



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

5493



PERTH, WEDNESDAY, 1 OCTOBER 1997 No. 169 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 4.00 PM

LOCAL GOVERNMENT ACT 1995

**CITY OF PERTH
STANDING ORDERS LOCAL
LAW 1997**

LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

STANDING ORDERS LOCAL LAW 1997

In pursuance of the powers conferred upon it by the Local Government Act 1995, and of all other powers enabling it, the Council of the City of Perth hereby records having resolved on 26 August 1997 to make the following local law.

PART 1—INTRODUCTORY MATTERS**1.1 Title**

This local law may be cited as the *City of Perth Standing Orders Local Law 1997*.

1.2 Commencement

By virtue of section 3.14 of the Act, this local law comes into operation 14 days after the day on which it is published in the *Government Gazette*.

1.3 Content and intent

(1) This local law provides the rules and guidelines for the conduct of meetings of council, committees and of electors.

(2) This local law is intended to result in—

- (a) better decision making by council ;
- (b) the orderly and efficient conduct of meetings dealing with council business ; and
- (c) greater community understanding of the business of the council.

1.4 Previous by-law

The standing orders by-law no. 1 published in the *Government Gazette* on 26 May 1995 is hereby repealed.

1.5 Standing orders

The proceedings and business of the council shall be conducted according to this local law.

1.6 Interpretation

(1) In this local law, unless the contrary intention appears :

“**Act**” means the Local Government Act 1995.

“**City**” means the City of Perth.

“**CEO**” means the chief executive officer or acting chief executive officer of the City.

“**committee**” means a committee of the council appointed in accordance with the Act

“**council**” means the council of the local government of the City of Perth.

“**councillor**” means a person who holds the office of councillor on the council.

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

“**Lord Mayor**” includes the deputy Lord Mayor in the Lord Mayor’s absence.

“**member**” means the Lord Mayor or a councillor, or in the case of a committee, a member of the committee.

“**Minister**” means the Minister responsible for administering the Act.

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

“**order of the day**” means any business left over from the previous meeting and any other business the presiding person of the meeting thinks desirable to bring to the notice of the meeting and has directed to be entered in the agenda as an order of the day.

“**Regulations**” means the Local Government (Administration) Regulations 1996

“**urgent business**” means business dealt with in accordance with the provisions of clause 2.17.

“**without discussion**” means without debate.

(2) Where no definition is given in this local law, the terminology is to be taken to be in accordance with the Act and Regulations.

PART 2—MEETINGS OF THE COUNCIL AND COMMITTEES**2.1 Category of meeting**

(1) Meetings of the council and committees are to be of two categories, namely “ordinary” and “special”. (*sec 5.3(1)*)

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

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

(4) Subject to the provisions of the Act and this local law relating to the revocation of or change to a decision, no business is to be transacted at a special meeting other than that for which the special meeting has been called.

2.2 Calling council meetings

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

2.3 Calling committee meetings

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

(a) if called for by either—

(i) the Lord Mayor; or

(ii) the presiding person of the committee if the Lord Mayor is not the presiding person; or

(iii) any 2 members of that committee,

in a notice to the CEO setting out the date and purpose of the proposed meeting; or

(b) if so decided by the council or the committee.

2.4 Convening ordinary and special council meetings

The convening of ordinary and special council meetings is dealt with in the Act.

2.5 Convening ordinary and special committee meetings

(1) The CEO is to convene an ordinary meeting of a committee by giving each member of the committee at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.

(2) The CEO is to convene a special meeting of a committee by giving each committee member notice, before the meeting, of the date, time, place and purpose of the meeting.

(3) The CEO is to give notice of meetings referred to in subclauses (1) and (2) to every member of the council.

2.6 Notice of adjourned meeting

When a meeting of the council or a committee is adjourned to a day and hour other than the next ordinary meeting of the council or committee, notice of the adjourned meeting is to, if time permits, be given in the manner provided by clauses 2.4 and 2.5.

2.7 Availability to public of agenda

The availability for inspection of meeting agenda and documents is dealt with in the Regulations.

2.8 Presiding person at council meetings

The presiding person at council meetings is dealt with in the Act.

2.9 Quorum for meetings

The quorum for meetings is dealt with in the Act.

2.10 Procedure if quorum not present

The procedure if a quorum is not present is dealt with in the Regulations.

2.11 Quorum not present during meeting

(1) If at any time during a meeting of the council a quorum is not present, the presiding person upon becoming aware of that fact is to thereupon suspend the proceedings of the meeting for a period of 5 minutes.

