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LOCAL GOVERNMENT ACT 1995

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**TOWN OF VICTORIA PARK  
LOCAL LAW RELATING TO  
STANDING ORDERS**



**LOCAL GOVERNMENT ACT 1995**

TOWN OF VICTORIA PARK

**LOCAL LAW RELATING TO STANDING ORDERS****PARTS OF THIS LOCAL LAW****Part Title**

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**LOCAL GOVERNMENT ACT 1995**

## TOWN OF VICTORIA PARK

**LOCAL LAW RELATING TO STANDING ORDERS**

Under the powers conferred by the Local Government Act 1995 and by all other powers, the council of the Town of Victoria Park resolved on the 23rd day of June, 1998, to make the following local law.

**PART 1—PRELIMINARY****1.1 Proceedings Conducted According to Standing Orders.**

The proceedings and business of the council shall be conducted in accordance with the Act, the Regulations and this local law. In the clauses to follow, this local law shall be referred to as “ the standing orders”

**1.2 All Meetings Governed by Standing Orders**

The proceedings of all council meetings, committee meetings and other meetings of the local government as described in the Act shall be governed by these standing orders except where otherwise provided in the Act, the Regulations or in the standing orders.

**1.3 (1) Interpretations.**

In these standing orders unless the context otherwise requires—

“Act” means the “Local Government Act, 1995 ”;

“CEO” means the chief executive officer or acting chief executive officer for the time being of the Town of Victoria Park ;

“clause” means a clause of these standing orders;

“committee” means a group of 3 or more persons appointed by the council to assist the council in accordance with the function for which the committee was appointed and includes a task force, advisory group or working party and the Elected Members Briefing Session Committee as described in Part 18 of these standing orders;

“council” means the council of the Town of Victoria Park ;

“Mayor” means the Mayor, Deputy Mayor or a member of the council when performing a function of the Mayor in accordance with the Act.

“Presiding Member” means the presiding member of a committee or the deputy presiding member, or a member of the committee when performing a function of the presiding member in accordance with the Act.

“meeting” includes any ordinary or special meeting of the council or a committee and any other meeting held in accordance with the Act and properly convened as the Act requires;

“member” means the Mayor, or a councillor of the council, or in the case of a committee, a member of the committee appointed in accordance with the Act.

“petition” means a written request, proposal or submission addressed to the Mayor and signed by electors soliciting a particular act or course of action by the council.

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

“simple majority” is more than 50% of the members present and voting.

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

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

(2) Unless otherwise defined herein the terms and expressions used in the standing orders are to have the meaning given to them in the Act and Regulations.

**1.4 Repeal.**

The Standing Orders of the Town of Victoria Park published in the *Government Gazette* on the 26th day of May, 1995 are repealed.

**PART 2—CALLING MEETINGS****2.1 Calling Council Meetings**

The CEO is to call an ordinary or a special meeting of the council if requested to do so—

- (a) in writing by the Mayor, setting out the date and purpose of the proposed meeting; or
- (b) in writing by at least one third of the councillors setting out the date and purpose of the proposed meeting; or
- (c) by a simple majority decision of the council.

**2.2 Calling Committee Meetings.**

The CEO is to call a meeting of any committee if requested to do so—

- (a) verbally or in writing by the Mayor; or
- (b) verbally or in writing by the Presiding Member of the committee if the Mayor is not the Presiding Member ; or
- (c) in writing by any two members of the committee; or
- (d) by a simple majority decision of the committee.

**2.3 Notice of Council Meetings**

(1) The CEO is to convene an ordinary meeting by giving each council member 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 by giving each council member at least 24 hours' notice of the date, time, place and purpose of the meeting.

**PART 3—BUSINESS OF THE MEETING****3.1 Business to be Specified on Notice Paper**

(1) Subject to clause 3.13 no business is to be transacted at any ordinary meeting of the council other than that specified in the agenda.

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

(3) No business is to be transacted at a committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting, except with the leave of the Presiding Member or a decision of the committee.

