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LOCAL GOVERNMENT ACT 1995

**TOWN OF ALBANY
LOCAL LAWS RELATING TO
STANDING ORDERS**

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STANDING ORDERS**

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Town of Albany hereby records having resolved on 14/10/97 to revoke the By-laws Relating to Standing Orders as published in the Government Gazetted dated 7 February 1963, and amended from time to time, and adopt the following Local Laws:

PART I—PRELIMINARY**Standing Orders**

1. (1) These Local Laws may be cited as the Town of Albany Local Laws—Standing Orders.
(2) The proceedings and business of the Council shall be conducted according to these Local Laws the sections of which shall be referred to as “Standing Orders”.

Interpretation & Arrangement

2. In this Local Law, unless the context otherwise requires the masculine gender includes the feminine gender and the neuter gender and the singular number includes the plural number and vice versa, and—

“Act” means the Local Government Act 1995;

“Section” means a section of this Local Law.

“Business Day” means any day between Monday and Friday excluding those days which have been designated public holidays.

“Committee Officer” means the officer who regularly attends the Committee meeting.

PART II—CONDUCT AND BUSINESS**Mayor to Preside**

3. The Mayor, if present, shall preside at all meetings of the Council, and, in the Mayor’s absence, or if, after being present, he retires, the Deputy Mayor preside, but if he is not present, or after being present, retires then one of the Councillors chosen by the Councillors then present, shall preside.

Quorum

4. (1) At any meeting of the Council or Committee a quorum shall consist of at least 50% of the number of offices (whether vacant or not) of member of the Council or the Committee.

(2) Subject to Section 5, 6 & 7 every meeting shall proceed to business so soon after the time stated in the summons as a quorum is constituted.

Absence of Quorum

5. If at any meeting a quorum be not present within half an hour after the time appointed for that meeting, the Mayor, or in the Mayor’s absence the Deputy Mayor or in his absence the majority of the Councillors present or any one Councillor, if only one be present, or the Chief Executive Officer, if no Councillor be present or a person authorised by the Chief Executive Officer, may adjourn the meeting to any date not later than seven days from the date of the adjournment.

6. If at any time during any meeting of the Council a quorum is not present the Mayor shall thereupon suspend the proceedings of the meeting for a period of five minutes, and if a quorum be not present at the expiration of that period, the meeting shall be deemed to have been counted out, and the Mayor shall adjourn it to some future date.

7. At any meeting at which there is not a quorum of members present, or at which the Council is counted out for want of a Quorum, the names of the members then present shall be recorded in the Minute Book.

Open Doors—Except as Provided

8. (1) The business of the Council shall be conducted with open doors except upon such occasions as the Council or Committee may by resolution which specifies the reason otherwise decide.

(2) Upon the carrying of such a resolution as is mentioned in sub-section (1) of this clause, the Mayor or presiding member, shall direct all persons other than Councillors and/or servants of the Council to leave the Council Chambers and every person shall forthwith comply with such direction.

(3) Any person failing to comply with a direction made pursuant to sub-section (2) of this clause may, by order of the Mayor, be removed from the Council Chambers.

(4) After the carrying of a resolution made under sub-section (1) of this clause the business at that meeting of the Council or Committee shall proceed behind closed doors until the Council or Committee by resolution, decides to proceed with open doors.

(5) While a resolution made under sub-section (1) of this clause is in force the operation of Section 28 shall be suspended unless the Council by resolution, otherwise decides.

(6) Any resolution mentioned in this clause may be moved without notice.

Disturbance by Strangers

9. (1) A person, not being a Councillor, shall not at any meeting of the Council interrupt the proceedings of the Council.

(2) Any person interrupting the proceedings of the Council shall, when so directed by the Mayor, forthwith leave the Council Chambers.

(3) Any person who, being ordered to leave the Council Chambers, fails to do so may, by order of the Mayor, be removed from the Council Chambers.