(2) If a quorum is not present at the expiration of the period in subclause (1), the presiding person is to adjourn the meeting to a future time and date.

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

2.12 Debate on motion to be resumed

(1) Where the debate on any motion is interrupted at a council or committee meeting which is adjourned under clause 2.11, that debate is to be resumed at the next meeting at the point where it was so interrupted.

(2) Where the interruption in subclause (1) occurs at an ordinary meeting the resumption is to be at the next ordinary meeting unless a special meeting is called earlier for the purpose.

(3) Where the interruption in subclause (1) is at a special meeting, the resumption is to be at the next special meeting called to consider the same business or at the next ordinary meeting if it occurs before a special meeting can be called.

2.13 Names to be recorded

At any meeting—

- (a) at which there is not a quorum of members present; or
- (b) which is adjourned under clause 2.11,

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

2.14 Business at ordinary meeting

No business is to be transacted at any meeting of the council or a committee other than specified in the notice relating to the meeting, except—

- (a) matters which the Act permits to be dealt with without notice; and
- (b) matters which this local law expressly permits to be dealt with without notice.

2.15 Order of business

Unless otherwise resolved by the council, the order of business at any ordinary meeting of the council is to be as follows—

- (1) prayer;
- (2) apologies;
- (3) question time for the public; (*admin reg 7 (2)*)
- (4) members on leave of absence and applications for leave of absence;
- (5) confirmation of minutes;
- (6) announcements by the presiding person without discussion;
- (7) declaration of financial interests;
- (8) questions of which due notice has been given without discussion;
- (9) petitions;
- (10) orders of the day;
- (11) reports;
- (12) motions of which previous notice has been given;
- (13) representation on statutory authorities and public bodies;
- (14) urgent business;
- (15) closure.

2.16 Leave of absence

Leave of absence is dealt with in the Act.

2.17 Urgent business

(1) A member may not move a motion involving urgent business that is not included in the agenda for that meeting unless—

- (a) the presiding person has first consented to the business being raised; and
- (b) the presiding person considers that either—
 - (i) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or
 - (ii) the delay in referring the business to the next meeting could have adverse legal or financial implications for the City.

(2) If at an ordinary meeting a member objects that a motion introduced as urgent business and moved without notice does not deal with ordinary business, the motion is to be of no effect unless it is agreed to at the meeting by an absolute majority of the members.

2.18 Order of business at special meeting

The order of business at any special meeting of the council is to be the order in which that business stands in the notice of the meeting.

2.19 Business at adjourned meeting

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

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

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

2.20 Meetings open to the public

Meetings that are to be open to the public and circumstances when such meetings can be closed to the public are dealt with in the Act.

2.21 Persons who are to leave the meeting when closed

(1) Where the council resolves to close to members of the public the meeting, or part of the meeting:-

- (a) the presiding person is to direct all persons other than the members and relevant employees and advisors of the City to leave the meeting room and every person is to comply with that direction immediately; and
- (b) subject to subclause (2), the meeting is to be closed to the public until the council resolves to open the meeting to members of the public.

(2) If the council resolves to close the meeting to the public the meeting is to revert to being open to the public upon the completion of discussion of, but prior to voting on, the matter under consideration.

(3) A person failing to comply with a direction made under subclause (1) may, by order of the presiding person, be removed from the meeting room.

2.22 Confidential business at meetings closed to the public

All business conducted by the council at a meeting or part of a meeting closed to the public is—

- (a) to be treated as strictly confidential; and
- (b) not, without the authority of the council, to be disclosed to any person other than the members or employees of the council but only to the extent necessary for the purpose of carrying out their duties, prior to the discussion of that matter at a meeting of the council which is open to the public.

2.23 Media attendance

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

2.24 Recording of meeting prohibited

(1) No person is to use any electronic visual recording device or instrument to record the proceedings of the council unless the presiding person has given permission to do so.

(2) If the presiding person gives permission under subclause (1), the presiding person is to advise the meeting, immediately before the recording is commenced, that such permission has been given and details of the part of the meeting that is to be recorded.

2.25 Prevention of disturbance

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

(2) A person who fails to comply with subclause (1) is, when so directed by the presiding person, to leave the meeting room immediately.

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

2.26 Disclosure of financial interest by members

The disclosure of financial interests by members is dealt with in the Act.

2.27 Meeting to be informed of disclosures

Procedures for informing the meeting of disclosures is dealt with in the Act.

2.28 Disclosure of interest in matter raised without notice

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

2.29 Disclosure by members who are observers at committee meetings

The obligation to declare an interest is to apply to all members present at committee meetings including a member attending a committee meeting in the capacity of an observer.

