building”.
2. The amendment of paragraph 7.4.5.1 by the addition of the following words: “with the exception of buildings associated with Trade Display”, after the words “any building”.
3. The amendment of paragraphs 6.4.5.2(b) and 7.4.5.2(b) by the addition of the words “and where buildings are situated within 21 metres of a Controlled Access Highway but not less than 21 metres from any other street alignment” after the words “the abutting streets”.
4. The amendment of paragraphs 4.5.2.2, 6.4.2.2 and 7.4.2.2 by the addition of the following—

“(h) With the permission of the Council, pergolas, carports, patios and cantilevered buildings.”
5. The following interpretation be added to Appendix 1 of the City Zoning Scheme—

“stall means a place, stand, vehicle or other thing where goods are exposed or offered for sale by retail, and being distinguished from a shop in that it is not permanently housed in a place that is structurally part of a building and of which the stallholder has exclusive possession.”
6. Amend the definition of the term “home occupation” in Appendix 1 of the Scheme Text as follows—
 - Delete (a) and renumber each point consecutively.
 - Delete the passage “; and” at the end of existing item (g) and substitute a full stop.
 - Delete existing item (h).
7. Delete the interpretation of “Canteen” in Appendix 1 to the City Zoning Scheme and substitute the following—

“canteen means a shop established to provide meals and refreshments for employees upon premises used primarily for some other purpose.”
8. Delete the interpretation of “non-conforming use” in Appendix 1 to the City Zoning Scheme, and substitute the following—

“non-conforming use means the use of any land or building which was lawful under the provisions of an earlier town planning scheme affecting the land and/or enjoyed non-conforming use rights under that scheme;”
9. The interpretation of “vehicle workshop” in Appendix 1 to the City Zoning Scheme to be amended by the deletion of the words “where incidental to such repairs and overhauls”.
10. (a) Delete the provision “(d)” from the interpretation of “service station” in Appendix 1 to the City Zoning Scheme.
(b) Delete the word “or” appearing after the end of item (c) in the above interpretation.
11. The following interpretation be added to Appendix 1 of the city Zoning Scheme—

“Net lettable area (nla) means the area of all floors confined within the internal finished surfaces of permanent walls but excludes the following areas—

 - all stairs, toilets, cleaners’ cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
 - lobbies between lifts facing other lifts serving the same floor;
 - areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building.
 - areas set aside for the provision of facilities or services to the floor or building where such facilities are not the exclusive use of occupiers of the floor or building.

In the case of subdivided floors, the measurement of the nett lettable area is taken to the centre line of any walls or partitions between tenancies.”
12. Delete sub-clauses 4.5.6, 6.4.7 and 7.4.7.
13. Delete sub-clause 5.4.3 in the Scheme Text and substitute the following—

“5.4.3 Minimum Development Standards

The erection or use of a building or land in a Residential zone for any purpose other than a residential purpose or for a community building or residential building, shall comply with the minimum development standards for residential development as set out in the Residential Planning Codes and development should also be generally in accordance with the following performance standards—

 - (a) The proposed development will not detract from the safety and amenity of the residential area by overshadowing, overlooking and visual intrusion;

- (b) The scale and intensity of uses and buildings should be compatible with the proposed uses and buildings permitted under the maximum residential density in that locality, and be compatible with surrounding development in terms of streetscape and screening; and
 - (c) Adequate and conveniently situated off-street car parking areas are provided for any development permitted in residential areas."
 - 14. The addition of the Use Class "Family Day Care Centre" in the Zoning Table of the Scheme Text as an "AA" use in the City Centre, Residential, Special Residential/Kennel, Rural and Special Rural zones, and as a prohibited use in all other zones.
The addition of the symbol and words "Family Day Care/Cottage Industry" after each reference to Home Occupation in Sub-Clause 5.4.7.
 - 15. The amendment of the Zoning Table to indicate "Kennels" as an "AA" use in the Special Residential Kennel zone.
The addition of a new sub-clause 8.4.4—
"8.4.4 Development of Kennels
Development of a kennel, veterinary hospital or veterinary clinic shall not be permitted on a lot unless a residence is developed concurrently on the same lot; such residence being for the use of either the kennel operator or a person qualified or experienced in the treatment of animal disabilities."
 - 16. The amendment of the Zoning Table to indicate "Educational Establishment" as an "AA" use in the Private Clubs and Institutions zone.
 - 17. The amendment of the Zoning Table to indicate "Open Air Display" as an "AA" use in the "Rural" zone.
 - 18. The amendment of paragraph 2.3.7.1 by the addition of the following words "the commencement of" after the word "involving" in the first line of the paragraph.
The addition of a new paragraph 2.3.8.4 as follows—
"2.3.8.4 In the case of any proposed development not falling within the scope of paragraph 2.3.7.1 the Council may require advertising or notification in accordance with the procedures in that paragraph if it seems to the Council that the circumstances of the case justify those procedures being adopted."
 - 19. The addition in Column 4 of Appendix 5 (Schedule of Additional Uses) of the words "for any or all of the following uses".
 - 20. The addition of the following in Tables 4B and 7B—
Retail Establishment 1 space per 25m² of GLA
 - 21. Deletion of the column headed "Minimum Frontage in Metres" in Table 7A of the City Zoning Scheme.
 - 22. The amendment of sub-clause 2.5.5 by the substitution of a comma for the word "or" after the numbers "2.5.6" and the addition of the following at the end of the Clause "or signs which propose to incorporate non-site specific advertising".
 - 23. A new paragraph 6.4.2.1 be included to read as follows—
"6.4.2.1 Corner Lots
On corner lots the setback to the secondary street may be reduced provided that the Council is satisfied that—
(a) Vehicle parking is easily accessible and visible from the street.
(b) There will be no significant reduction in amenities beyond the immediate vicinity of the site."
- Paragraph 6.4.2.1 be renumbered 6.4.2.2 and amended as follows—
"6.4.2.2 Two Street Frontages
Where a lot has a frontage to two or more streets, the setback to the secondary street may be reduced to 7.5 metres provided that the Council may permit a further reduction in respect of the secondary street where it is satisfied that—
(a) No adverse impact will occur with respect to the adjoining properties or the street appearance;
(b) The development will constitute a general improvement to the aesthetic appearance of the area;
(c) The design and scale of the portion of the building encroaching forward of the 7.5m setback—
– forms an integral part of the building and the overall layout of the site with respect to vehicle access; parking and landscaping;
– does not have an adverse impact on the interface of the property with the street.
(d) Vehicle parking is easily accessible and visible from the street;
(e) There will be no significant reduction in amenities beyond the immediate vicinity of the site or of any highways or major through traffic routes."