Order of Business at Ordinary Meeting

10. The order of business at an ordinary meeting of the Council shall, unless for the greater convenience of the Council altered by resolution to the effect, be—

- (1) Attendance & Apologies/Leave of Absence
- (2) Disclosures of Interest.
- (3) Confirmation of Previous Minutes
- (4) Announcements and Reports by the Mayor Without Discussion.
- (5) Open Forum Session.
- (6) Reports
- (7) Motions Without Notice by Permission by Council.
- (8) Motions of Which Previous Notice Has Been Given.
- (9) Confirmation of Any Resolutions Adopted "Behind Closed Doors."
- (10) Date for next Ordinary Meeting.
- (11) Closure.

NB: Items discussed in Open Forum may be brought forward, with the permission of Council, under Section 7, for deliberation by the Council at the Meeting.

Order of Business at Special Meeting

11. The order of business at any special meeting of the Council shall be the order in which that business stands in the notice of the meeting.

Confirmation of Minutes

12. The minutes of any preceding meeting, whether of an ordinary or a special meeting, not previously confirmed, shall be submitted at a meeting of the Council or Committee, as the case requires, in order to proceed to their confirmation, and discussion, other than discussion as to their accuracy as a record of the proceedings shall not be permitted, and when confirmed, the minutes shall thereupon be signed by the Mayor in accordance with Section 5.22(3) of the Act.

Questions

13. Any Councillor desiring to ask a question at any meeting of the Council shall give notice thereof in writing to the Chief Executive Officer not later than 10.00am on the last working day preceding the day of the meeting.

14. Every question and answer shall be submitted as briefly and concisely as possible and no discussion shall be allowed thereon.

15. By motion which shall be signified without debate questions submitted under Section 10 (v) may be deferred from consideration at the meeting of Council by referral to a Standing or Other Committee.

Notices of Motion

16. (1) A councillor may bring forward at a meeting such business as he considers advisable, in the form of a motion, of which notice has been given in writing to the Chief Executive Officer, either at the last previous meeting or at any time thereafter, being not less than three working days before the meeting at which it is brought forward.

(2) Every notice of motion shall relate to some question affecting the constitution, administration, or condition of the municipality or the Council.

(3) The Mayor shall rule out of order any motion which does not comply with sub-section (2) of this clause.

17. Every such motion as is mentioned in Section 16 shall lapse, unless the Councillor who gave notice thereof, or some other Councillor authorised by him in writing, is present to move the motion when called on.

Deputations/Petitions

18. (1) Any person or persons wishing to be received as a deputation by the Council shall, in the first instance, send to the Chief Executive Officer, a notice in writing setting out in concise terms the subject matter to be raised by the deputation.

(2) Where the Chief Executive Officer receives a written notice in terms of this clause, he shall lay the written notice—

- (a) before the Committee concerned; or
- (b) where there is no Committee concerned, before the Mayor.

(3) A Committee or the Mayor receiving a notice in terms of this clause may either receive the deputation or lay the notice before the Council.

(4) Where a notice is laid before the Council under sub-section (3) of this clause, the Council may, if it so resolves, receive the deputation, which shall be heard during Open Forum Session.

19. A deputation shall not exceed five in number and only two members thereof shall be at liberty to address the Council or a committee of the Council except in reply to questions from members of the Council or Committee.

Councillors to Address Mayor

20. Any Councillor moving or seconding a motion or amendment, or taking part in the discussion thereon, shall rise and address the Mayor except when prevented from doing so by sickness or infirmity.

Point of Order

21. (1) A Councillor who is addressing the Mayor shall not be interrupted except upon a point of order, in which event he shall resume his seat until Councillor raising the point of order has been heard thereon and the question of order has been disposed of, whereupon the Councillor so interrupted may, if permitted, proceed.

(2) A Councillor rising to express a difference of opinion with, or to contradict, a speaker shall not be recognised as raising a point of order.

