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LOCAL GOVERNMENT ACT 1995

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**CITY OF BAYSWATER**

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**STANDING ORDERS LOCAL  
LAW 2021**



**LOCAL GOVERNMENT ACT 1995**

## CITY OF BAYSWATER

**STANDING ORDERS LOCAL LAW 2021**

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## LOCAL GOVERNMENT ACT 1995

## CITY OF BAYSWATER

## STANDING ORDERS LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the City of Bayswater resolved on 24 August 2021 on to make the following local law.

## PART 1—PRELIMINARY

**1.1 Citation**

This local law may be cited as the *City of Bayswater Standing Orders Local Law 2021*.

**1.2 Commencement**

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 and to meetings of electors.
- (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—

***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 Local Government;

***Committee*** means a Committee of the Council established under section 5.8 of the Act;

***Committee meeting*** means a meeting of a Committee;

***Committee meeting open to the public*** means a meeting of a Committee to which section 5.23 of the Act applies.

***Council*** means the Council of the City of Bayswater;

***Deputation*** means a statement or response that clearly relates to an item on the agenda, which can be received in both a written or verbal form;

***Local Government*** means the City of Bayswater;

***Mayor*** means the Mayor of the Local Government or other Presiding Member at a Council meeting under section 5.6 of the Act;

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

***Member*** has the meaning given to it in the Act;

***Officer*** means a person employed by the Local Government under section 5.36 of the Act;

***Presiding Member*** means—

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

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

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

***substantive motion*** means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

- (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 *City of Bayswater Standing Orders Local Law 2018* as published in the *Government Gazette* on 13 September 2018.

**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 subclause (3), the CEO is to give at least 72 hours' notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.
- (3) Where, in the opinion of the Mayor, the CEO 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 Mayor, 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 Mayor can act**

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

**4.3 Who acts if no Mayor**

Who acts if there is no Mayor 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 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 is—

- (a) immediately to suspend the proceedings of the meeting for a period of up to 30 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 other than that specified in the agenda, without the approval of the Council.

(2) No business is to be transacted at a Committee meeting open to the public other than that specified in the agenda of the Committee.

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

(4) Subject to subclause (5), no business is to be transacted at an adjourned meeting of the Council or a Committee meeting open to the public other than that—

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

(5) Where a meeting is adjourned to the next ordinary meeting of the Council, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports (Item 10) at that ordinary meeting.

**5.2 Order of business**

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

1. Official Opening
2. Acknowledgment of Country
3. Announcements from the Presiding Member
4. Attendance—
  - 4.1 Apologies
  - 4.2 Approved leave of absence
  - 4.3 Applications for leave of absence
5. Declaration of interest

6. Public Question Time—
  - 6.1 Response to previous public questions taken on notice
  - 6.2 Public question time
7. Confirmation of minutes
8. Presentations—
  - 8.1 Petitions
  - 8.2 Presentations
  - 8.3 Deputations
  - 8.4 Delegates' reports
9. Method of dealing with agenda business
10. Reports
11. Motions of which previous notice has been given
12. Questions from Members without notice
13. New business of an urgent nature introduced by decision of the meeting
14. Meeting closed to public—
  - 14.1 Matters for which the meeting may be closed
  - 14.2 Public reading of resolutions that may be made public
15. 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.

### **5.3 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 he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.

(2) A notice of motion under subclause (1) is to be given at least 10 clear working days before the meeting at which the motion is moved.

(3) The CEO—

- (a) may, with the concurrence of the Mayor, exclude from the notice paper 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 Members on each occasion that a notice has been excluded and the reasons for that exclusion;
- (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, budget and law.

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

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

(5) If a notice of motion is given and lapses under subclause (4), 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.

(6) An amendment, other than a minor amendment, to a motion of which notice has been given is not to be considered at a meeting unless written notice of the amendment is received by the CEO no later than 12:00pm on the last working day proceeding the day of the meeting.

(7) For the purpose of subclause (6) the Presiding Member—

- (a) is to determine whether an amendment is a minor amendment; and
- (b) is to make that determination on the basis that a minor amendment is one which, in his or her opinion, does not alter the basic intent of the primary motion.