All subsequent paragraphs and sub-clauses be renumbered accordingly.

24. The amendment of paragraphs 4.5.2.2, 6.4.2.2 and 7.4.2.2 by—

- the addition of the following—

“(i) With the permission of the Council on corner lots and lots with frontage to Controlled Access Highways, the open storage of goods within the secondary street setback in relation to corner lots, and within the setback to the Controlled Access Highway for lots which abut a Controlled Access Highway.

- the deletion of the paragraph following (i) and its substitution with the following—

“No such area shall be used for the parking of vehicles which are being wrecked or repaired, for the stacking or storage of fuel or for waste of manufacture.”

25. The amendment of sections 6.4.4 and 7.4.4 to read as follows—

“6.4.4 Landscaping Requirements

6.4.4.1 In connection with any application for Development Approval in an Industrial zone, Council shall require that landscaping be provided in accordance with the following—

- (a) the required landscaping shall cover a minimum provision of a 1 metre strip of landscaping adjoining any street to which the lot has frontage provided that no leach drains are close by;
- (b) provision for the planting of shade trees should be made within the landscaped area based on a minimum standard of 1 tree per 6 parking spaces;
- (c) any landscaped areas should be separated from an adjacent vehicular area by a wall or kerb at least 150mm higher than the adjacent vehicular area, or in some other manner so as to be protected from vehicular damage; and
- (d) landscaped areas provided under this subclause shall be planted in accordance with an approved plan, and within 90 days of the commencement of development or occupation of the site, as determined by the Council or at such later time as may be agreed in writing by the Council.

7.7.4 Landscaping Requirements

7.4.4.1 In connection with any application for Development Approval in a Commercial zone, the Council shall require that landscaping be provided in accordance with the following paragraph 7.4.4.2.

7.4.4.2 Any landscaping provided for shopping developments pursuant to the provisions of paragraph 7.4.4.1 shall be provided in accordance with the provisions set out hereunder—

- (a) the required landscaping shall cover a minimum of 10% of the total site area in the forms approved by the Council. The area shall include any area required as boundary landscaping and open parking facilities landscaping where off-street parking is required in accordance with Table 7B;
- (b) landscaped areas should not average in width less than 1.5 metres, the part of the area of the site required to be provided as landscaping shall not include areas which would normally be set aside for pedestrian movement;
- (c) provision for the planting of shade trees should be within areas to be used for parking of vehicles based on a minimum standard of 1 tree per 6 parking spaces;
- (d) landscaped areas provided under this subclause shall be planted in accordance with an approved plan, and within 90 days of the commencement of development or occupation of the site, as determined by the Council or at such later time as may be agreed in writing by the Council; and

7.4.4.3 The Council in prescribing landscaping requirements for all commercial development other than shopping pursuant to the provisions of paragraph 7.4.4.1 shall apply the following guidelines—

- (a) the required landscaping shall include a minimum provision of a 2 metre strip of landscaping adjoining any street to which the lot has frontage;
- (b) provision for planting of shade trees should be made within the landscaped areas based on a minimum standard of 1 tree per 6 parking spaces;
- (c) any landscaped areas should be separated from an adjacent vehicular area by a wall or kerb at least 150 mm higher than the adjacent vehicular area, or in some other manner so as to be protected from vehicular damage; and
- (d) landscaped areas provided under this subclause shall be planted in accordance with an approved plan, and within 90 days of the commencement of development or occupation of the site, as determined by the Council, or at such later time as may be agreed in writing by the Council.”

26. The addition in Tables 4B and 6B with regard to “Vehicle Workshops” of the words “and sufficient parking for any vehicles to be serviced on site to the satisfaction of the Council”; and in Table 7B of the Words “Vehicle Workshops—1 space per 75m² GFA or 1 space per employee whichever is the greater and sufficient parking for any vehicles to be serviced on site to the satisfaction of the Council.”

M. S. LEKIAS, Mayor.
I. F. KINNER, Town Clerk.

PD403

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Stirling

District Planning Scheme No. 2—Amendment No. 216

Ref: 853/2/20/34, Pt. 216.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the City of Stirling Town Planning Scheme Amendment on 7 May, 1995 for the purpose of rezoning portions of the existing residential zones in the area broadly bounded by the Indian Ocean, Peasholm Street, Cobb Street, Williamstown Road, Huntriss Road, Ewen Street, Scarborough Beach Road, Oswald Street, the Mitchell Freeway, Karrinyup Road, Huntriss Road, Newborough Street, Ramshaw Street and Pearl Parade in the suburbs of Scarborough, Doubleview and Innaloo, as shown on the District Planning Scheme No. 2—Amendment No. 216 plans.

A. A. SPAGNOLO, Mayor.
 R. A. CONSTANTINE, A/Town Clerk.

PD404

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Swan

Town Planning Scheme No. 9—Amendment No. 229

Ref: 853/2/21/10, Pt. 229.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Shire of Swan Town Planning Scheme Amendment on 24 May 1995, for the purpose of—

Amending the Scheme text by adding to 'Appendix 6B' in the various columns, the following—

Locality	Street and Land Particulars	Additional or Restricted Uses and Conditions
Bellevue	Lots 16 and 43 Clayton Street	The following are additional uses— (i) 'P' Use—Markets (ii) 'P' Use—Public Amusement (iii) 'P' Use—Public Assembly C. M. GREGORINI, President. E. W. LUMSDEN, Shire Clerk.