(4) No business is to be transacted at an adjourned meeting of the council or a committee other than that—

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

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

**3.2 Order of Business**

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

- (a) Official Opening
- (b) Prayer
- (c) Public Question Time
- (d) Apologies and leave of absence
- (e) Disclosure of members' financial interests
- (f) Confirmation of minutes
- (g) Petitions
- (h) Announcements by the Mayor without discussion
- (i) Matters for which meeting may be closed
- (j) Reports
- (k) Motions of which previous notice has been given
- (l) Questions by Members of which due notice has been given
- (m) Urgent business approved by the Mayor
- (n) General Business
- (o) Question time
- (p) Matters behind closed doors
- (q) Closure

(2) Unless otherwise decided by the members present, the order of business at any special meeting of the council or at a committee meeting is to be the order in which that business stands in the agenda of the meeting, or as determined by the person presiding.

**Business—How raised and dealt with.****3.3 Agenda to be Prepared**

(1) The CEO is to prepare an agenda for each ordinary meeting, and this is to include—

- (a) for confirmation, minutes of the last ordinary meeting and minutes of any special meeting which need to be confirmed;
- (b) reports of the CEO, other employees, committees and delegates;
- (c) other business to be raised and attended in accordance with the standing orders in this Part.

(2) Notwithstanding paragraph (c) of subclause (1), the CEO may include on the agenda of a council or committee meeting any matter which must be decided, or which he or she considers is appropriately decided, by that meeting.

### 3.4 Public Question Time

- (1) A public question time is to be allocated at the beginning and at the end of—
  - (a) every ordinary council meeting;
  - (b) every special council meeting;
  - (c) every meeting of a committee with a delegated power or duty; and
  - (d) every EMBS as defined in Part 18 of these standing orders.
- (2) The question time to be held at the beginning of a meeting, under subclause (1) is to precede discussion of any matter that requires a decision to be made by the council or committee as the case may be.
- (3) During a question time, each member of the public who wishes to ask a question is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) A member of the public who addresses the council or a committee during a question time is to state his or her name and address.
- (5) A question may be taken on notice by the council or committee for later response.
- (6) When a question is taken on notice under sub-clause (5) a response is to be given to the member of the public in writing by the CEO, and a copy is to be given to each member of the council or committee as the case requires.

### 3.5 Apologies and Leave of Absence

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) A member who is absent without first obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council, is disqualified from continuing his or her membership of the council.

### 3.6 Confirmation of Minutes

- (1) The minutes of a meeting of the council or a committee are to be submitted to the next meeting of the council or committee, as the case requires, for confirmation.
- (2) If a member is dissatisfied with the accuracy of the minutes, then he or she is to—
  - (a) state the item or items with which he or she is dissatisfied; and
  - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.
- (4) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

### 3.7 Petitions

A petition, in order to be effective, is to—

- (a) be addressed to the Mayor;
- (b) be made by electors of the district;
- (c) state the request on each page of the petition;
- (d) contain the names, addresses and signatures of the electors making the request, and the date each elector signed;
- (e) contain a summary of the reasons for the request;
- (f) state the name of a person upon whom, and an address at which, notice to the petitioners may be served.
- (g) be in the appropriate form prescribed by the Act and Local Government (Constitution) Regulations 1996 if—
  - (i) a proposal to change the method of filling the office of Mayor;
  - (ii) a proposal to create a new district or the boundaries of the Town;
  - (iii) a request for a poll on a recommended amalgamation;
  - (iv) a submission about changes to wards, names or representation.

### 3.8 Announcements by the Person Presiding Without Discussion

At any meeting of the council or a committee the person presiding may announce or direct attention to any matter of interest or relevance to the business of the council or committee.

### 3.9 Matters for which Meeting May be Closed

For the convenience of members of the public, the council or committee may identify by decision, early in the meeting, any matter on the agenda of the meeting to be discussed behind closed doors, and that matter is to be deferred for consideration as the last item of the meeting.

### 3.10 Motions of which Previous Notice has been Given

- (1) Unless the Act, Regulations or these standing orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion is to be given at least four (4) clear working days before the meeting at which it is made.
- (3) A notice of motion is to relate to the good government of persons in the district.

