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LOCAL GOVERNMENT ACT 1995

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**MINDARIE REGIONAL COUNCIL**

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**MEETING PROCEDURES  
LOCAL LAW 2020**

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**WASTE FACILITY SITE  
AMENDMENT LOCAL  
LAW 2020**



**LOCAL GOVERNMENT ACT 1995****MINDARIE REGIONAL COUNCIL****MEETING PROCEDURES LOCAL LAW 2020****TABLE OF CONTENTS****PART 1—PRELIMINARY**

- 1.1 Citation
- 1.2 Commencement
- 1.3 Application and intent
- 1.4 Interpretation
- 1.5 Repeal

**PART 2—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES**

- 2.1 Establishment of committees
- 2.2 Types of committees
- 2.3 Delegation of some powers and duties to certain committees
- 2.4 Limits on delegation of powers and duties to certain committees
- 2.5 Appointment of committee members
- 2.6 Tenure of committee membership
- 2.7 Resignation of committee members
- 2.8 Register of delegations to committees
- 2.9 Committees to report

**PART 3—CALLING AND CONVENING MEETINGS**

- 3.1 Ordinary and special Council meetings
- 3.2 Calling Council meetings
- 3.3 Convening Council meetings
- 3.4 Calling committee meetings
- 3.5 Public notice of meetings

**PART 4—PRESIDING MEMBER AND QUORUM***Division 1—Who presides*

- 4.1 Who presides
- 4.2 When the Deputy Chair can act
- 4.3 Who acts if no Chair
- 4.4 Election of Presiding Members of committees
- 4.5 Election of deputy Presiding Members of committees
- 4.6 Functions of deputy Presiding Members
- 4.7 Who acts if no Presiding Member

*Division 2—Quorum*

- 4.8 Quorum for meetings
- 4.9 Reduction of quorum for Council meetings
- 4.10 Reduction of quorum for committee meetings
- 4.11 Procedure where no quorum to begin a meeting
- 4.12 Procedure where quorum not present during a meeting
- 4.13 Names to be recorded

**PART 5—BUSINESS OF A MEETING**

- 5.1 Business to be specified
- 5.2 Order of business
- 5.3 Reports of the CEO
- 5.4 Motions of which previous notice has been given
- 5.5 New business of an urgent nature
- 5.6 Questions by Members of which due notice has been given
- 5.7 Adoption by exception resolution

**PART 6—PUBLIC PARTICIPATION**

- 6.1 Meetings generally open to the public
- 6.2 Meetings not open to the public
- 6.3 Question time for the public
- 6.4 Question time for the public at certain meetings
- 6.5 Minimum question time for the public
- 6.6 Procedures for question time for the public
- 6.7 Other procedures for question time for the public
- 6.8 Distinguished visitors
- 6.9 Deputations and Statements
- 6.10 Petitions
- 6.11 Presentations
- 6.12 Participation at committee meetings
- 6.13 Council may meet to hear public submissions
- 6.14 Public Inspection of agenda materials
- 6.15 Confidentiality of information withheld
- 6.16 Recording of proceedings
- 6.17 Media attendance
- 6.18 Prevention of disturbance

**PART 7—CONDUCT OF MEMBERS**

- 7.1 Members to be in their proper places
- 7.2 Respect to the Presiding Member
- 7.3 Titles to be used
- 7.4 Advice of entry or departure
- 7.5 Members to indicate their intention to speak
- 7.6 Priority of speaking
- 7.7 Presiding Member may take part in debates
- 7.8 Relevance
- 7.9 Speaking twice
- 7.10 Duration of speeches
- 7.11 No speaking after conclusion of debate
- 7.12 No interruption
- 7.13 Personal explanations
- 7.14 No reopening of discussion
- 7.15 Adverse reflection
- 7.16 Withdrawal of offensive language

**PART 8—PRESERVING ORDER**

- 8.1 Presiding Member to preserve order
- 8.2 Point of order
- 8.3 Procedures on a point of order
- 8.4 Calling attention to breach
- 8.5 Ruling by the Presiding Member
- 8.6 Continued breach of order
- 8.7 Right of Presiding Member to adjourn

**PART 9—MOTIONS AND AMENDMENTS**

- 9.1 Motions to be stated and in writing
- 9.2 Motions to be seconded
- 9.3 Unopposed business
- 9.4 Only one primary motion at a time
- 9.5 Order of call in debate
- 9.6 Limit of debate
- 9.7 Member may require motion to be read

- 9.8 Consent of seconder required for alteration
- 9.9 Order of amendments
- 9.10 Form of an amendment
- 9.11 Amendment must not negate original motion
- 9.12 Relevance of amendments
- 9.13 Mover of motion may speak on amendment
- 9.14 Effect of an amendment
- 9.15 Withdrawal of motion or amendment
- 9.16 Right of reply

#### **PART 10—PROCEDURAL MOTIONS**

- 10.1 Permissible procedural motions
- 10.2 No debate
- 10.3 Who may move
- 10.4 Procedural motions—right of reply on primary motion
- 10.5 Debate to be adjourned
- 10.6 Meeting now adjourn
- 10.7 Motion be deferred
- 10.8 Motion to be put
- 10.9 That the item be referred back to the CEO or a committee
- 10.10 Member to be no longer heard
- 10.11 Ruling of the Presiding Member to be disagreed with
- 10.12 The meeting be now closed

#### **PART 11—DISCLOSURE OF INTERESTS**

- 11.1 Disclosure of interests

#### **PART 12—VOTING**

- 12.1 Motion—when put
- 12.2 Voting
- 12.3 Majorities required for decisions
- 12.4 Method of taking vote

#### **PART 13—MINUTES OF MEETINGS**

- 13.1 Keeping of minutes
- 13.2 Content of minutes
- 13.3 Public inspection of unconfirmed minutes
- 13.4 Confirmation of minutes