Breach of Order

22. A violation of any provision of these Standing Orders is a breach of order.

Substance of Motion to be Stated

23. Any Councillor desirous of proposing an original motion or amendment shall state its substance before he addresses the Council thereon and, if so required by the Mayor, shall put the motion or amendment in writing.

Motions and Amendments to be Seconded

24. (1) A motion or an amendment to a motion shall not be discussed or put to the vote unless there is a mover and a seconder, except where the motion is deemed to be a procedural motion in accordance with Section 95;

(2) A nomination to the position of Deputy Mayor is not required to be seconded.

Titles to be Used

25. A speaker, in referring to any other person present, shall designate him by the title of Mayor or Councillor, as the case may be.

Priority of Speaking

26. Where two or more Councillors rise to speak at the same time the Mayor shall decide who of them is entitled to priority.

Mayor to be Heard

27. Whenever the Mayor rises during a debate any Councillor then speaking or offering to speak shall resume his seat and the Council shall be silent so that the Mayor may be heard without interruption.

Speaking Twice

28. Except where this clause is suspended under Section 29 or Section 8, a Councillor shall not speak twice on the same question except—

- (a) in reply, upon an original motion of which he was the mover;
- (b) in reply, upon an amendment last debated of which he was the mover;
- (c) by way of personal explanation; or
- (d) as the seconder of a motion not speaking at the point of seconding that motion, but electing to reserve the right to speak on the motion during the normal course of debate.

29. The Council may, by resolution moved without notice, suspend the operation of Section 28 hereof and thereupon such clause shall be suspended until such time as the Council shall, by similar resolution, otherwise decide.

Personal Explanation

30. A Councillor making a personal explanation shall confine it to a succinct explanation of a material part of his former speech which may have been misunderstood, and to the explanation itself, and shall not advert to matters not strictly necessary for that purpose nor seek to strengthen his former argument by new matter or by replying to other Councillors.

No Speech After Certain Events

31. No Councillor shall speak on any motion or amendment—

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

Mover and Secunder Have Spoken

32. Except as is otherwise provided for in Section 28 a Councillor moving or seconding a motion or amendment is deemed to have spoken thereon.

Limit of Speeches

33. A Councillor shall not speak upon any motion or amendment or in reply for a longer period than five minutes without the consent of the Council, which shall be signified without debate.

Speaking in Reply

34. A Councillor speaking in reply shall not introduce any new matter but shall strictly confine himself to answering points raised by previous speakers.

Division of Motions

35. The Mayor may, at his discretion, or the Council may by motion without debate, order a complicated motion to be divided and put in the form of two or more motions.

Withdrawal of Motions

36. A motion or amendment may be withdrawn by the mover, with the consent of the Council, which shall be signified without debate, and it shall not be competent for any Councillor to speak upon the motion or amendment after the mover has asked permission for its withdrawal unless that permission is refused.

Production of Documents

37. A member has the right to inspect any Council document relevant to a matter under or listed for consideration by the Council and on giving to the Chief Executive Officer notice in writing not later than 10.00am on the day of the meeting a member of the Council shall be entitled to have laid on the Council table for the duration of a meeting, any document or record of the Council, and the Chief Executive Officer on receiving that notice, shall lay the document on the Council table at the commencement of the meeting.

PART III—DISTURBANCE AND BREACH OF ORDER**No Digression**

38. A Councillor shall not speak otherwise than upon, or digress from, the question then before the Council, except to make a personal explanation.

No Adverse Reflection on Council

39. A Councillor shall not reflect adversely upon a resolution of the Council, except on a motion that the resolution be rescinded.

40. A Councillor shall not reflect adversely upon the character or actions of another member or an Officer nor impute any motive to a member or Officer, unless the Council resolves, without debate, that the question then before the Council cannot otherwise be adequately considered.

41. Any member may require the Chief Executive Officer to take down any particular words used by a member immediately upon their being used.