## (4) The CEO—

- (a) with the concurrence of the Mayor, may exclude from the notice paper any notice of motion which is out of order; or
- (b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
- (c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

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

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

(6) If a notice of motion is given and lapses in the circumstances referred to in subclause (5), notice of motion in the same terms or the same effect may be given for consideration at a subsequent meeting of the council.

**3.11 Questions by Members of which Due Notice has been given.**

(1) A question with notice is to be given by a member in writing to the CEO at least twenty four (24) hours before the meeting at which it is raised.

(2) If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise raised at the meeting, and, subject to clause 4.2, made available in written form to all persons in attendance at the meeting.

(3) The person presiding is to cause a question and answer on notice to be read aloud during the consideration of agenda item 3.2(1)(I) if considered practicable by the person presiding.

(4) Every question and answer is to be submitted as briefly and concisely as possible.

(5) No discussion is to be allowed on the questions or the answers.

**3.12 Urgent Business Approved By the Person Presiding**

In cases of extreme urgency or other special circumstance, matters may, with the consent of the person presiding or by decision of the council or committee, be raised and decided by the meeting.

**3.13 General Business**

(1) A member of the council may raise as an item of general business—

- (a) an item of information;
- (b) a question without notice—provided that the person to whom the question is directed may defer a response to a later time;
- (c) a notice of motion for consideration at the next or a future meeting.

(2) No matter which is raised as an item of general business is to be decided in contravention of subclause 3.1(1).

**3.14 Matters Behind Closed Doors**

Matters contained in the agenda of the meeting and deferred for consideration behind closed doors, shall be considered immediately before the closure.

**PART 4—PUBLIC ACCESS TO AGENDA MATERIAL****4.1 Inspection Entitlement**

(1) Notice papers and agenda relating to any council or committee meeting and reports and other documents which—

- (a) are tabled at the meeting; or
- (b) have been produced for presentation at the meeting, are available for inspection by members of the public from the time the notice papers, agenda or documents were available to the members of the council or committee.

(2) Nothing in subclause (1) entitles members of the public to inspect the information referred to in that subclause if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to the public.

**4.2** The Council or a committee may close to the members of the public a meeting or part of the meeting, if the meeting or part of the meeting deals with the following—

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
- (e) a matter that if disclosed, would reveal—
  - (i) a trade secret;
  - (ii) information that has a commercial value to a person; or
  - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;

- (f) a matter that if disclosed, could be reasonably expected to—
  - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
  - (ii) endanger the security of the local government's property; or
  - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
- (h) such other matters may be prescribed by Regulations.

#### **4.3 Confidentiality of Information Withheld**

(1) Information withheld by the CEO from members of the public under clause 4.1 (2), is to be marked "confidential" in the agenda and—

- (a) is then to be treated as strictly confidential by persons in receipt of this information; and
- (b) is not without the authority of the council to be disclosed to any person other than the Mayor, councillors or the employees of the council to the extent necessary for the purpose of carrying out their duties.

Penalty \$5,000.

(2) Such information is to be identified in the agenda under the item "Matters for which meeting may be closed" and if the council or committee decides to close the meeting for consideration of that matter, is to be deferred for consideration as the last item of the meeting.

(3) Notwithstanding that information is not withheld by the CEO under clause 4.1(2), the council or committee may at any time during the course of a meeting, decide to close the meeting for consideration of a matter mentioned in clause 4.2 in which event that matter is, unless the council or committee decides otherwise, to be deferred for consideration at the last item of the meeting.

### **PART 5—DISCLOSURE OF FINANCIAL INTERESTS**

#### **5.1 Members' Interests to be Disclosed**

(1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest—

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

(2) Subclause (1) applies in regard to each meeting at which the matter the subject of the interest is to arise other than a member of a committee meeting having in its membership no person who is a council member or employee.