#### **PART 14—ADJOURNMENT OF MEETING**

- 14.1 Meeting may be adjourned
- 14.2 Effect of adjournment

#### **PART 15—REVOKING OR CHANGING DECISIONS**

- 15.1 Requirements to revoke or change decisions
- 15.2 Procedure for moving a revocation motion
- 15.3 Limitations on powers to revoke or change decisions
- 15.4 Implementing a decision

#### **PART 16—SUSPENSION OF LOCAL LAWS**

- 16.1 Suspension of local laws

#### **PART 17—MISCELLANEOUS**

- 17.1 Representation on public bodies
- 17.2 Improper use of information
- 17.3 Application to committees
- 17.4 Cases not provided for in this local law

#### **PART 18—ENFORCEMENT**

- 18.1 Enforcement

### **SCHEDULE 1—PETITION TO THE MINDARIE REGIONAL COUNCIL**



**LOCAL GOVERNMENT ACT 1995**

## MINDARIE REGIONAL COUNCIL

**MEETING PROCEDURES LOCAL LAW 2020**

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Mindarie Regional Council resolved on 17 December 2020 to make the following local law.

**PART 1—PRELIMINARY****1.1 Citation**

This local law may be cited as the Mindarie Regional Council Meeting Procedures Local Law 2020.

**1.2 Commencement**

By virtue of section 3.14 of the Act, this local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**1.3 Application and intent**

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

**1.4 Interpretation**

- (1) In this local law unless the context otherwise requires—
  - absolute majority** has the meaning given to it in the Act;
  - Act** means the *Local Government Act 1995*;
  - CEO** means the Chief Executive Officer of the Mindarie Regional Council;
  - Chair** means the Chair of the Mindarie Regional Council or other Presiding Member at a Council meeting under section 5.6 of the Act;
  - committee** means a committee of the Council established under section 5.8 of the Act;
  - committee meeting** means a meeting of a committee;
  - Council** means the Council of the Mindarie Regional Council;
  - Deputy Chair** means the Deputy Chair of the Mindarie Regional Council or other Presiding Member at a Council meeting under section 5.6 of the Act
  - Local Government** means the Mindarie Regional Council;
  - meeting** means a meeting of the Council or a committee, as the context requires;
  - Member** has the meaning given to it in the Act;
  - Member Council** refers to the constituent member local governments of the Mindarie Regional Council;
  - Minister** shall mean the Minister for Local Government;
  - primary motion** means an original motion or an original motion as amended, but does not include an amendment or a procedural motion;
  - Presiding Member** means—
    - (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
    - (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

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

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

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

### **1.5 Repeal**

This local law repeals the *Mindarie Regional Council Standing Orders Local Law 2010* as published in the *Government Gazette* on 28 July 2011.

## **PART 2—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES**

### **2.1 Establishment of committees**

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

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

- (a) the terms of reference of the committee;
- (b) the number of Council members, officers and other persons to be appointed to the committee;
- (c) the names or titles of the Council members and officers to be appointed to the committee;
- (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
- (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

(3) This local law is to apply to the conduct of Committee meetings.

### **2.2 Types of committees**

The types of committees are dealt with in the Act.

### **2.3 Delegation of some powers and duties to certain committees**

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

### **2.4 Limits on delegation of powers and duties to certain committees**

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

### **2.5 Appointment of committee members**

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

### **2.6 Tenure of committee membership**

Tenure of committee membership is dealt with in the Act.

### **2.7 Resignation of committee members**

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

### **2.8 Register of delegations to committees**

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

### **2.9 Committees to report**

A committee—

- (a) is answerable to the Council; and
- (b) is to report on its activities when, and to the extent, required by the Council.

## **PART 3—CALLING AND CONVENING MEETINGS**

### **3.1 Ordinary and special Council meetings**

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

(2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.

(3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

### **3.2 Calling Council meetings**

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

### **3.3 Convening Council meetings**

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

(2) Subject to clause 3.3(3), the CEO is to give at least 72 hours' notice, for the purposes of section 5.5, in convening a special meeting of the Council.

(3) Where, in the opinion of the Chair or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.



**3.4 Calling committee meetings**

The CEO is to call a meeting of any committee when requested by the Chair, the Presiding Member of a committee or any two members of that committee.

**3.5 Public notice of meetings**

Public notice of meetings is dealt with in the Regulations.

**PART 4—PRESIDING MEMBER AND QUORUM***Division 1—Who presides***4.1 Who presides**

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

**4.2 When the Deputy Chair can act**

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

**4.3 Who acts if no Chair**

Who acts if there is no Chair is dealt with in the Act.

**4.4 Election of Presiding Members of committees**

The election of Presiding Members of committees and their deputies is dealt with in the Act.

**4.5 Election of deputy Presiding Members of committees**

The election of deputy Presiding Members of committees is dealt with in the Act.

**4.6 Functions of deputy Presiding Members**

The functions of deputy Presiding Members are dealt with in the Act.

**4.7 Who acts if no Presiding Member**

Who acts if there is no Presiding Member is dealt with in the Act.

*Division 2—Quorum***4.8 Quorum for meetings**

The quorum for meetings is dealt with in the Act.

**4.9 Reduction of quorum for Council meetings**

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

**4.10 Reduction of quorum for committee meetings**

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

**4.11 Procedure where no quorum to begin a meeting**

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

**4.12 Procedure where quorum not present during a meeting**

If at any time during a meeting a quorum is not present, the Presiding Member—

- (a) is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.

**4.13 Names to be recorded**

At any meeting—

- (a) at which there is not a quorum present; or
- (b) which is adjourned for want of a quorum,

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

**PART 5—BUSINESS OF A MEETING****5.1 Business to be specified**

(1) No business is to be transacted at any ordinary meeting of the Council or committee other than that specified in the agenda, except for matters which the Act or clause 5.4 allow.