PD405

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Armadale

Town Planning Scheme No. 2—Amendment No. 107

Ref: 853/2/22/4, Pt. 107.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the City of Armadale Town Planning Scheme Amendment on 20 May 1995, for the purpose of—

I Inserting a new clause 5.8 of the Scheme Text as follows—

“5.8 Provisions Relating to Specified Areas

No person shall carry out subdivision or development within an area specified in Schedule 1 of the Scheme except in accordance with the relevant Part of Schedule 1 of the Scheme. Where any other provision of the Scheme is inconsistent with a provision of Schedule 1 of the Scheme, the provisions of Schedule 1 shall prevail.”

II Excluding the following land namely—

Lot 77 Raeburn Road, the whole of the land in Certificate of Title Volume 1908 Folio 22; from the reserve in which it is presently situated and zoning that land “Residential Development Area (Roleystone Hills Precinct)” and rezoning all other land within the Roleystone Hills Precinct from “Rural E” and “Rural D” to “Residential-Development Area (Roleystone Hills Precinct)”.

III Amending the Scheme Maps—

- a) to include the Roleystone Hills Precinct Boundary Map; and
- b) to reflect the cancellation of the reservation and the zoning of the Roleystone Hills Precinct as set out in clause 2 of this Amendment and affixing the notation "Zone subject to the Provisions of Schedule 1 of the Scheme" to the Roleystone Hills Precinct.

IV Inserting the following new Schedule into the Scheme Text—**"SCHEDULE 1
PROVISIONS RELATING TO SPECIFIED AREAS****PART 1—ROLEYSTONE HILLS PRECINCT****1. Purpose and Designation of Specified Area**

The Roleystone Hills Precinct is hereby designated as a specified area for the purposes of clause 5.8 of the Scheme and this Part 1 of Schedule 1 shall apply to the Roleystone Hills Precinct.

The purpose of establishing the Roleystone Hills Precinct is to permit the subdivision and development of an integrated low density residential estate prescribed by the R5 code of the Residential Planning Codes of Western Australia and to facilitate, at no cost to the Council's ratepayers (other than owners of land within the relevant Outline Development Plan area), the equitable apportionment of ODP Area Costs among the owners of all land within an ODP Area.

2. Interpretation

In this Part 1 of Schedule 1—

"Initial Participating Owners" means, in any relation to any ODP Area within the Roleystone Hills Precinct, such owners of land within that ODP Area as initially contributed to the ODP Area costs in respect of that ODP Area.

"Manager" means, in relation to any ODP Area, such person or persons as the Initial Participating Owners from time to time appoint for the purpose of administering the collection and distribution of the respective ODP Area costs.

"Outline Development Plan" means any outline development plan prepared in respect of land within the Roleystone Hills Precinct pursuant to clause 3 of this Part.

"ODP Area" means the area of land in respect of which an Outline Development Plan has been prepared.

"ODP Area 1" means that part of the Roleystone Hills Precinct as is shown on the map which is attached to and forms part of this Schedule and which is entitled "Roleystone Hills Precinct Initial Outline Development Plan Area";

"ODP Area Costs" means all costs and expenses paid by the initial participating owners in respect of—

- a) all planning investigations, reports and administration works involved which result in the finalisation of the relevant rezonings and implementation of an Outline Development Plan; and
- b) all development works involved which results in the relevant stages of the ODP Area being made ready for subdivision as depicted on the Outline Development Plan and may include but is not necessarily limited to provision of water supply, drainage, road upgrading, landscaping, fencing, and other infrastructure and headworks as may be required by Council and/or the relevant servicing authority.

"Participating Owner" means an owner of land within an ODP Area other than an Initial Participating Owner;

"Roleystone Hills Precinct" means the area shown on the Roleystone Hills Precinct Boundary Map; and

"Roleystone Hills Precinct Boundary Map" means the map which follows and forms part of this Schedule 1.

3. Outline Development Plan

3.1 The provisions of clause 5.1.1 of the Scheme are incorporated in this Part 1 of Schedule 1 and apply to the Roleystone Hills Precinct so far as they are not varied by or inconsistent with the express terms of this Part 1 of Schedule 1.

3.2 An Outline Development Plan must be prepared in respect of ODP Area 1.

3.3 No person shall carry out subdivision or development (other than by the development of a single house and/or associated facilities involved in the use and enjoyment of the property by the occupants of the single house) in an ODP Area within the Roleystone Hills Precinct other than in accordance with and in compliance with the Outline Development Plan prepared in respect of that ODP Area.

4. Distribution of ODP Area Costs

4.1 The contribution of a Participating Owner to ODP Area Costs is the amount which bears the same proportion to the aggregate of ODP Area costs as the area of the Participating Owners land bears to the gross area of all subdividable land within the applicable ODP Area.

4.2 A Participating Owner must pay the contribution referred to in clause 4.1 to the Manager for the Initial Participating Owners prior to—

- a) in the case of a subdivision, the date upon which the State Planning Commission endorses its final approval on a diagram or plan of subdivision of that Participating Owner's land; and
- b) in the case of development (other than the development of a single house and/or associated facilities involved in the use and enjoyment of the property by the occupants of the single house), the approval of the Council to that development.

The Council will withhold its clearance to any plan or diagram of subdivision until that Participating Owner has given to the Council evidence of compliance with this clause.

4.3 A certificate from the Manager that the Participating Owner has complied with clause 4.2 may be relied upon by Council as conclusive evidence of that fact.

5. Arbitration

5.1 If an Initial Participating Owner or a Participating Owner is unable to reach agreement with the Manager as to the value or estimated value of ODP Area cost or costs and the method by which such costs are apportioned under the provisions of clause 4.1 of this Part, the matter should be resolved independently of Council and referred to Arbitration by a single Arbitrator in the manner provided by the Commercial Arbitration Act 1985.

5.2 The costs of arbitration should be shared equally between the relevant parties involved in arbitration.

6. Fencing

Within the Roleystone Hills Precinct only open rural type boundary fences shall be constructed to the specifications and satisfaction of the Council.

R. C. STUBBS, Mayor.
J. W. FLATOW, City Manager/Town Clerk.

PD406

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION
City of Bayswater

Town Planning Scheme No. 21—Amendment No. 54

Ref: 853/2/14/25, Pt 54.