#### **5.2 Separation of Committee Recommendations**

Where a member has disclosed an interest in a matter, at a committee meeting, and the matter is contained in the recommendations of the committee to an ordinary meeting of council or to another committee of the council, the recommendation concerned is to be separated on the agenda of that ordinary meeting or other committee meeting, from other recommendations of the committee, to enable the member concerned to declare the interest and leave the room prior to consideration of that matter only.

#### **5.3 Member with an Interest to Leave**

Subject to clauses 5.4 and 5.5, a member who has disclosed an interest in a matter is to leave the room when the matter arises for consideration.

#### **5.4 Member with an Interest may ask to be Present**

(1) Where a member has disclosed the nature of his or her interest in a matter, immediately before the matter is considered by the meeting, he or she may, without disclosing the extent of the interest, request that he or she be allowed to be present during any discussion or decision making procedure related to the matter.

(2) If such a request is made, the member must leave the room while the request is considered. If the request is allowed by the members, the member may return to the meeting and be present during the discussion or decision making procedure related to that matter, but is not permitted to participate in any way.

#### **5.5 Member with an Interest may ask Permission to Participate**

(1) A member who discloses both the nature and extent of an interest, may request permission and take part in the consideration or discussion of the matter, or to vote on the matter.

(2) If such a request is made, the member must leave the room while the request is considered. If it is decided at a meeting that a member who has disclosed both the nature and extent of an interest in a matter, be permitted to participate in the consideration and discussion of the matter or to vote on the matter, or both, then the member may return to participate to the extent permitted.

#### **5.6 Invitation to Return to Provide Information**

Where a member has disclosed an interest in a matter and has left the room in accordance with the Act, 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 and in such case the member is to withdraw after providing the information.



### 5.7 Declaration of Due Consideration

Any member who is not familiar with the substance of any report or minutes or other information provided for consideration at a meeting is to declare that fact before the meeting considers the matter and in the event that any member makes such a declaration the relevant matter is to be stood down for later consideration at the meeting so as to allow an opportunity for any member making a declaration to become familiar with the relevant report or minutes or other information. If the delay in consideration of the matter has not allowed sufficient time for the member to give due consideration to the matter, the member should leave the room before any question concerning the matter is put to the vote.

### 5.8 Disclosures by Employees

(1) If an employee within the meaning of section 5.70 of the Act, presents a written report to a meeting, on a matter in which the employee has an interest, the nature of the interest is to be disclosed at the commencement of the report.

(2) If such an employee makes a verbal report to a meeting on a matter in which the employee has an interest, the employee is to preface his or her advice to the meeting by verbally disclosing the nature of the interest.

## PART 6—QUORUM

### 6.1 Quorum for meetings

The quorum for a meeting of the council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

### 6.2 Procedure If No Quorum

If a quorum has not been established within the 30 minutes after a council or committee meeting is due to begin then the meeting can be adjourned—

- (a) in the case of the council, by the Mayor, or if the Mayor is not present at the meeting, by the Deputy Mayor
- (b) in the case of a committee by the Presiding Member of the committee or if the Presiding Member is not present at the meeting, by the Deputy Presiding Member;
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by the majority of members present;
- (d) if only one member is present, by that member; or
- (e) if no member is present or if no member other than the CEO is present, by the CEO or other person authorised by the CEO.

### 6.3 Quorum to be Present

(1) The council or a committee is not to transact business at a meeting unless a quorum is present.

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

(3) Subclause (2) does not apply if the lack of a quorum is caused by the disclosure by a member of a financial interest.

### 6.4 When a Council or Committee is Adjourned

(1) If, after suspension of proceedings under clause 6.3(2), a quorum is not present at the expiration of five minutes, the meeting is deemed to have been adjourned, and the person presiding is to reschedule it to some future time or date.

(2) At any meeting at which—

- (a) there is not a quorum of members present; or
- (b) the meeting is adjourned for want of a quorum;

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

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

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

## PART 7—KEEPING OF MINUTES

### 7.1 Content of Minutes

In addition to the matters contained in Regulation 11 of the Regulations, the content of minutes of a meeting of the council or a committee is to include—

- (a) the number of members voting for and against each motion;
- (b) where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled, the reasons for the decision; and
- (c) where a recommendation contained in a written report of an employee is changed, the reasons for the decision.