Demand for Withdrawal

42. If any Councillor commits a breach of Section 39 or 40, the Mayor may require him unreservedly to withdraw any offending comment and to make a satisfactory apology; and, if the Councillor declines or neglects to do so, the Mayor may direct such Councillor to cease speaking on that item for the duration of time the item is under discussion and resume his seat and may call on the next speaker.

Disturbance by Councillors

43. A Councillor shall not make any noise or disturbance or, except to raise a point of order, converse aloud, while any other person is addressing the Council.

Continued Irrelevance, etc

44. The Mayor may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Councillor and may direct that Councillor, if speaking to discontinue his speech, and thereupon the Councillor shall cease speaking and shall resume his seat.

45. When the Mayor is putting any question, a Councillor shall not walk out of or across the Chamber; and shall not, whilst any other Councillor is speaking, pass between the speaker and the chair.

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

47. Every Councillor shall be entitled to direct the attention of the Mayor to any infraction of the Standing Orders by any other Councillor; or to draw the attention of the Mayor to any matter of which the latter may take notice under Section 44.

Rulings by Mayor

48. The Mayor, when deciding a point of order, shall give his decision. Argument or comment shall not be permitted thereon and the Mayor's decision shall be final in that case unless a majority of the Councillors then present shall upon motion made forthwith and without discussion dissent therefrom.

49. Whenever the Mayor has decided that any motion, amendment or other matter before the Council is out of order, it shall be rejected, and whenever anything said or done in the Council, by any Councillor is similarly decided to be out of order, that Councillor shall be called upon by the Mayor to make such explanation, retraction or apology, as the case may require.

Continued Breach of Order

50. Where a Councillor persists in any conduct which the Mayor decides is out of order, or refuses to make any explanation retraction or apology required by the Mayor under Section 49, the Mayor may direct that Councillor to refrain from taking any further part in the then meeting of the Council, other than by recording his vote; and the Councillor shall comply with such direction.

Serious Disorder

51. (1) If at a meeting of the Council the Mayor is of opinion that by reason of disorder or otherwise the business of the Council cannot effectively be continued, he may adjourn the meeting for a period of fifteen minutes, whereafter the Council shall re-assemble and decide whether business is to be proceeded with; and that question shall be decided forthwith and without debate.

(2) Where after any proceeding under sub-section (1) of this clause, the Mayor is again of opinion that the business of the Council cannot effectively be continued, he may close the meeting.

PART IV—VOTING, AMENDMENT, ADJOURNMENT ETC.**All Councillors to Vote**

52. (1) At every meeting of the Council, save where the Act otherwise provides, the Mayor and every Councillor present shall vote, and if any Councillor who is entitled to vote fails to vote, the Mayor shall call upon him to vote.

(2) Where there is any equal division of votes upon any question, the Mayor has and may exercise a casting vote.

Permissible Motions During Debate

53. (1) Subject to sub-section (2) of this clause, when a motion is under debate, no further motion shall be moved except a motion—

- (a) that the motion be amended;
- (b) that the Council do adjourn;
- (c) that the debate be adjourned;
- (d) that the question be now put;
- (e) that the Council do proceed with the next business;
- (f) that the Council do sit behind closed doors; or
- (g) that the meeting be now closed.

(2) Where the Question before the Council is a recommendation from a Committee of the Council, a Councillor may, at the conclusion of the speech of any other Councillor move without notice that the question be referred back to the Committee; and on any such motion, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second and the Presiding Member of the Committee concerned, or in his absence a member thereof, may speak for not more than five minutes, but no other debate shall be allowed.

Nature of Amendments

54. An amendment to a motion shall take one or more of the following forms—

- (a) that certain words be omitted therefrom;
- (b) that certain words be omitted therefrom and others substituted; and
- (c) that words be added.