Notice is hereby given that the City of Bayswater has prepared the abovementioned scheme amendment for the purpose of rezoning Swan Loc 9082 Grey Street, Anzac Terrace, Rundall Street and Lovell Way from "Public Purposes" to "Residential R20", "Medium Density Residential R40", "Special Purpose—Aged Persons Accommodation (R30 and R40)" and "Local Public Open Space".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 61 Broun Avenue, Morley and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 7 July 1995.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 7 July 1995.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

M. J. CAROSELLA, Town Clerk.

PD408

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Cockburn

District Zoning Scheme No. 2—Amendment No. 91

Ref: 853/2/23/19, Pt. 91.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the City of Cockburn Town Planning Scheme Amendment on 20 May, 1995 for the purpose of—

1. rezoning Lot 18 Hamilton Road; portion of Lot 16 and Lots Pt 3, 18 and portion of Lot 501 Rockingham Road; Lots 4, Pt 5 and Strata Lots 1 and 2 (Lot 3) Mell Road, Lot 2 and Clarence Suburban Lot 11 Mayor Road from Rural to Residential R30.
2. rezoning portions of Lot 16 Rockingham Road from Commercial to Residential R30 and from Rural to Commercial.
3. amending the Scheme Map in accordance with the Amendment Map.

R. A. LEES, Mayor.
R. W. BROWN, Town Clerk.

PD407

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Canning

Town Planning Scheme No. 40—Amendment No. 11

Ref: 853/2/16/44, Pt. 11.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the City of Canning Town Planning Scheme Amendment on 20 May, 1995 for the purpose of—

adding the following to Appendix 5 (Schedule of Additional Uses)

No.	Lot No.	Address	Additional Purpose for Which the Premises may be Used (any or all of the following uses)	Additional Development Requirements
48	Lot 8 as shown on Diagram of Survey No. 88441	126-154 Pilbara Street Welshpool	Office(s).	Maximum Gross Floor Area of Office(s)-2 450m ²

M. S. LEKIAS, Mayor.
 I. F. KINNER, Town Clerk.

PD409

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

City of Mandurah

Town Planning Scheme No. 1A—Amendment No. 240

Ref: 853/6/13/9, Pt 240.

Notice is hereby given that the City of Mandurah has prepared the abovementioned scheme amendment for the purpose of—

1. rezoning Lot 5, Murray Location 91, Old Coast Road, Falcon from "Special Rural" to "Tourist".
2. deletion of Lot 45 Olive Road, Falcon from the "Residential 1" zone and inclusion as Road Reserve.
3. amending the Scheme Maps accordingly.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Mandurah Terrace, Mandurah and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 7 July 1995.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 7 July 1995.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

S. K. GOODE, Chief Executive Officer/Town Clerk.

PD410

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENTS AVAILABLE FOR INSPECTION

City of Nedlands

Town Planning Scheme No. 2—Amendment Nos. 91, 92 and 98

Ref: 853/2/8/4, Pts 91, 92 and 98.

Notice is hereby given that the City of Nedlands has prepared the abovementioned scheme amendments for the purpose of—

Amendment No. 91:

adding to Schedule 1 an Additional use for "Two (2) Senior Persons' Dwellings" for No. 6 (Lot 86) Thomas Street, Nedlands.

Amendment No. 92:

1. rezoning Lot 253 Strickland Street, Mt Claremont from "Retail Shopping" and "Residential R10/20" to "Retail Shopping".
2. adding to Schedule 1 An Additional Use—"Residential R20" for numbers 27 to 29 (Lots 252 and 253) Strickland Street, Mt Claremont.

Amendment No. 98:

adding to Schedule 1 the additional use—"Two (2) Senior Persons' Dwellings" for Lot 657 Edna Road, Dalkeith.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 71 Stirling Highway, Nedlands and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 7 July 1995.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 7 July 1995.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

N. G. LEACH, Town Clerk.

PD411

**TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT**

Shire of Busselton

Town Planning Scheme No. 5—Amendment No. 349

Ref: 853/6/6/6, Pt. 349.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Shire of Busselton Town Planning Scheme Amendment on 20 May 1995, for the purpose of—

1. inserting in Appendix IV Additional Use Zone to Scheme Text, the following—

Street	Particulars of Land	Permitted Uses
"Dunn Bay Road	Lot 200	Dive Shop and ancillary and incidental use."
2. amending the Scheme Map to depict the whole of Lot 200 as Additional Use.

M. SULLY, President.
K. A. WHITE, A/Shire Clerk.

PD412

**TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

Shire of Northam

Town Planning Scheme No. 2—Amendment No. 22

Ref: 853/4/23/2, Pt 22.

Notice is hereby given that the Shire of Northam has prepared the abovementioned scheme amendment for the purpose of—

1. rezoning Lot 1 of Avon Loc 9497 and Avon Loc 14738 Oyston Road/Cook Road from Rural 2 zone to Special Rural Zone.
2. adding to Schedule 5 provisions relating to the zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 55 Fitzgerald Street, Northam and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 7 July 1995.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 7 July 1995.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

A. J. MIDDLETON, Shire Clerk.

PD413**TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION***Shire of Swan*

Town Planning Scheme No. 9—Amendment No. 232

Ref: 853/2/21/10, Pt 232.

Notice is hereby given that the Shire of Swan has prepared the abovementioned scheme amendment for the purpose of including in the Schedule of Additional or Restricted uses the added uses of "Service Office" and "Consulting Rooms" with respect to the development at Lot 6 (No. 401) Great Eastern Highway, Midland.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Great Northern Highway (Corner Bishop Road), Middle Swan and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 7 July 1995.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 7 July 1995.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

E. W. LUMSDEN, Shire Clerk.

PD414**TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT***Shire of Swan*

Town Planning Scheme No. 9—Amendment No. 235

Ref: 853/2/21/10, Pt. 235.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Shire of Swan Town Planning Scheme Amendment on 20 May 1995, for the purpose of amending the Subdivisional Guide Plan with respect to Special Rural Zone No. 4C—"Henley Brook" whereby 61 (Lot 28) Woolcott Avenue, West Swan can be divided into two lots, each being 1 hectare.