(2) No business is to be transacted at a special meeting of the Council or committee other than that given in the notice as the purpose of the meeting.

(3) Subject to clause 5.1(4), no business is to be transacted at an adjourned meeting of the Council other than that—

- (a) specified in the notice of the meeting which had been adjourned; and
- (b) which remains unresolved.

(4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering reports at that ordinary meeting.

(5) The CEO may withdraw an item from the agenda of a meeting.

### **5.2 Order of business**

(1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows—

1. Declaration of Opening/Announcement of Visitors
2. Noting of Attendance/Apologies/Leaves of Absence
3. Declaration of interests
4. Public Question Time
5. Announcements by the Presiding Person
6. Applications for Leaves of Absence
7. Petitions/Deputations/Presentations
8. Confirmation of minutes
9. Chief Executive Officer Reports
10. Members Information Bulletin
11. Motions of which previous notice has been given
12. Urgent Business
13. Questions from Members of which due notice has been given
14. Matters for which the meeting may be closed to the Public
15. Next meeting
16. Closure

(2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.

(3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

(4) At any meeting of the Council the presiding person may announce or raise any matter of interest or matter affecting the Mindarie Regional Council.

(5) The requirement for members to obtain leave of absence from meetings of the Council is dealt with in the Act.

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

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

### **5.3 Reports of the CEO**

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

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

### **5.4 Motions of which previous notice has been given**

(1) Unless the Act, Regulations or this local law otherwise provide, a Member may raise at a meeting such business as they consider appropriate, in the form of a motion, of which notice has been given in writing to the CEO, in compliance with this clause 5.4, and which has been included on the agenda.

(2) A notice of motion under clause 5.4(1) is to be in the form prescribed by the Local Government, to be signed by the Member and given at least 15 clear working days before the meeting at which the motion is to be moved.

(3) At the time of giving the notice of motion, the Member must also provide a reason for the motion.

(4) A notice of motion is to relate to a purpose for which the Mindarie Regional Council is established.

(5) The CEO—

- (a) may, with the concurrence of the Chair, exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;
- (b) will inform all Members on each occasion that a notice has been excluded and the reasons for that exclusion as soon as practicable;
- (c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
- (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, strategy, budget and law.

(6) A motion of which notice has been given is to lapse unless—

- (a) the Member who gave notice of it, or another Member authorised by the originating Member in writing, moves the motion when called on; or
- (b) the Council or committee deciding on a motion agrees to defer consideration of the motion to a later stage or date.

(7) If a notice of motion is given and lapses under clause 5.4(6), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

(8) Where a notice of motion is moved and seconded at a meeting of Council or Committee, it is to be treated as a primary motion.

#### **5.5 New business of an urgent nature**

(1) In cases of extreme urgency or other special circumstances, matters may, through a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.

(2) In clause 5.5(1), '*cases of extreme urgency or other special circumstances*' means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the Local Government and must be considered and dealt with by the Council before the next meeting.

(3) Before debate begins on a matter under this clause that is not the subject of a written report from the CEO to the meeting—

(a) The Presiding Member is to ask the CEO to give; and

(b) the CEO, or the CEO's nominee, is to give,

a verbal report to the meeting on the matter.

(4) Where urgent business is considered at a meeting under this clause, the minutes of the meeting are to include—

(a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and

(b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.

#### **5.6 Questions by Members of which due notice has been given**

(1) A question on notice is to be given by a Member in writing to the CEO at least 4 clear working days before the meeting at which it is raised.

(2) If the question referred to in clause 5.6(1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at the meeting.

(3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the Presiding Person.

#### **5.7 Adoption by exception resolution**

(1) In this clause '*adoption by exception resolution*' means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.

(2) Subject to clause 5.7(3), the Local Government may pass an adoption by exception resolution.

(3) An adoption by exception resolution may not be used for a matter

(a) in which an interest has been disclosed;

(b) that has been the subject of a petition or deputation;

(c) that is a matter on which a Member wishes to make a statement; or

(d) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

### **PART 6—PUBLIC PARTICIPATION**

#### **6.1 Meetings generally open to the public**

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

#### **6.2 Meetings not open to the public**

(1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.

(2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.

(3) If a resolution under clause 6.2(2) is carried—

(a) the Presiding Member is to—

(i) direct all members of the public, other than a person specified in the resolution, to leave the meeting; and

(ii) in consultation with the CEO, request specified employees to leave the meeting; and

(iii) in consultation with the CEO, request Member Council employees to leave the meeting

(b) the meeting is to remain closed to the public until the Council or the committee, resolves to reopen the meeting.

(4) A person who fails to comply with a direction under clause 6.2(3)(a) may, by order of the Presiding Member, be removed from the meeting.

(5) While the resolution under clause 6.2(2) remains in force, the operation of clause 7.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.

- (6) A resolution under this clause may be made without notice.
- (7) The Presiding Member is to ensure that any resolution of the Council, and the Members' voting thereon, is to be included in the minutes.
- (8) Once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed and the Members' voting thereon, is to be read out.
- (9) In the event that no member of the public returns to the meeting after it is reopened, any resolution, including the details of any voting, need not be read aloud but be recorded in the minutes of the meeting.

### **6.3 Question time for the public**

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

### **6.4 Question time for the public at certain meetings**

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

### **6.5 Minimum question time for the public**

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

### **6.6 Procedures for question time for the public**

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

### **6.7 Other procedures for question time for the public**

- (1) A member of the public who raises a question during question time, is to state their name and address.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that—
- a response is given to the member of the public in writing; and
  - a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—
- declare that he or she has an interest in the matter; and
  - allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where—
- the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
  - the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
  - the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have three minutes to ask a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.
- (11) The Presiding Member is to endeavour to have every question responded to at the meeting at which it is asked but where this is not possible, the question is to be taken on notice and where practicable, a written response is to be provided to the person who asked the question and a copy the response is to be included in the agenda of the next ordinary meeting of the Council or committee as the case requires.
- (12) A Member who participates in the role of a councillor during a meeting must not participate as a member of the public without leave of absence granted by the Council;
- (13) A Member who wishes to participate, not in the role of councillor but as a member of the public and sit in the public gallery, during a meeting, may do so only after obtaining the requisite leave of absence from the Council.