2.30 On-going disclosure required

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

2.31 Disclosing member not to participate in meetings

The participation of a disclosing member in meetings is dealt with in the Act.

2.32 Permission for disclosing member to participate

The procedures for allowing disclosing members to participate in meetings is dealt with in the Act.

2.33 Exclusion of member by motion

If a member has declared an interest in a matter or is liable to declare an interest, and has not elected to leave the meeting the council or committee may by motion, which may be moved without notice, exclude the member from the meeting.

2.34 Invitation to return to provide information

(1) Where a member has declared an interest in a matter, and has departed from the chamber or room, the meeting may resolve to invite the member to return to provide information in respect of the matter or in respect of the member's interest in the matter.

(2) A member invited to return under subclause (1) shall withdraw after providing the information.

2.35 Substitution of deputy at committee

Where a disclosing member withdraws from a meeting of a committee during the consideration of a matter the meeting may resolve to invite another member present at the meeting, who is a deputy of the disclosing member for that committee, to participate as a member of the committee in place of the disclosing member during the consideration of that matter only.

2.36 Disclosure of interest in urgent business

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

- (a) has an interest in that matter within the meaning of section 5.60 of the Act; and
- (b) has not had an earlier opportunity to declare an interest in the matter,

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

2.37 Approval by Minister to be recorded

If the Minister approves of the participation in a meeting of a disclosing member, the conditions of the approval are to be recorded in the minutes of the meeting and the register of financial interests.

2.38 Disclosure of financial interest by employees

The disclosure of financial interests by employees is dealt with in the Act.

2.39 Confirmation of minutes

(1) Confirmation of minutes is dealt with in the Act.

(2) When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.

2.40 Questions by members with notice

(1) A member desiring to put a question as to the work or procedure of the council is to give notice thereof in writing to the CEO at least 8 ordinary office hours before the commencement of the ordinary council meeting, and the question is to, as far as practicable, be answered in writing at that meeting.

(2) 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.

2.41 Questions by members without notice

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

- (a) the question be placed on notice for the next meeting of the council; or
- (b) the answer to the question be given to the member who asked it, within 7 days.

2.42 Question time for the public

(1) Question time for the public is dealt with in the Act and Regulations.

(2) Unless determined otherwise under the Regulations, the procedure for the asking of and responding to questions raised by members of the public at a meeting shall be as follows—

- (a) it is preferred that questions be submitted in writing in which case they will be read out by the CEO but questions may be asked orally;
- (b) questions are to be answered by the member or employee nominated by the presiding person;
- (c) questions may be answered orally or in writing, but the presiding person may determine that any complex question requiring research be answered only in writing; and
- (d) no discussion of an answer is to take place.

2.43 Reports by the CEO

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

2.44 Distribution of reports to the members

(1) Subject to clause 2.45 the CEO is to send to each member of the council a copy of any report which is to be presented to any council or committee meeting, and is to send to each member of a committee a copy of any report which is to be presented to a meeting of a committee of which that person is a member.

(2) The report is to be sent to each member at least 24 hours before the commencement of the meeting.

2.45 Late reports

In cases of urgency or other special circumstances a report by the CEO may, with the consent of the presiding person, be read or otherwise given to members at the meeting if it has not previously been sent to members in accordance with clause 2.44.

2.46 Deputations

(1) A deputation wishing to be received by the council or a committee is to apply in writing to the CEO who is to forward the written request to the Lord Mayor.

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

(3) A deputation invited to attend a council meeting:

- (a) is not to exceed 5 persons, only 2 of whom may address the council or committee although other persons in the deputation may respond to specific questions from the members; and
- (b) is not to address the council for a period exceeding 15 minutes.

(4) Any matter which is the subject of a deputation to the council is not to be further considered by the council until the deputation has withdrawn.

2.47 Petitions

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

2.48 Giving notice of motion

- (1) Unless the Act or this local law otherwise provides, a member may raise at an ordinary meeting any business that he or she considers appropriate in the form of a motion of which notice has been given in writing to the CEO.
- (2) A notice of motion is to be given at least 120 hours before the meeting at which it is to be raised.
- (3) Every notice of motion is to relate to some matter affecting the constitution, administration or condition of the City or the council.

2.49 Exclusion or amendment of notice of motion

- (1) The CEO—
- (a) with the consent of the Lord Mayor, may exclude from the agenda any notice of motion which is out of order; or
 - (b) may make any amendment to the form but not the substance of the notice of motion as will bring it into due form.
- (2) No notice of motion is informal by reason of—
- (a) the proposal involved being considered objectionable; or
 - (b) it raising a matter not within the scope of the business of the council, providing that in the opinion of the Lord Mayor such matter is one of significant public interest or importance.