C. M. GREGORINI, President.

E. W. LUMSDEN, Chief Executive Officer/Shire Clerk.

PD415**TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION***Shire of Swan*

Town Planning Scheme No. 9—Amendment No. 253

Ref: 853/2/21/10, Pt 253.

Notice is hereby given that the Shire of Swan has prepared the abovementioned scheme amendment for the purpose of including in Appendix 6B "Additional Restricted Uses" the additional use of "Fuel Depot" on portion of Lot 14 corner of Rutland Road and Almeria Parade, Bullsbrook.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Corner Great Northern Highway and Bishop Road, Middle Swan and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 7 July 1995.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 7 July 1995.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

E. W. LUMSDEN, Shire Clerk.

PD416**TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT***Town of Kwinana***Town Planning Scheme No. 2—Amendment No. 37**

Ref: 853/2/26/3, Pt. 37.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Town of Kwinana Town Planning Scheme Amendment on 20 May 1995, for the purpose of—

1. rezoning portion of Pt Lot 245 Wellard Road, Leda from "Rural Zone" to "Special Residential Zone (R5)" as depicted on the Scheme Amendment Map; and
2. modifying the Scheme Text by modifying the "First Schedule—Special Residential Zones" by adding to Column 1 the wording "Portion of Pt Lot 245 Wellard Road, Leda".

J. H. D. SLINGER, Mayor.
R. K. SMILLIE, Town Clerk.

PD417**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959
METROPOLITAN REGION SCHEME S.33A AMENDMENT****Approved Amendment**

Land bounded by Fancote Road, Beeliar Drive, Spearwood Avenue and the Railway Reserve,
Yangebup, City of Cockburn

No: 940/33A.

File: 833-2-23-58.

The Hon Minister for Planning has approved, the abovementioned amendment to the Metropolitan Region Scheme.

The amendment, as shown on Plan No. 4.1270 shall have effect as from the date of publication of this notice in the *Gazette*.

The plan as approved can be viewed at—

1. Ministry for Planning
469-489 Wellington Street
PERTH WA 6000
2. J S Battye Library
Alexander Library Building
Cultural Centre Francis Street
NORTHBRIDGE WA 6000
3. Office of the Municipality of the City of Cockburn
9 Coleville Crescent
SPEARWOOD WA 6163

IAN WIGHT-PICKIN, Acting Secretary.

PD501**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959
METROPOLITAN REGION SCHEME****Notice of Section 33 Amendment****"Stirling Regional Centre"**

File No: 809-2-20-5.

Amendment No: 971/33.

The Metropolitan Region Scheme (the Scheme) is proposed to be amended for various portions of land in the Innaloo, Stirling and Osborne Park localities of the Perth metropolitan region. The proposals are intended to implement recommendations contained in the Stirling Regional Centre Structure Plan released in January 1994, for the creation of a 'Stirling Regional Centre'.

The procedure for amending the Scheme, as set out in section 33 of the Metropolitan Region Town Planning Scheme Act 1959, is to be used to advertise this proposal. Public submissions are invited and the amendment will eventually be put to Parliament for final approval. In accordance with the procedure in section 33, the Hon Minister for Planning has approved the amendment for public display and for the calling of submissions.

Copies of the maps showing the proposed changes to the zones and reservations of the Scheme are available for the public inspection at each of the places listed hereunder.

The amending plan 3.0893, and supporting plans 3.0894, 3.0895, 1.2792 to 1.2794, and 1.2796 to 1.2800 are available for inspection from Monday 29 May 1995 to Friday 1 September 1995, at each of the following places:

- (a) Ministry for Planning
1st Floor Albert Facey House
469-489 Wellington Street
PERTH WA 6000
- (b) Council Offices of the municipalities of:
 - (i) City of Perth
Westralia Square
141 St George's Terrace
PERTH WA 6000
 - (ii) City of Fremantle
Corner Newman and William Street
FREMANTLE WA 6160
 - (iii) City of Stirling
"Civic Place"
STIRLING WA 6021
- (c) J S Battye Library
Alexander Library Building
Cultural Centre Francis Street
NORTHBRIDGE WA 6003
- (d) Osborne Park Library
11 Royal Street
TUART HILL WA 6060

Any person who desires to make a submission either supporting or objecting to any provisions of the proposed amendment may do so on Form 6A. Submission forms are available on request from the display locations and must be lodged with the:

Secretary,
Western Australian Planning Commission
469-489 Wellington Street
PERTH WA 6000

on or before 4.30 pm Friday 1 September 1995.

IAN WIGHT-PICKIN, Secretary,
Western Australian Planning Commission.

POLICE

PE301

ROAD TRAFFIC ACT 1974

ROAD TRAFFIC (LICENSING) AMENDMENT REGULATIONS (NO.2) 1995

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Road Traffic (Licensing) Amendment Regulations (No.2) 1995*.

Commencement

2. These regulations come into operation on 1 July 1995.

Schedule 2 amended

3. Schedule 2 to the *Road Traffic (Licensing) Regulations 1975** is amended in item 5 by deleting "10.90" and substituting the following —

" 12 "

[* Reprinted as at 5 October 1994.
For amendments to 17 May 1995 see Gazette of 10 January 1995.]

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

PE401**POLICE AUCTION**

Under the provision of the Police Act 1982-1983, unclaimed and stolen property will be sold by Public Auction at the premises of Fuller Auctions of 95 Forrest Avenue, Bunbury on the 24th of June 1995 at 9.30 a.m.

Dated 16 May 1995.

R. FALCONER, Commissioner of Police.

RACING AND GAMING**RA401****LIQUOR LICENSING ACT 1988****SUMMARY OF LIQUOR LICENSING APPLICATIONS**

The following is a summary of applications received under the Liquor Licensing Act 1988 and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Liquor Licensing Division, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth (Telephone: 425 1888), or consult a solicitor or relevant industry organisation.