Amendment to Relate to Motion

55. Every amendment shall be relevant to the motion on which it is moved.

56. An amendment to a motion shall not have the effect of negating the general intention of the original motion and the ruling of the Mayor in this regard shall be final unless a majority of Members then present shall, upon a motion made forthwith, dissent therefrom.

57. Every amendment shall be read before being moved.

One Amendment at a Time

58. (1) Only one amendment shall be discussed at a time, but as often as an amendment is lost, another amendment may be moved before the original motion is put to the vote, except that where an amendment is carried, one further amendment to the original motion, as amended and no more, may be moved.

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

59. Where an amendment is carried, the original motion as amended shall, for all purposes of subsequent debate and subject only to Section 58, be treated as an original motion.

“That Council Adjourn”

60. (1) A Councillor may, at the conclusion of the speech of any other Councillor or on the conclusion of any business, move without notice that the Council do now adjourn and that motion shall state the time and date to which the adjournment is to be made.

(2) On a motion to adjourn, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second, and the mover of the motion (if any) which was then under debate may speak for not more than five minutes, but no other debate shall be allowed.

61. Where a motion for the adjournment of the Council is negatived, no similar motion shall be moved until after the question then under discussion or the next on the notice paper or any other which may be allowed precedence shall have been disposed of.

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

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

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

64. On a motion for the adjournment of the Council being carried, a record shall be taken of all those who have spoken on the subject under consideration at the time of the adjournment and they shall not be permitted to speak on any subsequent consideration of the same subject, but this clause does not deprive a mover of the right of reply.

65. The Mayor may at any time adjourn the Council to such time and date as the motion specifies, or where no time and date is specified to such time and date as he shall then declare.

“That Debate be Adjourned”

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

(2) On a motion that the debate be adjourned, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second, and no other debate shall be allowed; but if the question then before the Council is a recommendation from a Committee, the Presiding Member of the Committee concerned, or, in his absence, a member thereof may speak for not more than five minutes.

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

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

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

69. On a motion for the adjournment of a debate being carried, a record shall be taken of all those who have spoken on the subject under debate and they shall not be permitted to speak on any resumption of the debate on that subject, but this clause does not deprive a mover of the right to reply.

70. Where the debate on any motion, moved and seconded, is interrupted by the Council being counted out, that debate may, on motion with notice, be resumed at the next meeting, at the point where it was so interrupted.

That Question be “Put”

71. A Councillor may, at the conclusion of the speech of any other Councillor, move, without notice and without comment, that the question under consideration be now put, and upon that motion being formally seconded, the same shall immediately be put, without debate.

72. A motion that the question under consideration be put shall not be moved by a Councillor who has already spoken on the motion, and that motion shall not be carried without the consent of a two-thirds majority of the Councillors then present.

73. When it is decided by the Council that the motion under consideration be put, the mover of the motion under consideration shall, if debate has ensued and if otherwise entitled to do so, be permitted to speak in reply for not more than five minutes before the question is put, but subject thereto, the motion shall at once be put.

74. Whenever it is decided by the Council that the question be put, the question to be so put includes the main motion as well as any amendment thereto.

“That Council Proceed with Next Business”

75. A Councillor may at the conclusion of the speech of any other Councillor move, without notice and without comment, that the Council do proceed with the next business and, upon that motion being formally seconded, it shall be immediately put, without debate.

76. Where the Council decides to proceed with the next business, the question which was then under discussion shall be considered as dropped.

77. During the same debate on any question, a motion that the Council do proceed with the next business shall not be moved within one hour after a similar motion has been negated.

Business Behind Closed Doors

78. Ordinary and special meetings of the Council shall be open to the public except on such occasions as the Council by resolution which may be moved without notice directs otherwise.

After the carrying of such resolution the business at that meeting of the Council shall not be open to the public but shall proceed behind closed doors until the Council by resolution decides that the meeting shall be open to the public.