2.50 Motion to lapse

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

- (a) the member who gave the notice or another member authorised by him or her in writing, is present to move 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.

2.51 Dealing with lapsed motion

If a notice of motion is given and lapses in the circumstances referred to in clause 2.50, notice of motion in the same terms or to the same effect may be given for consideration at a subsequent meeting of the council, but if the motion again lapses, the council is not to consider a motion in the same terms or to have the same effect at a subsequent meeting until at least 3 months have elapsed from the date of the meeting at which the motion last lapsed.

2.52 Amendment to notice of motion

- (1) A notice of amendment of motion, other than a minor amendment, in respect to a motion of which notice has been given under clause 2.48 must be received by the CEO at least 24 hours before the meeting at which the relevant motion is to be considered;
- (2) A notice of amendment of motion referred to in subclause (1) is to be taken to form part of the agenda for the meeting and is, if in the opinion of the CEO there is adequate time to do so, to be immediately forwarded to members prior to the meeting.
- (3) The Lord Mayor is to decide whether any amendment moved without notice in accordance with subclause (1) is a minor amendment.

PART 3—MEETINGS : PROCEDURES AND CONDUCT**3.1 Meeting to proceed to business**

Subject to clause 2.9, every meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

3.2 Members to occupy own seats

At meetings of the council each member is to occupy the place assigned to that member within the council chamber.

3.3 Substance of motion to be stated

Any member wishing to propose a primary motion or amendment is to state the substance of the motion before addressing the meeting on that matter.

3.4 Unopposed business

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

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

(3) A motion carried under subclause (2) is to be taken, for all purposes, as a decision of the council.

(4) If a councillor signifies opposition to a motion the motion is to be dealt with according to this local law.

3.5 Motion and amendments to be seconded

(1) Subject to clause 3.4 a motion is not to be discussed or put to the vote unless seconded.

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

3.6 Titles to be used

In referring to any other person present in the capacity of a member or employee of the City, a speaker is to designate that other person by the title of Lord Mayor or councillor, or by the title of the particular employee, as the case may be.

3.7 Members to address presiding person

A member moving a motion or taking part in the discussion on a motion, is to address the presiding person.

3.8 Presiding person to preserve order

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

3.9 Definition of order

Any member who does anything or behaves in a manner which is forbidden by this local law is taken to be out of order.

3.10 Breaches of order

Without limitation, the following acts are to be taken as being out of order—

- (a) discussion of a matter not before the meeting; or
- (b) the use of offensive or insulting language; or
- (c) the breach of any local law or standing order of the council.

3.11 Raising point of order

(1) Any member may direct the attention of the presiding person to any breach of order by any other member.

(2) 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.

(3) A member who is expressing a difference of opinion or contradicting a speaker is not to be taken as raising a point of order.

3.12 Precedence of breaches of order

Notwithstanding any provision of this local law to the contrary, all alleged breaches of order at any time arising are, until decided, to suspend the consideration of and decision on every other matter.

3.13 Rulings by presiding person

(1) The presiding person, when deciding a point of order or practice, is to give his or her decision, and argument or comment is not permitted on the decision.

(2) The presiding person's decision in subclause (1) is final in that particular case, unless a majority of the members then present, upon motion made forthwith without discussion, dissent from the decision.

(3) Notwithstanding subclauses (1) and (2) there is to be no dissent from a ruling of the presiding person allowing or disallowing a point of order or practice on a matter required to be dealt with without discussion.

3.14 Ruling out of order

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

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

3.15 Continued breach of order

(1) Where a member—

- (a) persists in any conduct which the presiding person decides is out of order; or
- (b) refuses to make any explanation, retraction or apology required by the presiding person under clause 3.14, the presiding person may direct that member to refrain from taking any further part in the meeting other than by recording his or her vote.

(2) A member is to comply with a direction given under subclause (1).

3.16 Serious disorder

(1) If at a meeting the presiding person is of the opinion that by reason of disorder or otherwise the business of the council cannot effectively be continued, the meeting may be adjourned for a period of no more than 15 minutes.

(2) After the adjournment in subclause (1) the council is to re-assemble and immediately decide whether business is to be proceeded with, without debate.

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

3.17 Presiding person may be heard

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

3.18 Presiding person may take part in debate

Subject to the provisions of this local law the presiding person may take part in the discussion upon any matter before the meeting.

3.19. Priority of speaking

Where two or more members indicate a desire to speak at the same time, the presiding person is to decide which of them is entitled to priority.