App No.	Applicant	Nature of Application	Last Date for Objections
TRANSFER OF LICENCE			
958/94	Civil Enterprises P/L and Wilton Enterprises P/L	Application for the transfer of a Hotel Licence in respect of premises situated in Merredin and known as the Merredin Oasis Hotel, from James Ransom and Arthur Pustkuchen.	25/5/95
968/94	Demgold Holdings Pty Ltd	Application for the transfer of a Hotel Licence in respect of premises situated in Mullewa and known as the Club Hotel, from Patrick John Wright.	30/5/95
969/94	Livio and Rosetta Bevilacqua	Application for the transfer of a Liquor Store Licence in respect of premises situated in Maddington and known as the Maddington Liquor Store, from Nicola Marchesani.	31/5/95
970/94	Cottam Holdings Pty Ltd	Application for the transfer of a Liquor Store Licence in respect of premises situated in Belmont and known as the Belmont Liquor Store, from Anthony and Teen Arkell.	31/5/95
971/94	Rouleau Pty Ltd	Application for the transfer of a Restaurant Licence in respect of premises situated in Claremont and known as the Allegro Ristorante and Trattoria, from Rouleau Pty Ltd (S87).	1/6/95
973/94	Kelreef Pty Ltd	Application for the transfer of a Liquor Store Licence in respect of premises situated in Byford and known as Byford Liquor Store, from Primary Consulting Services P/L & Jenlow Nominees P/L.	6/6/95
974/94	Setjob Pty Ltd	Application for the transfer of a Restaurant Licence in respect of premises situated in Mosman Park and known as Saverino's, from Tanya Spencer.	6/6/95
975/94	Liquorland (Australia) Pty Ltd	Application for the transfer of a Liquor Store Licence in respect of premises situated in Kalgoorlie and known as Paddy Hannans Cellar, from Superlox Pty Ltd and Landsdale Pty Ltd.	7/6/95

App No.	Applicant	Nature of Application	Last Date for Objections
GRANT OF A LICENCE			
604/94	Gembow Pty Ltd	Application for the grant of a Restaurant Licence in respect of premises situated in Subiaco and known as the Bar Bzar.	14/6/95
606/94	AMF Bowling Centres (Aust) International Inc	Application for the grant of a Special Facility Licence in respect of premises situated in Morley and known as the Morley Bowl.	16/6/95
607/94	AMF Bowling Centres (Aust) International Inc	Application for the grant of a Special Facility Licence in respect of premises situated in Cannington and known as the Cannington Lanes.	16/6/95
609/94	Kelstar Pty Ltd	Application for the grant of a Restaurant Licence in respect of premises situated in Fremantle and known as The Iceworks.	19/6/95

This notice is published under section 67 (5) of the Liquor Licensing Act 1988.

G. B. AVES, Director of Liquor Licensing.

TRANSPERTH

TP401

METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST ACT 1957

I, Eric Charlton, being the Minister administering the Metropolitan (Perth) Passenger Transport Trust Act 1957-1984, appoint in accordance with the provision of Section 7 of that Act.

1. Eva Desiree Rita Skira as a Member of the Metropolitan (Perth) Passenger Transport Trust from 1 May 1995 to 30 April 1997.
2. Geoffrey Sherwin as a Member of the Metropolitan (Perth) Passenger Transport Trust from 1 May 1995 to 31 October 1996.

ERIC CHARLTON, M.L.C.,
Minister for Transport.

TENDERS

ZT201

MAIN ROADS WESTERN AUSTRALIA *Tenders*

Tenders are invited for the following projects.

Tender documents are available from the Contracts Officer, Supply Services Branch, Ground Floor, Waterloo Crescent, East Perth.

Tender No.	Description	Closing Date
		1995
304/94	Production and stockpiling of crushed gravel, pavement material, Sues Road	June 2
315/94	Provision of Property Management Services for commercial properties and vacant land owned by Main Roads	June 14
316/94	Provision of Property Management Services for residential properties owned by Main Roads	June 16
5/95	Bunbury Highway, H2, Australind Bypass duplication, Marriott section	June 7

ZT202

MAIN ROADS—continued

Acceptance of Tenders

Contract No.	Description	Successful Tenderer	Amount
326/94	Consultancy for the commercial management system GUI Interface project	DBR Group Pty Ltd	\$ 9 416.00
94D33 (Recall of 94D28)	Purchase and Removal of 1973 Kenworth Traytop 8 x 4 truck Model K123	All Tenders Rejected	
94D34	Purchase and Removal of 1975 Fabco 8 berth skid mounted caravan sleeper	No Tenders Received	
94D35	Purchase and Removal of 1993 Holden Rodeo Cab Chassis MRWA D933 Km: 45578 A/C	All Tenders Rejected	
94D36	Purchase and Removal of 1994 Ford Falcon GLI Wagon Model 18363 MRWA E806 Km: 52578 A/C	Mark Sutton	18 590.00
94D37	Purchase and Removal of 1993 Ford Falcon GLI Wagon Model 18263 MRWA E241 Km: 49837 A/C	Ratna Rupasinghe	15 600.00

D. R. WARNER, Director, Corporate Services.

ZT301

STATE SUPPLY COMMISSION

Tenders Invited

Tenders forms and full particulars of the Schedule hereunder may be obtained on application at the State Supply Commission, 6th Floor, 441 Murray Street, Perth, 6000.

TELEPHONE No. 365 8491

FACSIMILE No. 321 7918

Date of Advertising	Schedule No.	Description	Date of Closing
1995			1995
May 26	492A1995	Supply of a Network Operating System Environment for the WA Department of Training	June 15
May 19	489A1995	Proposal to take over operations of Mail West	June 22
		<i>Request for Proposal</i>	
May 12	RFP 6/95	Provision of PC and Small System Software for the State Government	—
May 12	RFP 18/95	Contracting out the administration of the Local Area Network for Department of Resources Development	June 1
May 12	RFP 3/95	Contracting out of Personnel & Payroll Systems & Services for Department of State Services	June 8
May 5	RFP 16/95	Development of a Research Program including follow-on Surveys to assess perceptions of TAFE and monitor effectiveness of National Promotional Initiatives, National Promotion of TAFE	June 8
May 12	RFP 19/95	Consultancy Services for the Development and Implementation of an Election Projects Plan for the Western Australian Electoral Commission	June 8
		A pre-briefing session will be held on Tuesday 11.00 am, 23rd May 1995 in the Electoral Commission Conference Room, 4th Floor, Fire Brigade Building, 480 Hay Street, Perth	
		<i>Invitation to Register Interest</i>	
May 5	ITRI 17/95	Provision of Maritime Maintenance Services for the Department of Transport	June 1
May 5	ITRI 15/95	Provision of Mainframe/Server Capacity & Services for BMA, DOLA, MRD & WAWA—Extended	June 8