### **6.8 Distinguished visitors**

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

**6.9 Deputations and Statements**

- (1) Any person or group wishing to be received as a deputation by the Council, or who wishes to make a statement, is to either—
  - (a) apply, before the meeting, to the CEO for approval; or
  - (b) with the approval of the Presiding Member, at the meeting, to address the Council.
- (2) The CEO may either—
  - (a) approve a request received under clause 6.9(1)(a) and invite the deputation, or person or group wishing to make a statement, to attend a meeting of the Council; or
  - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation or to allow the statement.
- (3) Unless the Council resolves otherwise, a deputation invited to attend a Council meeting, or an individual or a group wishing to make a statement—
  - (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
  - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and,
  - (c) additional members of the deputation or the group may be allowed to speak with the leave of the Presiding Member.
- (4) Any matter which is the subject of a deputation or a statement to the Council is not to be decided by the Council until the deputation has completed its presentation, or the individual or group wishing to make a statement has done so.

**6.10 Petitions**

- (1) A petition received by a Member or the CEO is to be presented to the next ordinary Council meeting.
- (2) Any petition to the Council is—
  - (a) as far as practicable to be prepared in the form prescribed in the Schedule 1;
  - (b) to be addressed to the Council and forwarded to a Member or the CEO; and
  - (c) to state the name and address of the person to whom correspondence in respect of the petition may be served.
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—
  - (a) the matter is the subject of a report included in the agenda; and
  - (b) the Council has considered the issues raised in the petition.

**6.11 Presentations**

- (1) If the CEO determines that it would be beneficial for a presentation to be made, with the agreement of the Presiding Member, the presentation may take place under this order of business or at the time of dealing with that particular item of business.
- (2) The time for the presentation and any questions from members will be determined by the Presiding Member according to the particular case or circumstance.

**6.12 Participation at committee meetings**

- (1) In this clause, *person* means the Presiding Member or a Member who is not a member of the relevant committee.
- (2) A person may attend, as an observer, any meeting of a committee and is to sit in an area set aside for observers separated from the committee members.
- (3) Without the consent of the Presiding Member, no person is to address a committee meeting.
- (4) A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.
- (5) A person who fails to comply with a direction of the Presiding Member under clause 6.12(4) may, by order of the Presiding Member, be removed from the committee room.

**6.13 Council may meet to hear public submissions**

- (1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) The CEO and the Presiding member shall set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the Council resolves to meet to provide the opportunity to be heard under clause 6.13(1), the Presiding Member shall—
  - (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
  - (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
  - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.

(4) A meeting held under clause 6.13(1) shall be conducted only to hear submissions, the Council shall not make resolutions at a meeting to provide the opportunity to be heard.

(5) At a meeting held under clause 6.13(1), each person making a submission shall be provided with the opportunity to fully state their case.

(6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.

(7) Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.

(8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.

(9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under clause 6.13(8).

#### **6.14 Public Inspection of agenda materials**

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at The Administration Building, 1700 Marmion Avenue, Tamala Park WA 6030 and on the Local Government's website.

#### **6.15 Confidentiality of information withheld**

(1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be—

- (a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed";
- (b) marked "*Confidential*" in the agenda; and
- (c) kept confidential by officers and Members until the Council resolves otherwise.

(2) A Member of the MRC in receipt of confidential information under clause 6.15(1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public, is not to disclose any of that information to any person other than another Member of the MRC or an employee of the MRC to the extent necessary for the purpose of carrying out their duties as a Member.

(3) Clause 16.2(2) does not prohibit a Member from disclosing information—

- (a) at a closed meeting;
- (b) to the extent specified by the Council and subject to such other conditions as the Council decides;
- (c) that is already in the public domain;
- (d) to an officer of the Department of Local Government;
- (e) to the Minister;
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

#### **6.16 Recording of proceedings**

(1) A person who uses any electronic, visual or audio recording device or instrument to record the proceedings of a meeting without the permission of the Council commits an offence.

Penalty—\$1000.

(2) Clause 6.16(1) does not apply if the recording is taken by or at the direction of the CEO with the permission of the Council.

(3) The Presiding Member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

#### **6.17 Media attendance**

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

#### **6.18 Prevention of disturbance**

(1) A reference in this clause to a person is to a person other than a Member.

(2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.

(3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

(4) A person shall ensure that their mobile telephone or audible pager is not switched on or used during any meeting of the Council.

(5) A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.

(6) Where a person is considered by the Presiding Member to be in breach of clause 6.18 (2) or 6.18 (3) the Presiding Member may direct the offending person to leave the meeting room and the person must immediately comply with that direction.

**PART 7—CONDUCT OF MEMBERS****7.1 Members to be in their proper places**

- (1) At the first meeting following each ordinary election, the CEO is to allocate a seat in the Council chamber to each Member.
- (2) Each Member is to occupy their allocated position at each Council meeting until the Council decides to reallocate positions.
- (3) The CEO is to sit beside the Presiding Member.

**7.2 Respect to the Presiding Member**

After the business of a Council has been commenced, a Member is not to enter or leave the meeting without first paying due respect to the Presiding Member.

**7.3 Titles to be used**

A speaker, when speaking or referring to the Presiding Member or to a councillor or employee, must use the title of that person's office.

**7.4 Advice of entry or departure**

During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time or entry or departure.

**7.5 Members to indicate their intention to speak**

A Member of the Council who wishes to speak—

- (a) is to indicate their intention to speak by raising their hand or by another method determined by the Presiding Member; and
- (b) when invited by the Presiding Member to speak, must address the meeting through the Presiding Member.