All matters considered or discussed behind closed doors shall be treated as strictly confidential and shall not, without the authority of the Council or Committee (as the case may be) be disclosed to any person other than the Mayor, Councillors or officers of the Council (and in the case of officers only so far as may be necessary for the performance of their duties).

“That Meeting be Closed”

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

(2) On a motion that the meeting of the Council be closed, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second and the mover of the motion (if any) then under debate may speak for not more than five minutes; but no other debate shall be allowed.

80. If a motion that the meeting of the Council be closed is negatived, a similar motion shall not be moved until after the question then under discussion or the next on the motion paper or any other which may be allowed precedence has been disposed of.

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

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

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

83. On a motion that the meeting be closed being carried, a record shall be taken of all those who have spoken on the subject under consideration up to the closing of the meeting and they shall not be permitted to speak on any subsequent consideration of the same subject but this clause does not deprive a mover of the right of reply.

Confidential Business

84. (1) Subject as hereinafter detailed every matter dealt with or by or brought before the Council at a meeting open to the public or otherwise or dealt with or by or brought before any Committee of the Council shall not be treated as confidential.

(2) Standing Committee minutes, agendas and bulletins are to be made available for public perusal in the Administration Offices foyer and the Albany Public Library. These agendas and bulletins shall be replaced by a copy of the specific agenda for the subsequent Council meeting as soon as practicable prior to the respective meeting taking place. All minutes of Council and Committee Meetings are to be made available in like manner as soon as possible after their preparation (Council Minutes within 10 business days, and Committee Minutes within 5 business days).

(3) Members are authorised to make details of Committee recommendations known to interested parties. Committee members and Officers are similarly authorised so to do when carrying out their duties or on receipt of an enquiry with regard to the matter.

(4) Matters shall be treated as confidential in accordance with Section 5.23 of the Local Government Act 1995.

(5) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Recision of Resolution

85. A resolution of any meeting of the Council shall not be revoked, rescinded, or altered at the same or any subsequent meeting, except in the manner prescribed in Clause 10 of the Local Government (Administration) Regulations 1996.

Negatived Motions

86. A motion to the same effect as any motion which has been negatived by the Council shall not again be entertained within a period of three months, except with the consent of an absolute majority of the Council.

Protection of Officers

87. If any member or any other person has any complaint concerning the ability, character or integrity of any officer of the Council, or of any act or omission of such officer, and desires to bring such complaint to the notice of the Council, he shall (unless the matter requires an immediate decision of the Council) notify the Mayor of such complaint in writing giving such details as are available in order that the complaint may be investigated and reported upon by the appropriate Committee as the Mayor may direct.

Officers to Have Right of Reply

88. If a complaint or criticism be made concerning an officer of the Council, whether by a Member or by any other person, that officer or employee may reply to the complaint or criticism either in writing to the appropriate Committee investigating the complaint or criticism and with the consent of the Council, to the Council itself.

Complaint Against Officer

89. A complaint against an officer of Council shall not be considered unless it is made in writing and signed by the person making the complaint.

Suspension of Standing Orders

90. In cases of urgent necessity, any Standing Order of the Council may be suspended on motion duly made and seconded, but that motion shall not be declared carried, unless an absolute majority of the Council, or a two-thirds majority of those present and voting on the question, whichever is the lesser number, have voted in favour of the motion.

91. Any Councillor moving the suspension of a Standing Order shall state the object of the motion, but discussion shall not otherwise take place thereon.

Method of Taking Vote

92. The Mayor shall, in taking the vote on any motion or amendment, put the question, first in the affirmative and then in the negative, and he may do so as often as is necessary to enable him to form and declare his opinion as to whether the affirmative or the negative has the majority on the voices or by a show of hands.

93. The result of voting openly shall be determined on a count of raised hands but may be determined on the voices.

Short Form of Procedure

94. As soon as a motion has been moved the Mayor may ask the meeting whether it is opposed. If no opposition is voiced the Mayor may declare the motion carried without putting it to the vote. Reports may also be adopted in the same manner.