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

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

(2) In subclause (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 or the CEO, or Member moving a motion referred to in clause 5.4(1) to be of such importance and urgency that such matters 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 the Presiding Member may ask the CEO or the CEO's nominee to give a verbal report to the meeting.

- (4) The minutes of the meeting are to include—
- (a) a summary of any 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.

#### **5.5 Adoption by exception resolution**

- (1) In this clause 'adoption by exception resolution' means a resolution of the Council or a Committee that has the effect of adopting, for a number of specifically identified reports, the Officer's recommendation as the Council or Committee resolution.
- (2) Subject to subclause (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 meeting that is open to the public, may in one or more of the circumstances dealt with in the Act, at any time, by resolution, decide to close the meeting or part of the meeting.
- (3) If a resolution under subclause (2) is carried—
  - (a) the Presiding Member is to direct everyone to leave the meeting except—
    - (i) the Members;
    - (ii) the CEO; and
    - (iii) any Officer specified by the Presiding Member;
    - (iv) any other person specified in a resolution; and
  - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the Committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the Presiding Member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice.
- (6) Unless the Council or the Committee resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council or the Committee made while the meeting was closed is to be read out, including a vote of a Member, to be included in the minutes.

#### **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 his or her name and address.
- (2) A member of the public who raises a question is to ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except so far as may be necessary to explain the question.
- (3) A question may be taken on notice for later response.
- (4) When a question is taken on notice the CEO is to ensure that—
  - (a) a response is given to the member of the public in writing; and
  - (b) a summary of the response is included in the agenda of the next meeting.

- (5) 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—
- (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.
- (6) Each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions.
- (7) 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.
- (8) The Presiding Member may decide that a public question shall not be responded to where—
- (a) 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;
  - (b) 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
  - (c) 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.
- (9) The Council or a Committee meeting open to the public, 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.

### **6.8 Distinguished visitors**

If a distinguished visitor is present at a meeting of the Council or a Committee open to the public, 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**

- (1) Allowance has been established for deputations to be heard at Agenda Briefing Forums the week prior to the Ordinary Council Meeting by any person or group wishing to be received. A deputation may be heard at the Council meeting, Agenda Briefing Forum or a Committee meeting open to the public at the discretion of Council, and the depute is to either—
- (a) apply, before the meeting, to the CEO for approval and can be considered in both a verbal and written format;
  - (b) with the approval of the Presiding Member, at the meeting; and—
  - (c) are to be received by 1.30pm on the day of the forum receiving the deputation.
- (2) Upon receipt of a request for a deputation the CEO must refer the request to the relevant Council meeting, Agenda Briefing Forum or a Committee meeting.
- (3) Unless the Presiding Member allows, a depute invited to attend the meeting is not to address the meeting for a period exceeding 5 minutes.
- (4) Unless given leave by the Presiding Member, only two members of the deputation may address the meeting, although others may respond to specific questions from Members.
- (5) For the purposes of this clause, unless Council, Agenda Briefing Forum or the Committee determines otherwise, a deputation is taken to comprise all those people either in favour of, or opposed to, the matter which is the subject of the deputation.
- (6) Unless Council, Agenda Briefing Forum or the Committee resolves otherwise, any matter which is the subject of a deputation to the Council, Agenda Briefing Forum or a Committee open to the public is not to be decided by Council, Agenda Briefing Forum or the Committee until the deputation has completed its presentation.
- (7) The Presiding Member may require deputations to leave the meeting while other deputations are being heard in relation to that matter.
- (8) A member of the public who makes a deputation is to state his or her name and address, however only the name will be published in the minutes.

### **6.10 Petitions**

- (1) A petition is to—
- (a) be addressed to the Mayor or to Council or the Local Government;
  - (b) be made by electors of the district;
  - (c) state the request on each page of the petition;
  - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
  - (e) contain a summary of the reasons for the request; and
  - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.

(2) Upon receiving a petition, the Local Government is to submit the petition to the relevant Officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).

(3) At any Council meeting or a Committee meeting open to the public, the meeting is not to vote on any matter that is the subject of a petition presented to that meeting, unless—

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

#### **6.11 Presentations**

(1) In this clause, a “presentation” means the acceptance of a gift or an award by the Council on behalf of the Local Government or the community.