## **7.2 Preservation of Minutes**

Minutes of each council and committee meeting are to be kept as a permanent record of the activities of the local government and are to be transferred to the Battye Library or other place of safekeeping when decided by the CEO.

## **PART 8—CONDUCT AT COUNCIL AND COMMITTEE MEETINGS**

### **8.1 Official Titles to be Used**

Members of the council shall speak of each other in the council or committee by their respective titles of Mayor or councillor.

Members of the council, in speaking of or addressing officers, shall designate them by their respective official titles.

### **8.2 Members to Occupy Own Seats**

(1) At the first meeting held after each ordinary elections day, the CEO is to allot by random draw, a position at the council table to each councillor and the councillor is to occupy that position when present at meetings of the council until such time as there is a call by a majority of councillors for a re-allotment of positions.

(2) No member of the council shall be deemed to be present unless occupying his or her allotted place within the council chambers.

### **8.3 Leaving Meetings**

After a meeting of the council or a committee has been formally constituted, and the business commenced, no member shall enter, leave or withdraw from the meeting without first seeking leave from the person presiding.

### **8.4 Adverse Reflection**

(1) No member of the council or a committee nor any employee of the local government speaking at a meeting of the Council or a committee is to reflect adversely upon a decision of the council or committee except on a motion that the decision be revoked.

(2) No member of the council or a committee nor any employee of the local government speaking at a meeting of the Council or a committee is to use offensive or objectionable expressions in reference to any member, employee of the council, or any other person.

(3) If a member of the council or committee or any employee of the local government in attendance at the meeting, immediately after the use of any words by a member or any employee of the local government speaking at a meeting of the council or a committee, requests that those particular words be recorded in the minutes, the person presiding is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.

### **8.5 Recording of Proceedings Prohibited**

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

### **8.6 Prevention of Disturbance**

(1) Any member of the public addressing the council or a committee is to extend due courtesy and respect to the council or committee and the processes under which they operate and must take direction from the person presiding whenever called upon to do so.

Penalty \$1,000.

(2) No person observing a meeting, is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

Penalty \$1,000.

## **PART 9—CONDUCT OF MEMBERS DURING DEBATE**

### **9.1 Members to Rise**

Every member of the council wishing to speak shall indicate by show of hands or other method agreed upon by the council. When invited by the Mayor to speak, members shall rise and address the council through the Mayor, provided that any member of the council unable conveniently to stand by reason of sickness or disability shall be permitted to sit while speaking.

### **9.2 Priority**

In the event of two or more members of the council or a committee wishing to speak at the same time, the person presiding shall decide which member is entitled to be heard. The decision shall not be open to discussion or dissent.

### **9.3 The Mayor to Take Part in Debates**

Subject to the provisions of these standing orders, the Mayor may take part in a discussion upon any matter before the council, provided that this is done before the right of reply is exercised.

### **9.4 Relevance**

Every member of the council or a committee shall restrict his or her remarks to the motion or amendment under discussion, or to an explanation or point of order.

**9.5 Limitation of Number of Speeches**

No member of the council shall address the council more than once on any motion or amendment before the council except the mover of a substantive motion, in reply, or to a point of order, or in explanation.

**9.6 Limitation of Duration of Speeches**

All addresses shall be limited to a maximum of five minutes. Extension of time is permissible only with the agreement of a simple majority of members present.

**9.7 Members Not to Speak After Conclusion of Debate**

No member of the council or a committee is to speak to any question after it has been put by the person presiding.

**9.8 Members Not to Interrupt**

No member of the council or a committee is to interrupt another member of the council or committee whilst speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum.
- (c) to make a personal explanation under clause 10.17

**9.9 Re-Opening Discussion on Decisions**

No member of the council or a committee is to re-open discussion on any decision of the council or committee, except for the purpose of moving that the decision be revoked or changed.