Procedural Motion

95. A recommendation put to a meeting of the Council by a Council committee for resolution by Council upon which no motion to amend the recommendation has been moved and upon which a quorum of Council is present even though one or more Councillors have declared a pecuniary interest in the recommendation, is a procedural motion.

Where the Mayor deems a motion for the adoption of a Committee Recommendation to be of a procedural motion, it shall not be necessary to require a mover.

Open Forum—Council/Electors

96. (1) At each ordinary meeting Council shall make available a period of 15 minutes, which may be extended at the discretion of the Council, for residents in attendance in the public gallery to address the Mayor on matters relating to the operations and concerns of the Municipality.

Questions to the Mayor or person presiding at the meeting, may be disallowed or referred to a Committee Presiding Member, Councillor or Officer in attendance, or noted and passed to the appropriate Officer to be answered by correspondence as soon as practicable, in accordance with the Local Government (Administration) Regulations 1996.

(2) Any member of the public wishing to raise a question in open forum, shall rise and address the Mayor, except when prevented from doing so by sickness or infirmity.

PART V—COMMITTEES**Standing Committees**

97. (1) Council may, by absolute majority, establish committees to assist the Council and to exercise the powers and discharge the duties of the local authority that can be delegated in accordance with Sections 5.16 and 5.17 of the Local Government Act 1995.

(2) The number of members who constitute a Standing Committee shall, by absolute majority, be fixed from time to time when appointing such Committees, subject to Section 5.8 of the Local Government Act 1995.

(3) Subject to sub-section (4) of this clause, the members of each Standing Committee shall be appointed by Absolute Majority for a two-year period, at the first meeting of the Council held after the ordinary election and shall hold office until the commencement of the first meeting after the ordinary election then next ensuing or until the termination of his office or until the Committee is disbanded whichever happens first.

(4) The Council may, by resolution carried pursuant to a notice of motion, or on a motion moved without notice by an absolute majority, change the membership of any committee or appoint deputies for Councillors absent pursuant to leave granted by the Council.

(5) In the event of an equality of votes for two or more Councillors in an election for member of a committee, the Presiding Member shall have a casting vote.

(6) The Council may by resolution carried pursuant to a notice of motion, or on a motion moved without notice by an absolute majority, combine the duties of any two or more of the Committees.

98. (1) The business of the Standing Committees shall be conducted with open doors except upon such occasions as the Standing Committees may by motion otherwise decide, subject to Section 5.23 of the Local Government Act 1995.

(2) Upon the carrying of such a motion as is mentioned in sub-section (1) of this clause, the Presiding Member shall direct all persons other than Councillors and servants of the Council to leave the Committee Room and every person shall forthwith comply with such direction.

(3) Any person failing to comply with a direction made pursuant to sub-section (2) of this clause may, by order of the Presiding Member, be removed from the Committee Room.

(4) After the carrying of a motion made under sub-section (1) of this subclause the business at that meeting of the Standing Committee shall proceed behind closed doors until the Standing Committee by motion, decides to proceed with open doors.

(5) While a motion made under sub-section (1) of this clause is in force the operation of Section 28 shall be suspended unless the Standing Committee, by motion, otherwise decides.

(6) Any motion mentioned in this clause may be moved without notice.

99. (1) A person, not being a Councillor, shall not at any meeting of the Standing Committee interrupt the proceedings of the Standing Committee.

(2) Any person interrupting the proceedings of the Standing Committee shall, when so directed by the Presiding Member, forthwith leave the Committee Room.

(3) Any person who, being ordered to leave the Committee Room, fails to do so may, by order of the Presiding Member, be removed from the Committee Room.

100. At the beginning of each meeting of the Standing Committee, a period of 15 minutes, which may be extended at the discretion of the Standing Committee, shall be made available for persons in attendance to address the Standing Committee.