3.20 Speaking without interruption

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

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

3.21 Speaking twice

(1) Subject to clause 3.24 no member is to speak twice on the same motion, except—

- (a) in reply upon a primary motion of which he or she was the mover; or
- (b) as the mover of an amendment last moved.

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

3.22 Calling to order for speaking twice

Subject to clause 3.24, the presiding person is to call to order any member proceeding to speak a second time on the same motion.

3.23 Mover or seconder to be deemed to have spoken

(1) A member moving a motion is to be taken to have spoken on the motion.

(2) A member seconding a motion is to be taken to have spoken on the motion unless at the time of seconding it the member reserves the right to speak on the motion later in the debate.

3.24 Decision to allow speaking twice

The council may, by decision moved without notice, suspend the operation of clause 3.21 in the following circumstances—

- (a) there may be a general suspension in which case clause 3.21 is to be suspended until the council by decision resolves to lift the suspension; or
- (b) there may be a specific suspension giving the right to speak twice to specified members and that suspension is to be automatically lifted when all members specified have spoken twice or waived the right to do so.

3.25 Questions during debate

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

3.26 No speaking after motion put

No member is to speak on any motion—

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

3.27 Limit of speeches

(1) Unless otherwise specified, a member is not to speak—

- (a) upon any motion for a longer period than 5 minutes; or
- (b) in answer to any question with or without notice for a longer period than 5 minutes; or
- (c) in reply for a longer period than 5 minutes,

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

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

3.28 Speaking in reply

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

3.29 Division of motion

The presiding person, or the council by decision passed without debate, may order a motion to be divided and put in the form of 2 or more motions.

3.30 Withdrawal of motion

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

3.31 No digression

A member is not to speak otherwise than upon, or digress from, the motion then before the meeting.

3.32 No adverse reflection on decision

A member is not to reflect adversely upon a decision of the council except on a motion that the decision be revoked or changed.

3.33 No adverse reflection on member or employee

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

3.34 Recording of statements

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

3.35 Withdrawal of offensive language

(1) Any member who uses an expression which in the opinion of the presiding person reflects offensively on any member or employee of the council, is to, when required by the presiding person, unreservedly withdraw the expression and make a satisfactory apology to the chair.

(2) If the member in subclause (1) declines to do so, the presiding person may refuse to hear the member further upon the matter then under discussion and may call upon the next speaker.

3.36 Disturbance by member

A member is not to make any noise or disturbance or speak aloud while any other person is addressing the council except to—

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

3.37 Breach of order or decorum

The presiding person may—

- (a) call the attention of the council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member; and
- (b) direct that member, if speaking, to stop speaking, in which case the member is to cease speaking.

3.38 Crossing council chambers or meeting room

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

(2) A member is not, whilst any other member is speaking, to pass between the speaker and the chair.

3.39 Voting

Voting is dealt with in the Act.

3.40 Method of taking vote

(1) The presiding person, in taking the vote on any motion, is to—

- (a) put the motion, first in the affirmative and then in the negative;
- (b) determine whether the affirmative or the negative has the majority of votes; and
- (c) declare the result of the vote.

(2) The motion put under subclause (1) may be put as often as is necessary to enable the presiding person to determine whether the affirmative or the negative has the majority of votes.

(3) The result of voting is to be determined on the count of raised hands but it may be determined on the voices unless a member calls for a show of hands.

(4) Voting at a council meeting is to be conducted so that no voter's vote is secret, except in the case of the filling of the office of deputy Lord Mayor or the election of the presiding person or deputy presiding person of a committee. (*Admin reg 9 Sched. 2.3*)

3.41. Permissible formal motions during debate

Subject to clause 3.42, when a motion is being debated no further motions are to be moved except the following motions, which can be moved without notice—

- (a) the motion be amended;
- (b) the motion be deferred;
- (c) the meeting be adjourned;
- (d) the debate be adjourned;
- (e) the motion be now put;
- (f) the motion lie on the table;
- (g) the council proceed with the next business;
- (h) the council close the meeting to the public;
- (i) the meeting be now closed; or
- (j) a ruling by the presiding person be overruled.

3.42 Permissible motions on recommendation from committee

- (1) A recommendation made by or contained in a report of a committee may be—
 - (a) adopted by the council without amendment or modification;
 - (b) rejected by the council in its entirety;
 - (c) subject to clause 3.44 amended or modified and adopted with amendments or modifications; or
 - (d) referred back to the committee for further consideration in accordance with subclause (2).
- (2) A member may at the conclusion of the speech of any other member move without notice that the recommendation or part of it be referred back to the committee.
- (3) On a motion referred in subclause (2)—
 - (a) the mover may speak for not more than 5 minutes;
 - (b) the seconder is not to speak other than to formally second; and
 - (c) no other debate is to be allowed.
- (4) Where part of the recommendation is referred back to the committee, the balance of the recommendation is to be dealt with in accordance with this clause.