(2) A presentation may be made to the Council at a meeting only with the prior approval of the both the CEO and the Presiding Member.

#### **6.12 Participation at Committee meetings**

(1) In this clause a reference to a person is to a person who—

- (a) is entitled to attend a Committee meeting;
- (b) attends a Committee meeting; and
- (c) is not a Member of that Committee.

(2) Without the consent of the Presiding Member, no person is to address a Committee meeting.

(3) A Member may attend, as an observer, any meeting of a Committee of which he or she is not a Member or the deputy of a Member.

(4) The Presiding Member of a Committee may allow a person to make an oral submission to the Committee for up to 5 minutes.

(5) 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.

(6) A person who fails to comply with a direction of the Presiding Member under subclause (5) may, by order of the Presiding Member, be removed from the Committee room.

(7) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a Committee meeting.

(8) Subclause (2) does not apply in the case of a deputation to a Committee meeting open to the public received under clause 6.9.

#### **6.13 Council or Committee may meet to hear public submissions**

(1) Where an item on the agenda at a Council meeting or a Committee meeting open to the public, is contentious the Council or Committee may resolve to meet at another time to provide a greater opportunity to be heard.

(2) The CEO and the Mayor shall set the time and date of the meeting to provide the opportunity to be heard.

(3) Where the Council or Committee resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall—

- (a) instruct the CEO to provide local public notice of the time and date when the Council or Committee 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 subclause (1) shall be conducted only to hear submissions. The Council or Committee shall not make resolutions at a meeting to provide the opportunity to be heard.

(5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.

(6) A member of the public shall be limited to 5 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member or by resolution of Council or the committee.

(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 or Committee meeting open to the public (whichever is relevant) summarising each submission made at the meeting.

(9) The Council or a Committee meeting open to the public 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 subclause (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 61 Broun Avenue, Morley, WA 6062 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 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 or an Officer in receipt of confidential information under subclause (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 or an Officer to the extent necessary for the purpose of carrying out his or her duties.

(3) Subclause (2) does not apply where a Member or Officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

**6.16 Recording of proceedings**

(1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.

(2) If the Presiding Member grants permission under subclause (1), the Presiding Member is to advise the meeting, before the recording is commenced, that the recording is permitted and the extent of that permission.

**6.17 Prevention of disturbance**

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

(2) A person addressing the Council or a Committee meeting shall extend due courtesy and respect to Members and Officers 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 his or her mobile telephone is not switched on or used during any meeting of the Council or a Committee.

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

(6) If after being warned, the person again acts contrary to this clause, or to this local law; or a person refuses or fails to comply with a direction by the Presiding Member the Presiding Member may expel the person from the meeting by ordering him or her to leave the meeting room.

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

**PART 7—QUESTIONS BY MEMBERS****7.1 Questions by Members**

(1) Members may ask questions relating to an item on the agenda or on matters related to the good government of persons in the district.

(2) Member requesting general information from an Officer at a Council meeting or a Committee meeting, may ask a question without notice and with the consent of the Presiding Member, may ask one or more further questions of that Officer or another Officer present at the meeting.

(3) Where possible the Officer shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the Officer may ask that—

- (a) the question be placed on notice for the next meeting; and
- (b) the answer to the question be given to the Member who asked it within 14 days.

(4) Every question and answer—

- (a) is to be brief and concise; and
- (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.

(5) In answering any question, an Officer may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

**PART 8—CONDUCT OF MEMBERS****8.1 Members to be in their proper places**

(1) At the first meeting held after each Election Day, the CEO is to allot, alphabetically by ward, a position at the Council table to each Member.

(2) Each Member is to occupy his or her allotted position at each Council meeting and at each Committee meeting open to the public.

**8.2 Titles to be used**

A speaker, when referring to the Mayor, Deputy Mayor or Presiding Member, or a Member or Officer, is to use the title of that person's office.

**8.3 Advice of entry or departure**

During the course of a meeting of the Council or a Committee meeting, 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.

**8.4 Members to indicate their intention to speak**

A Member who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council.

**8.5 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 subclause (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.

**8.6 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.

**8.7 Relevance**

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

**8.8 Speaking twice**

A Member is not to address the Council or a Committee meeting open to the public 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.