Occasional Committee

101. (1) The Council may appoint, by absolute majority, occasional committees to perform any duty which may be lawfully entrusted by it to a committee.

(2) An Occasional Committee may comprise of three or more persons.

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

(4) An Occasional Committee shall not be appointed except on a motion setting out—

(a) the duties proposed to be entrusted to such Committees; and

(b) either—

(i) The names of the councillors of whom, with the Mayor (if applicable), it is intended to constitute the Committee; or

(ii) the number of Councillors intended to constitute the Committee and provision that they be appointed by a separate motion.

(5) Where the members of an occasional Committee are appointed by a motion, then in the event of an equality of votes, the Mayor shall have a casting vote.

Calling Committee Meetings

102. The Chief Executive Officer shall call a meeting of any committee when requested so to do by the Mayor or the Presiding Member or any two members of that Committee.

103. Except in so far as they limit the number of times a member may speak or require meetings to be conducted with open doors, these Standing Orders shall be observed at meetings of committees; but the Presiding Member of a committee may have and exercise both a deliberative and, in the case of equality of votes, a casting vote.

Quorum of Committees

104. (1) At any meeting of a committee, a quorum shall consist of at least 50% of the total number of members forming the Committee.

(2) Every meeting shall proceed to business so soon after the time stated in the summons as a quorum is constituted; but if a quorum is lacking thirty minutes after the appointed time of the meeting, the meeting shall lapse.

PART VI—GENERAL**Meetings of Electors**

105. (1) The Standing Orders apply, so far as is practicable to any meeting of electors, but where there is inconsistency between the provisions of this Local Law and the provisions of sections 5.26-5.33 of the Act, the latter prevails.

(2) A person who is not an elector is not entitled to vote at a meeting of ratepayers and he may not take part in any discussions at that meeting unless the meeting, by a motion, requests him to do so.

Recording of Meetings

106. The electronic recording of discussion and debate on matters before meetings may only be undertaken with the prior knowledge of all those persons present in the room at the time, and where permitted by a resolution of the meeting which may be moved without notice.

PART VII—PENALTY 7 ENFORCEMENT**Penalty for Breach of Standing Orders**

107. Penalty

(1) Any person who contravenes or fails to comply with any provision of these Standing Orders shall be in breach of the Standing Orders.

(2) If a breach by a person of the Standing Orders involves a failure to comply with an order or direction at any meeting by the Mayor or other person presiding at that meeting, the person in breach shall be liable to prosecution and the imposition of a penalty as provided in this section.

(3) In any case not referred to in the preceding subsection, a person in breach of a provision of the Standing Orders shall be liable to prosecution and the imposition of a penalty but only if the breach continues after the person has been informed that the person's conduct amounts to a breach of the Standing Orders and the breach continues thereafter.

(4) A person in breach of the Standing Orders who is liable to a penalty under the provisions of this section commits an offence, the maximum penalty for which in any event is \$5000 provided that—

(a) the minimum penalty for a first offence is \$250.00

(b) the minimum penalty for a second offence is \$500.00; and

(c) the minimum penalty for a subsequent offence is \$1000.

108. Enforcement

(1) The Mayor is authorised to enforce these Standing Orders and to prosecute in a court of appropriate summary jurisdiction for any breach in respect of which a penalty applies under the preceding section.

(2) The Mayor may in any case authorise the Chief Executive Officer to undertake a prosecution on the Mayor's behalf but in the name of the Chief Executive Officer

109. Duty of Chief Executive Officer

It is the duty of the Chief Executive Officer to draw attention of the Council to any breach or likely breach of these Standing Orders even if it requires interrupting any person speaking, including the Mayor.

Dated the 5th day of November 1997.

The COMMON SEAL of Town of Albany was hereunto affixed by authority of the Council in the presence of—

A. G. KNIGHT, Mayor.
M. A. JORGENSEN, Chief Executive Officer