3.43 Recommendation may be questioned

During the consideration of a recommendation of a committee by the council, the Lord Mayor, or a councillor through the presiding person, may question the presiding person or any member of the committee upon any matter arising directly out of or having relevance to the recommendation.

3.44 Relevancy of amendment

Every amendment is—

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

3.45 Amendment to be read

Every amendment is to be read before being moved.

3.46 One amendment at a time

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

3.47 Amended motion treated as primary motion

- (1) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate, subject only to clause 3.46, to be treated as if it was the primary motion.
- (2) Only the mover of the primary motion in subclause (1) is to have the right of reply in respect of the primary motion as amended.

3.48 Recommendations become decisions

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

3.49 Motion that meeting adjourn

- (1) A member may—
 - (a) at the conclusion of the speech of any other member; or
 - (b) on the conclusion of any business,move without notice that the meeting do now adjourn.
- (2) A motion seeking to adjourn the meeting is to state the time and date to which the adjournment is to be made.

3.50 Times for speaking on motion to adjourn the meeting

(1) On a motion to adjourn—

- (a) the mover may speak for not more than 5 minutes;
- (b) the seconder is not to speak other than to formally second the motion;
- (c) the mover of the motion (if any) which was then under debate may speak for not more than 5 minutes; and
- (d) no other debate is to be allowed.

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

3.51 Subsequent motion to adjourn the meeting

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

- (a) after the conclusion of the business under discussion at the time the adjournment was moved; or
- (b) if the adjournment was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
- (c) after the conclusion of any other business allowed precedence by the meeting.

3.52 Restraint on members right to move adjournment

(1) A member who has spoken on the motion then before the meeting is not to move the adjournment of the meeting.

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

3.53 Resumption of debate after adjournment of meeting

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

3.54 Recording speakers before adjournment of meeting

(1) On a motion for the adjournment of the meeting being carried, the minutes are to record all those who have spoken on the subject under consideration at the time of the adjournment.

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

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

3.55 Time and date of adjourned meeting

On the motion for the adjournment of the meeting being carried—

- (a) the presiding person is to adjourn the meeting to the time and date specified in the motion; or
- (b) where no time and date is specified, to a time and date determined by the presiding person.

3.56 Motion that debate be adjourned

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

3.57 Times for speaking on adjournment of debate

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

- (a) the mover may speak for not more than 5 minutes;
- (b) the seconder is not to speak other than formally to second; and
- (c) the mover of the motion then under debate may speak for not more than 5 minutes.

(2) If the motion then before the council is a recommendation from a committee—

- (a) the presiding person of the committee concerned; or
- (b) in his or her absence, a member thereof,

may speak for not more than 5 minutes.

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

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

3.58 Restraint on member's right to move adjournment of debate

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

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

3.59 Resumption after adjournment of debate

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

3.60 Recording speakers before adjournment of debate

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

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

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

3.61 Resumption after adjournment due to no quorum

Where the debate on any motion moved and seconded is interrupted by the meeting being adjourned, due to a quorum not being present during the meeting, the procedure on resumption is to be in accordance with clause 2.12.

3.62 Motion that the motion be now put

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

(2) Upon the motion referred to in subclause (1) being formally seconded it is to immediately be put, without debate, subject to clause 3.64.

3.63 Restraint on member's right to move closure

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

(2) At an ordinary meeting, if any member objects that a motion moved without notice does not deal with ordinary business, the motion is not to be carried except by an absolute majority of the members.

3.64 Times for speaking on closure motion

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

(2) The motion is to be put immediately after the mover has spoken in reply.

3.65 The motion to be put on a closure

(1) Whenever it is decided by the meeting that the motion be put, the motion to be put includes the primary motion as well as any amendment to the motion adopted.

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

3.66 Motion that the meeting proceed to the next business

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

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

3.67 Effect of a "next business" decision

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

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

3.68 Subsequent "next business" motion

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

3.69 Motion that the meeting be now closed

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

3.70 Times for speaking on closure of meeting

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

- (a) the mover may speak for not more than 5 minutes;
- (b) the seconder is not to speak other than formally to second;
- (c) the mover of the motion (if any) then under debate may speak for not more than 5 minutes; and
- (d) no other debate is to be allowed.