**7.6 Priority of speaking**

- (1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.
- (2) A decision of the Presiding Member under clause 7.6(1) is not open to discussion or dissent.
- (3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

**7.7 Presiding Member may take part in debates**

The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with this local law.

**7.8 Relevance**

- (1) A Member is to restrict their remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Presiding Member, at any time, may—
  - (a) call the attention of the meeting to—
    - (i) any irrelevant, repetitious, offensive or insulting language by a Member; or
    - (ii) any breach of order by a Member; and
  - (b) direct that Member, if speaking, to discontinue their speech.
- (3) A Member is to comply with the direction of the Presiding Member under clause 7.8(2) by immediately ceasing to speak.

**7.9 Speaking twice**

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

**7.10 Duration of speeches**

A Member may speak on a motion or an amendment or reply, for a period of only 5 minutes unless an extension of time is granted by the Council without debate, a Member's total speaking time on a motion must not exceed 10 minutes.

**7.11 No speaking after conclusion of debate**

- A Member is not to speak on any motion or amendment—
- (a) after the mover has replied; or
  - (b) after the motion has been put.

**7.12 No interruption**

A Member is not to interrupt another Member who is speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 7.13; or
- (d) to move a procedural motion that the Member be no longer heard under clause 10(1)(f).

**7.13 Personal explanations**

(1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member their intention to make a personal explanation.

(2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.

(3) A Member making a personal explanation is to confine their observations to a succinct statement relating to a specific part of the speech at which they may have been misunderstood.

**7.14 No reopening of discussion**

A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed (see Part 15).

**7.15 Adverse reflection**

(1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed (see Part 15).

(2) A Member is not—

- (a) to reflect adversely on the character or actions of another Member or officer; or
- (b) to impute any motive to a Member or officer, unless the meeting resolves, without debate, that the motion then before the meeting cannot otherwise be adequately considered.

(3) A Member is not to use offensive expressions in reference to any Member, officer or other person.

(4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes—

- (a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
- (b) the Council may, by resolution, decide to record those words in the minutes.

**7.16 Withdrawal of offensive language**

(1) A Member who, in the opinion of the Presiding Member, uses an expression which—

- (a) in the absence of a resolution under clause 7.15(2)-
  - (i) reflects adversely on the character or actions of another Member or officer; or
  - (ii) imputes any motive to a Member or officer; or
- (b) uses an expression that is offensive or objectionable

must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.

(2) If a Member fails to comply with a direction of the Presiding Member under clause 7.16(1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

**PART 8—PRESERVING ORDER****8.1 Presiding Member to preserve order**

(1) The Presiding Member is to preserve order, and, whenever they consider it necessary, may call any Member to order.

(2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that they wish to speak, is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.

(3) Clause 8.1(2) is not to be used by the Presiding Member to exercise the right provided in clause 7.7, but only to preserve order.

**8.2 Point of order**

(1) A Member may object, by way of a point of order, only to a breach of—

- (a) any of this local law; or
- (b) any other written law.

(2) A Member expressing a difference of opinion with, or contradicting, a speaker is not to be recognised as raising a point of order.

(3) Despite anything in this local law to the contrary, a point of order—

- (a) takes precedence over any discussion; and
- (b) until determined, suspends the consideration or discussion of any other matter.



**8.3 Procedures on a point of order**

- (1) A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.
- (2) A Member interrupted on a point of order is to resume their seat until—
  - (a) the Member raising the point of order has been heard; and
  - (b) the Presiding Member has ruled on the point of order, and, if permitted, the Member who has been interrupted may then proceed.
- (3) A Member raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.

**8.4 Calling attention to breach**

A Member may, at any time, draw the attention of the Presiding Member to any breach of this local law.

**8.5 Ruling by the Presiding Member**

- (1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the Presiding Member on a point of order is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under clause 8.5(2), if the Presiding Member rules that—
  - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
  - (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.

**8.6 Continued breach of order**

If a Member—

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 8.5(3),

the Presiding Member may direct the Member to refrain from taking any further part in the matter under discussion, other than by voting, and the Member is to comply with that direction.

**8.7 Right of Presiding Member to adjourn**

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

**PART 9—MOTIONS AND AMENDMENTS****9.1 Motions to be stated and in writing**

- (1) The procedure for moving any motion that—
  - (a) A Member who wishes to move a motion that is different to the officer recommendation, is to give notice of that motion by midday on the day that is 2 business days before the meeting.
  - (b) Any motion for which notice has not been given in accordance with clause 9.1(a) is required to have the consent of the Presiding Member.
  - (c) The mover must state the motion without speaking to it and is to put the motion in writing if required by the Presiding Member.
- (2) Where a Member moves a motion which differs from the relevant recommendation, or an amendment to a motion, the Presiding Member shall ask if the CEO wishes to give a verbal report to the meeting on the matter.

**9.2 Motions to be seconded**

- (1) A primary motion or an amendment to a primary motion is not open to debate or put to the vote until it has been seconded.
- (2) A nomination to any position is not required to be seconded.
- (3) A Member seconding a motion is to be taken to have reserved the right to speak on the motion later in the debate.
- (4) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

### **9.3 Unopposed business**

(1) Immediately after a primary motion or amendment has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.

(2) If no Member opposes the motion, the Presiding Member may put the motion to the vote without debate.

(3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.

(4) If a Member opposes a motion, the motion is to be dealt with under this Part 9.

(5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting (see Part 15).

### **9.4 Only one primary motion at a time**

The Council or committee—

- (a) is not to accept a primary motion while another primary motion is being debated; and
- (b) is not to consider more than one primary motion at any time.
- (c) the Presiding Member may require that a complex primary motion, or a complex amendment to a primary motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

### **9.5 Order of call in debate**

The Presiding Member is to call speakers to a primary motion in the following order—

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

### **9.6 Limit of debate**

The Presiding Member may offer the right of reply and put a primary motion to the vote if they believe that sufficient discussion has taken place and where no other Member has given an indication to speak to the motion.