STATE SUPPLY COMMISSION—continued

Tenders Invited—continued

Date of Advertising	Schedule No.	Description	Date of Closing
1995			1995
<i>Provision of Service</i>			
May 12	058A1995	Maintenance and Repair of Computer Hardware for Department of Minerals and Energy	June 1
May 12	249A1995	Catering Service at Noalimba and Point Walter for the Recreation Camps and Reserve Board	June 1
May 12	258A1995	Analytical Services for the Waterways Commission	June 1
May 12	299A1995	A Town Planning Consultant to undertake Planning Functions for the Department of Land Administration	June 1
May 12	320A1995	Services to Newly Released Offenders and their families for the Ministry of Justice	June 1
May 12	490A1995	Consulting Services for a Review of Costs within the Ministry of Justice	June 1
May 19	154A1995	Provision of Aircraft Maintenance and the supply of Spare parts for CALM Aircraft	June 8
March 17	341A1995	Cleaning North Metropolitan College of TAFE—Extended	June 8
March 17	342A1995	Cleaning South Metropolitan College of TAFE—Extended	June 8
March 17	343A1995	Cleaning East Metropolitan College of TAFE—Extended	June 8
March 17	344A1995	Cleaning Central Metropolitan College of TAFE—Extended	June 8
March 17	345A1995	Cleaning Midland Regional College of TAFE—Extended	June 8
March 17	346A1995	Cleaning South West Regional College of TAFE—Extended	June 8
March 17	347A1995	Cleaning Geraldton Regional College of TAFE—Extended	June 8
March 17	348A1995	Cleaning Great Southern Regional College of TAFE—Extended	June 8
March 17	357A1995	Cleaning of C.Y. O'Connor College of TAFE—Extended	June 8
March 17	358A1995	Cleaning of Advanced Manufacturing Technologies Centre Wembley Campus—Extended	June 8
March 17	359A1995	Cleaning of Curriculum of Customised Training Network—Extended	June 8
May 26	146A1995	Production of Ten (10) One Hour "Live Science" Interactive Television Programs to be Broadcast via Satellite from the Leederville Interactive Television Centre through the Goldenwest Network to non-metropolitan Western Australia during the Daytime Educational Broadcasts (EDTV)	June 15
May 26	493A1995	Development of Functional Specifications, together with the preparation and supply of a tender package incorporating Construction and Layout Details of the Proposed Community Mobile Road Safety Unit (CMRSU) for the Traffic Board of Western Australia	June 15
<i>Purchase and Removal</i>			
May 5	482A1995	Purchase, dismantling and removal of Various Items from the Department of Agriculture, Ord River Regeneration Reserve, Kununurra	June 8

Tenders addressed to the Chairman, State Supply Commission, 6th Floor, 441 Murray Street, Perth WA 6000, before 10.00 am on the nominated closing date.

Tenders must be properly endorsed on envelopes otherwise they are liable to rejection. No tender necessarily accepted.

C. LAWRENCE, Chairman, State Supply Commission.

ZT302

STATE SUPPLY COMMISSION—continued
Accepted Tenders

Schedule No.	Particulars	Contractor	Rate
<i>Supply and Delivery</i>			
457A1995	Acquisition, processing and supply of Gravity Survey Data from the Savory Basin on behalf of the Department of Minerals and Energy	Various	Details on Request
<i>Provision of Service</i>			
434A1995	Prevocational Training Courses for the WA Department of Training	Various	Details on Request
451A1995	Printing of the TAFE Examination Papers for the Year 1995 for the Western Australian Department of Training	Allwest Print	Details on Request
471A1995	Development of Four (4) Corporate Information Systems Applications using 'Powerbuilder Software V4' for the Office of Energy	Computer Power P/L	\$139 000.00
<i>Purchase and Removal</i>			
474A1995	1967 Bedford Fire Truck (7QE 309) for the Bush Fires Board	G. Mason	\$455.00
483A1995	1992 Holden Commodore Stn Wgn (6QO 077) for the Department of Agriculture, Derby	Big Rock Toyota	\$15 089.00
484A1995	1992 Toyota 4 x 4 Landcruiser Tray Back (7QI 261) for the Department of Agriculture, Kununurra	Big Rock Toyota	\$23 089.00

PUBLIC NOTICES

ZZ101**PUBLIC TRUSTEE ACT 1941**

Notice is hereby given that pursuant to Section 14 of the Public Trustee Act 1941 and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth the 18th day of May 1995.

K. E. BRADLEY, Public Trustee,
565 Hay Street, Perth 6000.

Name of Deceased; Address; Date of Death; Date Election Filed.

Charlton, John; Highgate; 13 January 1995; 4 May 1995.

Lock, Martha; Duncraig; 13 January 1995; 4 May 1995.

Macri, Maureen Margaret; Bassendean; 22 January 1995; 4 May 1995.

Piszcsek, Leon; Bunbury; 12 January 1995; 4 May 1995.

McCulloch, Andrew; Carnarvon; 28 March 1995; 10 May 1995.

Rose, Kenneth Laurence; Mandurah; 26 February 1995; 10 May 1995.

Jones, Violet Annie; Cottesloe; 14 March 1995; 10 May 1995.

Ridgway, Harold Ettrick; North Perth; 3 April 1995; 10 May 1995.

Barnes, Ruby Ena Monica; Como; 12 March 1995; 11 May 1995.

Branstater, Neville Arnold; Mardathuna Station; 2 March 1995; 11 May 1995.

McGavin, Edna May; Mandurah; 15 March 1995; 4 May 1995.