(2) The mover of a motion under debate speaking in opposition to the closure of the meeting does not lose the right of reply by so speaking.

3.71 Subsequent motion to close meeting

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

- (a) after the conclusion of the motion under discussion at the time the closure was moved;
- (b) if the closure was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
- (c) after the conclusion of any other business allowed precedence by the meeting.

3.72 Restraint on member's right to move closure of meeting

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

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

3.73 Effect of closure of meeting

When the meeting has been closed under clause 3.69 the discussion on the motion (if any) under debate when the meeting was closed is to stand adjourned to its place on the notice paper for the next meeting.

3.74 Recording speakers before closure of meeting

(1) On a motion that the meeting be closed being carried, a record is to be taken of all those who have spoken on the subject under consideration.

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

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

3.75 Motion for revocation of or change to council or committee decisions

Revoking or changing decisions made at council or committee meetings is dealt with in the Regulations.

3.76 Motion and notice to include details

(1) When giving notice of, or when moving a motion to revoke or change a decision, the member giving notice or moving the motion is to state in clear terms—

- (a) the terms of the motion identifying the decision proposed to be revoked or changed; and
- (b) the reason for seeking the revocation or change.

(2) The presiding person is not to accept a motion for revocation or change which does not comply with the requirements in subclause (1).

3.77 Notices of motion received during same meeting

(1) If the CEO receives a notice of motion to revoke or change a decision before the close of the meeting at which the decision was made:-

- (a) the CEO is to immediately deliver the notice to the presiding person;
- (b) the presiding person is, at the earliest opportunity, to notify the meeting of the notice; and
- (c) thereafter, at the first available opportunity the presiding person is to bring on the motion before the close of the meeting.

(2) If the CEO receives a notice of motion to revoke or change a decision after the closure of the meeting at which the decision was passed, the CEO is to ensure that the motion is considered at a special or ordinary meeting of the council held at the earliest opportunity after the meeting at which the decision was made.

3.78 Multiple notices

The CEO may receive more than one notice of motion to revoke or change the same decision.

3.79 No revocation of a procedural decision or a decision to revoke

The council is not to consider a motion to revoke a decision, which decision—

- (a) is merely procedural in its form and effect; or
- (b) itself revokes a previous decision.

3.80 Negatived motion not to be considered within 3 months

A motion to the same effect as any motion which has been lost is not again to be considered within a period of 3 months unless a majority of the members signify to the CEO in writing before a meeting their consent to the motion being considered at that meeting.

3.81 Suspension of standing orders

(1) In cases of urgent necessity or whilst the meeting is closed to the public, any standing order may be suspended on a motion duly made.

(2) If at an ordinary meeting a member makes an objection to such a motion to suspend a standing order, the motion is not to be declared carried unless it is agreed to by an absolute majority of the members.

3.82 No discussion on motion to suspend

A member moving the suspension of standing orders is to state the object of the motion, but discussion is not otherwise to take place thereon.

3.83 Only specified clauses suspended

(1) A member moving the suspension of standing orders under this clause is to state the specific clause or clauses of the standing orders sought to be suspended.

(2) Only the clauses nominated in subclause (1) are to be affected by any decision to suspend standing orders under this clause.

PART 4—COMMITTEES**4.1 Establishment of committees**

- (1) Establishment of committees is dealt with in the Act.
- (2) On establishment of a committee, council must clearly specify—
 - (a) the purpose of the committee;
 - (b) the powers and duties delegated to the committee; and
 - (c) the number, and composition, of members of the committee.
- (3) Before the first meeting of the committee, council must determine the names of the persons who are to be members of the committee.

4.2 Types of committees

Types of committees is dealt with in the Act.

4.3 Delegation of some powers and duties to certain committees

Delegation of powers and duties to committees is dealt with in the Act.

4.4 Limits on delegation of powers and duties to certain committees

Limits on delegation of powers and duties to committees is dealt with in the Act.

4.5 Appointment of committee members

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

4.6 Tenure of committee membership

The tenure of committee membership is dealt with in the Act.

4.7 Election of presiding person

The election of the presiding person is dealt with in the Act.

4.8 Election of deputy presiding person

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

4.9 Who acts if no presiding person

Procedures if there is no presiding person are dealt with in the Act.

4.10 Member attending committee as observer

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

4.11 Adjournment of committee

Any committee of the council may adjourn from time to time.