### **9.7 Member may require motion to be read**

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

### **9.8 Consent of seconder required for alteration**

The mover of a primary motion may not alter the wording of the motion without the consent of the seconder.

### **9.9 Order of amendments**

Any number of amendments may be proposed to a primary motion, but when an amendment is moved to a primary motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

### **9.10 Form of an amendment**

An amendment must add, delete, or substitute words to the primary motion.

### **9.11 Amendment must not negate original motion**

An amendment to a primary motion cannot negate the original motion or the intent of the original motion.

### **9.12 Relevance of amendments**

Each amendment is to be relevant to the motion in respect of which it is moved.

### **9.13 Mover of motion may speak on amendment**

Any Member may speak during debate on an amendment.

### **9.14 Effect of an amendment**

If an amendment to a primary motion is carried, the motion as amended then becomes the primary motion, on which any Member may speak and any further amendment may be moved.

### **9.15 Withdrawal of motion or amendment**

(1) Subject to clause 9.15(2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.

(2) Where an amendment has been proposed to a primary motion, the primary motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.

**9.16 Right of reply**

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

**PART 10—PROCEDURAL MOTIONS****10.1 Permissible procedural motions**

In addition to the right to move an amendment to a primary motion (under Part 9), a Member may move the following procedural motions without notice, and if seconded, the procedural motion is to be dealt with immediately—

- (a) that the debate be adjourned;
- (b) that the meeting now adjourn;
- (c) that the motion be deferred;
- (d) that the motion be now put;
- (e) that the item be referred back to the CEO or a committee;
- (f) that the Member be no longer heard;
- (g) that the ruling of the Presiding Member be disagreed with;
- (h) that the meeting be closed to the public (see clause 6.2),
- (i) that the meeting be now closed;
- (j) that the operation of one or more of the provisions of the local law be suspended.

**10.2 No debate**

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

**10.3 Who may move**

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

**10.4 Procedural motions—right of reply on primary motion**

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

**10.5 Debate to be adjourned**

- (1) A motion “that the debate be adjourned”—
  - (a) is to state the time to which the debate is to be adjourned; and
  - (b) if carried, has the effect that all debate on the primary motion or amendment ceases immediately, but continues at the time stated in the motion.
- (2) A motion “that debate be adjourned” must not be moved in respect of the election of a Presiding Member, Chair or Deputy Chair.
- (3) A Member must not, at the same meeting, move or second more than one motion “that the debate be adjourned” in respect of the same item.

**10.6 Meeting now adjourn**

- (1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.
- (2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.7).

- (3) A motion “that the meeting now adjourn”—
- (a) is to state the time and date to which the meeting is to be adjourned; and
  - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.

(4) A meeting adjourned under clause 10.6(3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

#### **10.7 Motion be deferred**

(1) If a motion “that the motion be deferred”, is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.

(2) A motion “that the motion be deferred” must not be moved in respect of the election of a Presiding Member, Chair or Deputy Chair.

#### **10.8 Motion to be put**

(1) If the motion “that the motion be now put”, is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.

(2) If the motion “that the motion be now put” is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.

(3) This motion, if lost, causes debate to continue.

#### **10.9 That the item be referred back to the CEO or a committee**

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

(2) If the motion in clause 10.9(1) is lost, debate on the primary motion or amendment is to continue.

#### **10.10 Member to be no longer heard**

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

#### **10.11 Ruling of the Presiding Member to be disagreed with**

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

#### **10.12 The meeting be now closed**

(1) If a motion “that the meeting be closed”, is carried, then—

- (a) the Presiding Member is to close the meeting, and no further business may be transacted; and
- (b) any business outstanding on the agenda for that meeting shall be carried forward to the agenda for the next ordinary meeting.

(2) If the motion “that the meeting be now closed” is carried at a meeting of the Council—

- (a) the names of Members who have spoken on the matter are to be recorded in the minutes; and
- (b) the provisions of clause 7.9 (speaking twice) apply when the outstanding business is resumed.

### **PART 11—DISCLOSURE OF INTERESTS**

#### **11.1 Disclosure of interests**

Disclosure of interests is dealt with in the Act and the Regulations.

### **PART 12—VOTING**

#### **12.1 Motion—when put**

(1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the Presiding Member—

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

(2) A Member is not to leave or cross the meeting room when the Presiding Member is putting any motion.

(3) A Member must not, while any other member is speaking, pass between the speaker and the Presiding Member or pass behind the Presiding Member.

#### **12.2 Voting**

Voting is dealt with in the Act and the Regulations.

#### **12.3 Majorities required for decisions**

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

**12.4 Method of taking vote**

- (1) Each Council Member and each member of a committee who is present at a meeting of the Council or committee is entitled to one vote.
- (2) Subject to section 5.67 of the Act, each Council Member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the Council or committee is to vote.
- (3) If the votes of Members present at a Council meeting or members present at a committee meeting are equally divided, the Presiding Member is to cast a second vote.
- (4) In taking the vote on any motion or amendment, the Presiding Member—
- (a) is to put the motion, first in the affirmative, and then in the negative;
  - (b) may put the motion in this way as often as may be necessary to enable them to determine whether the affirmative or the negative has the majority of votes;
  - (c) may accept a vote on the voices or may require a show of hands; and,
  - (d) is, subject to this clause, to declare the result.
- (5) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (6) If a Member of Council or the member of a committee specifically requests that there be recorded—
- (a) their vote; or,
  - (b) the vote of all Members present,
- on a matter voted on at a meeting of the Council or committee, the Presiding Member is to cause the vote or votes, as the case may be, to be recorded in the minutes.