**8.9 Duration of speeches**

- (1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Council or a Committee meeting open to the public, which, if given, is to be given without debate.
- (2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

**8.10 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 question has been put.

**8.11 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 8.12; or
- (d) to move a procedural motion that the Member be no longer heard under clause 11.1.

**8.12 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 his or her intention to make a personal explanation.
- (2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.
- (3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

**8.13 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 16).

**8.14 Adverse reflection**

- (1) A Member is not to reflect adversely on a decision of the Council or a Committee except on a motion that the decision be revoked or changed (see Part 16).

(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 question then before the meeting cannot otherwise be adequately considered.

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

### **8.15 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 8.14—
  - (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) is offensive or insulting,

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 subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

## **PART 9—PRESERVING ORDER**

### **9.1 Presiding Member to preserve order**

(1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.

(2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes 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) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.7, but to preserve order.

### **9.2 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) 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.

### **9.3 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 his or her 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.

### **9.4 Calling attention to breach**

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

### **9.5 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 subclause (2), if the Presiding Member rules that—

- (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
- (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.

### **9.6 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 9.5(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.

**9.7 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.

**PART 10—DEBATE OF SUBSTANTIVE MOTIONS****10.1 Motions to be stated and in writing**

Any Member who wishes to move a substantive motion or an amendment to a substantive motion—

- (a) is to state the substance of the motion before speaking to it; and
- (b) if required by the Presiding Member, is to put the motion or amendment in writing.

**10.2 Motions to be supported**

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) 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.

**10.3 Unopposed business**

- (1) Immediately after a substantive motion 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 declare it carried without debate and without taking a vote.
- (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.
- (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 16).

**10.4 Only one substantive motion at a time**

When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.

**10.5 Order of call in debate**

The Presiding Member is to call speakers to a substantive motion in the following order, where possible—

- (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) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

**10.6 Limit of debate**

The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

**10.7 Member may require question to be read**

A Member may require the question 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.

**10.8 Consent of seconder required for alteration**

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

**10.9 Order of amendments**

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

**10.10 Form of an amendment**

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

**10.11 Amendment must not negate original motion**

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

**10.12 Relevance of amendments**

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

**10.13 Mover of motion may speak on amendment**

Any Member may speak during debate on an amendment.

**10.14 Effect of an amendment**

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

**10.15 Withdrawal of motion or amendment**

(1) Subject to subclause (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 substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.

**10.16 Right of reply**

(1) The mover of a substantive motion has the right of reply.

(2) The mover of any amendment to a substantive motion has a right of reply.

(3) The right of the reply may only be exercised—

(a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or

(b) where one or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.

(4) After the mover of the substantive motion has commenced the reply—

(a) no other Member is to speak on the question;

(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 substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

**PART 11—PROCEDURAL MOTIONS****11.1 Permissible procedural motions**

In addition to the right to move an amendment to a substantive motion (under Part 10), a Member may move the following procedural motions—

(a) that the meeting proceed to the next item of business;

(b) that the item be referred or adjourned;

(c) that the meeting now adjourn;

(d) that the question be now put;

(e) that the Member be no longer heard;

(f) that the ruling of the Presiding Member be disagreed with;

(g) that the item be referred to a Council or a Committee meeting; and

(h) that the meeting be closed to the public (see clause 6.2).

**11.2 No debate**

(1) The mover of a motion specified in paragraph (a), (b), (c), (f) (g) or (h) of clause 11.1 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 paragraph (d) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

**11.3 Who may move**

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

**11.4 Procedural motions—right of reply on substantive motion**

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

**11.5 Meeting to proceed to the next business**

The motion “that the meeting proceed to the next business”, if carried, has the effect that—

(a) the debate on the substantive motion or amendment ceases immediately;

(b) no decision is made on the substantive motion;

(c) the Council moves to the next item of business; and

(d) there is no requirement for the matter to be raised again for consideration.

**11.6 Item to be referred or adjourned**

- (1) A motion “that the item be referred or adjourned” is to state the person or body to which the item is to be referred; and
- (2) A motion “that the item be adjourned” if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

**11.7 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 5.5).
- (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 subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

**11.8 Question to be put**

- (1) If the motion “that the question 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 question 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.