4.12 Deputy members of committees *(Interp. Act sec 52)*

- (1) The council may appoint a member, employee or other person to be the deputy to act on behalf of a member of a committee whenever that member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the council.
- (2) Where a member of a committee does not attend a meeting thereof any deputy of that member is, subject to subclause (3) entitled to attend that meeting in place of the member and act for the member, and while so acting has all the powers of that member.
- (3) A deputy who is one of two or more deputies of a member of a committee is not entitled to attend a meeting of the committee in place of that member if the meeting is attended by another deputy of that member who has precedence over that deputy in the order of seniority determined under subclause (1).
- (4) A person who is a member of a committee is not eligible to be appointed a deputy for a member of that committee.

4.13 Standing orders to apply

- (1) Except insofar as they limit the number of times a member may speak, these standing orders are to be observed at meetings of committees.
- (2) For the purpose of this clause, reference to the Lord Mayor in Parts 2 to 5 inclusive are, where the context permits, to be read as a reference to the presiding person of a committee.

4.14 Committees to report

Committees are answerable to the council and are to—

- (a) report regularly to ordinary meetings of the council;
- (b) report to the council fully on their activities when required by the council to do so.

4.15 Unfinished business of former committees

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

4.16 Appointment of sub-committees

A committee may appoint a sub-committee of its members for the purpose of providing advice and recommendations to that committee on particular issues.

4.17 Papers for committee meeting to be distributed to all members of council

When a meeting of any committee is convened the agenda for the meeting together with copies of all employees' reports relating to matters on the agenda for that meeting are to be forwarded to all members of the council, except those on leave of absence.

4.18 Communications by committees

No committee is to communicate with any outside person or authority except through the CEO, as the officer of the council duly authorised for the purpose.

4.19 Resignation of position on committee *(sec 5.11(1) reg 4)*

(1) Any member of a committee may resign his or her position on the committee by notice in writing signed by him or her and addressed to the presiding person of the committee or the CEO.

(2) When the notice referred to in subclause (1) is delivered to the CEO or presiding person of the committee, the seat on the committee of the resigning member is to become vacant.

(3) The council may from time to time fill a vacancy on a committee.

PART 5—GENERAL**5.1 Election of deputy Lord Mayor**

The election of deputy Lord Mayor is dealt with in the Act.

5.2 Representation on statutory authorities/public bodies

Correspondence inviting the council to submit nominations for appointment to statutory authorities or public bodies is to be referred by the CEO to the council, or if applicable, to a committee considered appropriate, and a member appointed to such a body is, when required to express an opinion or vote on any item of business at a meeting of that body, to have regard to the decision, policies and practices of the council.

5.3 Electors' meetings—standing orders apply *(secs 5.26-5.33 admin regs 15-18)*

The standing orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this local law and the provisions of the Act, the latter prevail.

5.4 Restriction on voting and speaking at electors' meetings *(admin regs 17/18)*

A person who is not an elector—

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

5.5 Vision and mission statement**Vision statement:**

That as the Capital of Western Australia, the City of Perth be widely acclaimed as a City of regional and international significance.

Mission statement

to facilitate a delivery of service which fosters a lifestyle and promotes:

Friendliness, cleanliness, safety and health

A prosperous and dynamic business, residential and tourist community

A richness in heritage, culture, beauty and environment

Efficient, accountable and quality management of public assets and infrastructure.

Objectives:

The City's objectives are to deliver services to the public of the highest standards which—

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

PART 6—EMPLOYEES OF THE CITY OF PERTH**6.1 Complaints by members**

If any member has any complaint concerning the ability, character or integrity of any employee of the City, or of any act or omission of an employee, and desires to bring the complaint to the notice of the council, then the member is to notify the CEO of the complaint in writing giving such details as are available in order that the complaint may be investigated and, if necessary, reported upon by the CEO.

6.2 Right of reply

If a complaint or criticism is made concerning an employee of the City, whether by a member or any other person, that employee may reply to the complaint or criticism either in writing to the CEO, or to the Lord Mayor or, with the consent of the council, to the council itself.

PART 7—MISCELLANEOUS**7.1 Penalty for contravention of standing orders** *(sec 3.10)*

Any persons contravening a provision of this local law commits an offence and is liable upon conviction to a fine not exceeding \$5,000 and in the case of a breach of a continuing nature to a further fine not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

7.2 Council may take action for contravention *(sec 9.24 9.28)*

The council may take proceedings under section 9.24 of the Act against any person contravening a provision of this local law.

7.3 Presiding person to ensure compliance

The presiding person is authorised and empowered to ensure that meetings are conducted in accordance with this local law.

The Common Seal of the City of Perth was hereto affixed on the 22nd day of September 1997.

DR P. NATTRASS, Mayor.
GARRY DUNNE, Acting Chief Executive Officer.