**PART 13—MINUTES OF MEETINGS****13.1 Keeping of minutes**

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

**13.2 Content of minutes**

The content of minutes is dealt with in the Regulations.

**13.3 Public inspection of unconfirmed minutes**

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

**13.4 Confirmation of minutes**

- (1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member may provide the Local Government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.
- (2) At the next ordinary meeting of the Council, the Member who provided the alternative wording shall, at the time for confirmation of minutes—
- (a) state the item or items with which they are dissatisfied; and
  - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

**PART 14—ADJOURNMENT OF MEETING****14.1 Meeting may be adjourned**

The Council may adjourn any meeting-

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

**14.2 Effect of adjournment**

Where any matter, motion, debate or meeting is adjourned under this local law—

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 7.9 (speaking twice) apply when the debate is resumed.

**PART 15—REVOKING OR CHANGING DECISIONS****15.1 Requirements to revoke or change decisions**

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

### 15.2 Procedure for moving a revocation motion

- (1) A motion to revoke or change a decision made at a meeting—
  - (a) must be in writing in a form prescribed by the Local Government;
  - (b) specify the decision proposed to be revoked or changed;
  - (c) include a reason or reasons for the revocation motion;
  - (d) be supported by the number of members required under the Regulations;
  - (e) specify the date of the ordinary or special meeting of the Council or the committee where it is to be presented, as the case may be; and
  - (f) be given to the CEO in accordance with the notice of motion provisions in clause 5.4;
- (2) Any notice of revocation motion given to the CEO must be dealt with in accordance with clause 5.4.

### 15.3 Limitations on powers to revoke or change decisions

- (1) Subject to clause 15.3(2), the Council or a committee is not to consider a motion to revoke or change a decision—
  - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 15.4 to implement the decision; or
  - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in clause 15.3(1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

### 15.4 Implementing a decision

- (1) In this clause—
  - (a) “authorisation” means a licence, permit, approval or other means of authorising a person to do anything;
  - (b) “implement”, in relation to a decision, includes—
    - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
    - (ii) take any other action to give effect to the decision; and
  - (c) “valid notice of revocation motion” means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and this local law and may be considered, but has not yet been considered, by the Council or a committee as the case may be.
- (2) Subject to clause 15.4(4), and unless a resolution is made under clause 15.4(3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
- (3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
- (4) A decision made at a meeting is not to be implemented by the CEO or any other person—
  - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
  - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation—
  - (a) is to take effect only in accordance with this clause; and
  - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

## PART 16—SUSPENSION OF LOCAL LAWS

### 16.1 Suspension of local laws

- (1) A Member may at any time move that the operation of one or more of the provisions of this local law be suspended.
- (2) A Member moving a motion under clause 16.1(1) is to state the reasons for the motion but no other discussion is to take place.
- (3) A motion under clause 16.1(1) which is—
  - (a) seconded; and
  - (b) carried by an absolute majority,

is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

## PART 17—Miscellaneous

### 17.1 Representation on public bodies

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

**17.2 Improper use of information**

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

**17.3 Application to committees**

(1) Unless otherwise provided in this local law, the provisions of this local law are to apply to meetings of committees with the exception of—

- (a) clause 7.1 (seating); and
- (b) clause 7.9 (speaking twice).

(2) Notwithstanding clause 17.3(1), there is to be no public question time in meetings of committees other than a committee to which the Council has delegated a power or duty under section 5.17 of the Act.

**17.4 Cases not provided for in this local law**

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

**PART 18—ENFORCEMENT****18.1 Enforcement**

The right to prosecute for any offence committed under this local law is dealt with in the Act.

**Schedule 1****PETITION TO THE MINDARIE REGIONAL COUNCIL**

[cl.6.10(2)(a)]

To the Chair and Members of the Mindarie Regional Council

We, the undersigned, all being electors of the Member Councils (ie, City of Joondalup, City of Perth, City of Stirling, City of Vincent, City of Wanneroo, Town of Cambridge and the Town of Victoria Park) of the Mindarie Regional Council do respectfully request that the Council—

***[Here set out a concise statement of facts and the action sought]***

*Example—*

*Investigate the possibility of alternate uses for the methane gas generated by landfill operations at Tamala Park waste facility.)*

Correspondence in respect of this petition should be addressed to—

***[Here set out the name and address of the person to whom the petition is directed]***

*Example—*

*Chief Executive Officer  
Mindarie Regional Council  
P O Box 2746  
Clarkson  
WA 6030*

The names and addresses of your petitioners are as follows—

<b>Date</b>	<b>Full Name</b>	<b>Address</b>	<b>Signature</b>	<b>Opinion</b>
<i>Example</i>				
24.09.2020	John Smith	87 Pederick Street, Wanneroo, WA 6030		Agree/Disagree/ no Opinion

*Note—Petitioners may contact the CEO of the Mindarie Regional Council if they wish to withdraw from this petition or change their comment.*

*Please refer to clause 6.10 of the Mindarie Regional Council Meeting Procedures Local Law 2020 for more information on lodging a Petition*

Dated: 17 December 2020.

The Common Seal of the Mindarie Regional Council was affixed by the authority of a resolution of Council in the presence of—

DAVID BOOTHMAN, Chairperson.  
GÜNTHER HOPPE, Chief Executive Officer.





## LOCAL GOVERNMENT ACT 1995

## MINDARIE REGIONAL COUNCIL

## WASTE FACILITY SITE AMENDMENT LOCAL LAW 2020

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Mindarie Regional Council resolved on 17 December 2020 to make the following local law.

**1. Title Citation**

This local law may be cited as the *Mindarie Regional Council Waste Facility Site Amendment Local Law 2020*.

**2. Commencement**

This local law will come into operation 14 days after the day on which it is published in the *Government Gazette*.