**11.9 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 substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

**11.10 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.

**PART 12—DISCLOSURE OF INTERESTS****12.1 Disclosure of interests**

Disclosure of interests is dealt with in the Act.

**PART 13—VOTING****13.1 Question—when put**

- (1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member—
  - (a) is to put the question to the Council or Committee; and
  - (b) if requested by any Member, is to again state the terms of the question.
- (2) A Member is not to leave the meeting when the Presiding Member is putting any question.

**13.2 Voting**

Voting is dealt with in the Act and the Regulations.

**13.3 Majorities required for decisions**

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

**13.4 Method of taking vote**

- (1) In taking the vote on any motion or amendment the Presiding Member—
  - (a) is to put the question, first in the affirmative, and then in the negative;
  - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
  - (c) may accept a vote on a show of hands or any other way agreed by the Council; and,
  - (d) is, subject to this clause, to declare the result.
- (2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) For every vote on a substantive motion, the CEO is to cause to be recorded in the minutes—
  - (a) the name of each Member who voted; and
  - (b) whether he or she voted in the affirmative or negative.
- (4) Subclause (3) does not apply in the event that the vote is unanimous and the CEO causes this to be recorded in the minutes.

**PART 14—MINUTES OF MEETINGS****14.1 Keeping of minutes**

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

**14.2 Content of minutes**

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by regulation 11 of the Regulations, the minutes of a Council or Committee meeting are to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

**14.3 Public inspection of unconfirmed minutes**

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

**14.4 Confirmation of minutes**

- (1) When minutes of an ordinary meeting of the Council or a Committee 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 or the Committee.
- (2) At the next ordinary meeting of the Council or the Committee, the Member who provided the alternative wording shall, at the time for confirmation of minutes—
  - (a) state the item or items with which he or she is 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 15—ADJOURNMENT OF MEETING****15.1 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 or
- (c) to allow for an adjournment for meetings exceeding three hours.

**15.2 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 8.8 apply when the debate is resumed.

**PART 16—REVOKING, CHANGING OR IMPLEMENTING DECISIONS****16.1 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.

**16.2 Limitations on powers to revoke or change decisions**

- (1) Subject to subclause (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 16.3 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 subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

**16.3 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 the Local Laws and may be considered, but has not yet been considered, by the Council or a Committee as the case may be.

- (2) Subject to subclause (4), and unless a resolution is made under subclause (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 17—SUSPENSION OF LOCAL LAWS**

### **17.1 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 subclause (1) is to state the reasons for the motion but no other discussion is to take place.
- (3) A motion under subclause (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.

### **17.2 Where Local Laws do not apply**

- (1) In situations where—
- (a) one or more provisions of this local law have been suspended; or
  - (b) a matter is not regulated by the Act, the Regulations or these Standing Orders,
- the Presiding Member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

### **17.3 Cases not provided for in Local Laws**

- (1) The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where this local law, the Act or the Regulations are silent.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

## **PART 18—MEETINGS OF ELECTORS**

### **18.1 Electors' general meetings**

Electors' general meetings are dealt with in the Act.

### **18.2 Matters for discussion at electors' general meetings**

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

### **18.3 Electors' special meetings**

Electors' special meetings are dealt with in the Act.

### **18.4 Requests for electors' special meetings**

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

### **18.5 Convening electors' meetings**

Convening electors' meetings is dealt with in the Act.

### **18.6 Who presides at electors' meetings**

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

### **18.7 Procedure for electors' meetings**

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

### **18.8 Participation of non-electors**

A person who is not an elector of the Local Government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person to do so.

**18.9 Voting at electors' meetings**

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

**18.10 Minutes of electors' meetings**

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

**18.11 Decisions made at electors' meetings**

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

**PART 19—ENFORCEMENT****19.1 Penalty for breach**

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

**Penalty: \$1,000.00 and a daily penalty of \$100.00.**

**19.2 Who can prosecute**

Who can prosecute is dealt with in the Act.

The Common Seal of the City of Bayswater was affixed by the authority of a resolution of Council in the presence of—

DAN BULL, Mayor.  
ANDREW BRIEN, Chief Executive Officer.

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