ZZ102

TRUSTEES ACT 1962**NOTICE TO CREDITORS AND CLAIMANTS**

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 26th June 1995, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Ball, Joy Louise, late of 85 Surrey Road, Rivervale, died 11/3/95. (DEC 281471 DP4)

Brandstater, Neville Arnold, late of Maradathuna Station, Via Carnarvon, died 2/3/95. (DEC 281380 DA4)

Brazionis, Vldas, late of 8 Gladstone Crescent, Collie, died 24/4/95. (DEC 282912 DA2)

Cochrane, Bryson Christopher, late of 49 Doorigo Road, Armadale, died 24/5/93. (DEC 283129 DD3)

Foster, Norman James, formerly of 8 Cadd Street, Hilton, late of Braemar Nursing Home, 214 Canning Highway, East Fremantle, died 21/4/95. (DEC 283079 DA2)

Gooding, Doris Ann, late of Flat 10, 138 Adelaide Terrace, Perth, died 16/4/95. (DEC 282475 DS4)

Ireland, Daniel, late of 23 First Avenue, Bassendean, died 21/4/95. (DEC 283063 DC4)

Lakey, Ida Muriel May, formerly of 8 Mitchell Street, Ardross, late of 36A Boston Way, Booragoon, died 18/4/95. (DEC 282987 DP4)

McCull, Patricia Nell, late of 37 Fancote Street, Kelmscott, died 3/4/95. (DEC 282587 DS2)

Marsh, Nellie, late of Shoalwater Nursing Home, Fourth Avenue, Shoalwater, died 29/4/95. (DEC 283076 DG4)

Mossdrop, Louise Dawn, late of 22 Columba Street, Bunbury, died 28/3/95. (DEC 282999 DS2)

Stahl, Ivan, also known as Stahl, John Ivan, late of 11 Christina Street, Hazelmere, died 23/2/95. (DEC 281679 DE2)

Stevens, Karel, late of Maurice Zeffert Home for the Aged, 119 Creswell Road, Dianella, died 14/4/95. (DEC 282749 DC4)

Taylor, Gladys, late of 22/98 Ellersdale Avenue, Warwick, died 29/4/95. (DEC 282909 DP1)

Thurstun, Victor Rolfe, late of 54 Stirk Road, Alfred Cove, died 21/4/95. (DEC 283203 DG2)

Weaver, Elsie May, formerly of 19 Mathoura Street, Midvale, late of 9C Margaret Street, Midland, died 12/3/95. (DEC 281341 DP4)

Wells, Lucy Irene, formerly of Unit 10/12 Creery Street, Mandurah, late of Coolibah Lodge, 24-32 Third Avenue, Mandurah, died 23/4/95. (DEC 283220 DC2)

West, Bertram, late of 8 Hodgson Street, Tuart Hill, died 23/4/95. (DEC 282689 DA2)

Wise, Donald Roy, late of Gelorup Hostel, Busselton Highway, Gelorup, died 14/12/94. (DEC 274556 DE2)

Woodward, Doreen Florence, late of 38 Regent Avenue, Mount Pleasant, died 21/4/95. (DEC 282911 DG3)

K. E. BRADLEY, Public Trustee,
Public Trust Office, 565 Hay Street, Perth WA 6000.
Telephone: 222 6777.

ZZ201

TRUSTEES ACT 1962

In the matter of the Estate of Allan Thomas Donnelly, late of 5/2 Boyd Street, Palmyra in the State of Western Australia, Retired Manager, deceased.

Creditors and other persons having claims to which Section 63 of the Trustees Act 1962 relate in respect of the Estate of the deceased, who died on the 5th day of January 1995, are required by the Executrix, Linda Louise Kerr, to send the particulars of their claim to Messrs Taylor Smart of Level 28, 44 St George's Terrace, Perth in the State of Western Australia, by the 12th day of June 1995, after which date the said Executrix may convey or distribute the assets, having regard only to the claims of which she has had notice.

Dated the 19th day of May 1995.

TAYLOR SMART.

ZZ202

TRUSTEES ACT 1962

Notice to Creditors and Claimants

John Stanley Prideaux, late of 11 Hale Street, Narrogin, Western Australia died on 26 November 1994. Creditors and other persons having claims (to which Section 63 of the Act relates) in respect of this estate are required to send particulars of their claims to the Executor, c/- Jackson McDonald, Solicitors, GPO Box M971, Perth WA 6001 (Ref: EJC) by 30 June 1995, after which date the assets of the estate may be conveyed or distributed, having regard only to the claims of which the Executor then has notice.

JACKSON McDONALD.

ZZ301

INQUIRY AGENTS LICENSING ACT, 1954

APPLICATION FOR LICENSE IN THE FIRST INSTANCE

To the Court of Petty Sessions at Midland.

I, Walter George Newland of 56A La Grange Street, Innaloo, Retired Land Agent having attained the age of twenty-one years, hereby apply on my own behalf for a license under the abovementioned Act. The principal place of business will be at 56A La Grange Street, Innaloo.

Dated the 22nd day of May 1995.

W. NEWLAND, Signature of Applicant.

Appointment of Hearing

I hereby appoint the 27th day of June 1995 at 10.00 o'clock in the forenoon as the time for the hearing of the foregoing application at the Court of Petty Sessions at Midland.

Dated the 22nd day of May 1995.

KEVIN PARSONS, Clerk of Petty Sessions.

Objection to the granting of the application may be served on the applicant and the Clerk of Petty Sessions at any time prior to seven days before the date appointed for the hearing.

ZZ302

INQUIRY AGENTS LICENSING ACT, 1954

APPLICATION FOR LICENSE IN THE FIRST INSTANCE

To the Court of Petty Sessions at Armadale.

I, Auriel John Smith of 46 Kellar Way Thornlie 6018, phone (09) 459 9049 having attained the age of twenty-one years, hereby apply on my own behalf for a license under the abovementioned Act. The principal place of business will be at 46 Kellar Way Thornlie 6018.

Dated the 17th day of May 1995.

A. J. SMITH, Signature of Applicant.

Appointment of Hearing

I hereby appoint the 4th day of July 1995 at 10.00 o'clock in the forenoon as the time for the hearing of the foregoing application at the Court of Petty Sessions at Armadale.

Dated the 17th day of May 1995.

R. WHITNEY, Clerk of Petty Sessions.

Objection to the granting of the application may be served on the applicant and the Clerk of Petty Sessions at any time prior to seven days before the date appointed for the hearing.

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