**3. Principal Local Law Amended**

This local law amends the Mindarie Regional Council Waste Facility Site Local Law 2013 as published in the *Government Gazette* on 12 May 2012 and as amended in the *Government Gazette* on 15 March 2013.

**4. Clause 4**

In clause 4 amend the following definition in alphabetical order—

- (a) Insert “**contamination** in relation to land, water or a site, means having a substance present in or on that land, water or site at above background concentrations that presents, or has the potential to present, a risk of harm to human health, the environment or any environmental value”;
- (b) Insert “**disability parking permit** has the meaning given to it by the *Local Government (Parking for People with Disabilities) Regulations 2014*”;
- (c) Delete “**ACROD sticker** has the same meaning as given in the *Local Government (Parking for Disabled Persons) Regulations 1988*”.

**5. Clause 5**

Clause 5 is amended as follows—

- (a) Delete “Lot 9504 on Plan 52070” and replace with “Parcel 39285 = Part Lot 9026 on Deposited Plan 415564 as known on certificate of title 2971/931”; and
- (b) Delete “Mindarie” and replace with “Tamala Park”.

**6. Clause 7**

In clause 7(1) delete “thinks” and replace with “considers”.

**7. Clause 11**

In Clause 11 delete “an ACROD sticker” and replace with “a disability parking permit”.

**8. Clause 13**

In Clause 13 amended as follows—

- (a) Removed item 3 “1” and “2” inserted “a” and “b”,
- (b) Removed “around or near”.

**9. Clause 15**

In Clause 15 amended as follows—

- (a) Inserted to the clause title “culture heritage”
- (b) Insert “(d) intentionally disturb and/or remove cultural significant artefacts from the site”.

**10. Clause 16**

In Clause 16 amended as follows—

- (a) Inserted to clause title “Environmental spill”

- (b) Insert (c) “discharge liquids/ rubbish to the environment that cause, or are known to cause contamination to the soil, water and/or air
- (c) Delete (2) “Any person found littering under this local law is liable, upon conviction, to a penalty not exceeding \$1000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100, for each day or part of a day during which the offence has continued”.

### 11. Clause 21

In Clause 21 delete “Any person found lighting fires under this local law is liable, upon conviction, to a penalty not exceeding \$1000”.

### 12. Part 7—Waste Disposal Services

Insert “Part 7—Waste Disposal Services”

Insert Clause 27 as follow—

- (a) Inserted “Hours of operation  
The local government may from time to time determine the hours of operation of a waste facility”.
- (b) Inserted 27A “Depositing Waste—
- (1) A person must not deposit waste at a waste facility other than—
    - (a) at a location determined by a sign and in accordance with the sign; and
    - (b) in accordance with the direction of an authorised person.
  - (2) The local government may determine the classification of any waste that may be deposited at a waste facility”.
- (c) Insert 27B “Fees and charges—
- (1) A person must, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.
  - (2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.
  - (3) Subclause (1) does not apply—
    - (a) to a person who disposes of waste in accordance with the terms of—
      - (i) a credit arrangement with the local government; or
      - (ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and
    - (b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.
  - (4) All fees and charges applicable under this local law shall be as determined by the local government from time to time in accordance with 6.16 to 6.19 of the Act”.

### 13. Schedule 1

In Schedule 1, delete the existing table and replace with the following—

Item Number.	Clause No.	Nature of offence	Modified Penalties \$
1	7(4)(a) and (b)	Enter the site or any part of the site that is closed; or drive a vehicle on a road, track or path that is closed.	100
2	8	Enter the site other than through an entrance without permission.	100
3	11(1) (a)	Park a vehicle, or cause or permit it to be parked, on the site without permission in a place, other than a parking area, that is off a carriageway.	100
4	11(1)(b)	Park a vehicle, or cause or permit it to be parked, on the site without permission on part of a carriageway, if the parking of vehicles on that part of the carriageway is prohibited by a traffic sign.	100
5	11(1)(c)	Park a vehicle, or cause or permit it to be parked, on the site without permission during a period when the person is not on the site, whether or not the vehicle is parked in a parking area.	100
6	11(1)(d)	Park a vehicle, or cause or permit it to be parked, on the site without permission in a place that is marked with parking bays, unless it is entirely within the confines of a parking bay.	100

<b>Item Number.</b>	<b>Clause No.</b>	<b>Nature of offence</b>	<b>Modified Penalties \$</b>
7	11(1) (e)	Park a vehicle or vehicles in an area designated for a person or persons with a disability, unless the person or persons with a disability is the driver of, or a passenger in, the vehicle and an disability parking permit is displayed in a prominent position on the vehicle.	100
8	13(2)	Damage, destroy or take away flora without permission.	100
9	14(2)	Injure, take, or interfere with any fauna without permission.	100
10	15(d)	Damage, destroy or take cultural sensitive items	100
11	16(1)	Deposit litter other than in a litter receptacle.	100
12	16(d)	Environmental Contamination, discharge liquids/ rubbish to the environment that cause, or are known to cause contamination to the soil, water and/or air.	100
13	20(a)	Place any notice, advertisement or document on any structure, object or natural surface on the site without permission	100
14	20(b)	Paint, mark or deface any structure, object or natural surface on the site without permission.	100
15	21	Light a fire (minor impact, managed on site) or use a gas barbecue or other cooker without permission.	100
16	21	Light a fire—(significant impact e.g. call of DFES)	100
17	24(1)	Disturb or remove property from the site without permission.	100
18	27A(1) (2)	Fail to comply with a sign or direction	100
19	27B(1) (2)	Disposing waste without payment of fee or charge	100
20	27A(1) (2)	Depositing waste contrary to sign or direction	100

Dated: 17 December 2020.

The Common Seal of the Mindarie Regional Council was affixed by authority of a resolution of the Council in the presence of—

DAVID BOOTHMAN, Chairperson.  
GÜNTHER HOPPE, Chief Executive Officer.