**9.10 Dissent With the Ruling of the Person Presiding**

Except where expressly prohibited in these standing orders or the Act or Regulations, a member of the council or a committee may move a procedural motion to disagree with a ruling given by the person presiding. The person presiding must immediately call for a seconder and put the motion without debate.

**PART 10—PROCEDURES FOR DEBATE OF MOTIONS****10.1 Motions To be Stated**

Any member of the council or a committee who moves a substantive motion or amendment to a substantive motion is to clearly indicate the substance of the motion by reference to a recommendation contained in the agenda or by stating the motion before speaking to it.

**10.2 To be Seconded**

No motion or amendment to a substantive motion shall be in order, or be open to debate until it has been seconded.

**10.3 Only One Substantive Motion Considered**

When a substantive motion is under debate at any meeting of the council or a committee, no further substantive motion is to be accepted.

**10.4 Breaking Down of Complex Questions**

The person presiding may order a complex question to be broken down and put in the form of several motions, which shall be put in sequence.

**10.5 Order of Call in Debate**

The person presiding will call speakers to a substantive motion in the following order—

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) The seconder to speak to the motion;
- (e) A speaker against the motion;
- (f) A speaker for the motion;
- (g) Other speakers against and for the motion, alternating in view, if any;
- (h) Mover takes right of reply which closes debate.

**10.6 Limit of Debate**

The person presiding may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place even though all members may not have spoken.

**10.7 Member May Require Questions to be Read**

Any member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member whilst speaking.

**10.8 Consent of Secunder Required to Accept Alteration of Wording**

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

**10.9 One Amendment at a Time**

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

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

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

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

#### **10.10 Amendments Must Not Negate Original Motion**

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

#### **10.11 Mover of Motion Not to Speak on Amendment**

On an amendment being moved, any member may speak to the amendment, provided that if the person who moved the substantive motion does choose to speak to the amendment, the right of reply is forfeited by that person.

#### **10.12 Substantive Motion**

If an amendment to a substantive motion is carried, the motion as amended shall then become the substantive motion, on which any member may speak.

#### **10.13 Withdrawal of Motion and Amendments**

Council or a committee may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment is to continue.

#### **10.14 Limitation of Withdrawal**

Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

#### **10.15 Personal Explanation**

No member shall speak at any meeting of the council or a committee, except upon the matter before the council or committee, unless it is to make a personal explanation. Any member of the council or committee who is permitted to speak under these circumstances must confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a member of the council or committee rises to explain, no reference is to be made to matters unnecessary for that purpose.

#### **10.16 Personal Explanation—When Heard**

A member of the council or a committee wishing to make a personal explanation of matters referred to by any member of the council or committee then speaking, shall be entitled to be heard immediately, if the member of the council or committee then speaking consents at the time, but if the member of the council or committee who is speaking declines to give way, the explanation must be offered at the conclusion of that speech.

#### **10.17 Ruling on Questions of Personal Explanation**

The ruling of the person presiding on the admissibility of a personal explanation shall be final unless a motion of dissent with the ruling is moved before any other business proceeds.

#### **10.18 Right of Reply**

(1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the question.

(2) The right of reply must be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

#### **10.19 Right of Reply Provisions**

The right of reply is governed by the following provisions—

- (a) if there is no amendment to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) if there is an amendment, the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;
- (c) the mover of any amendment does not have a right of reply;
- (d) once the right of reply has been taken, there can be no further discussion or comment, and the original motion or the original motion as amended is immediately put to the vote.

### **PART 11—PROCEDURAL MOTIONS**

#### **11.1 Permissible Procedural Motions**

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions—

- (a) that the council (or committee) proceed to the next business;
- (b) that the question be adjourned;
- (c) that the council (or committee) do now adjourn;

- (d) that the question be now put;
- (e) that the question be not now put;
- (f) that the ruling of the Mayor (or Presiding Member) be disagreed with;
- (g) that the motion lie on the table;
- (h) that the council (or committee) meet behind closed doors.

### **11.2 Procedural Motions—Recording in Minutes**

The mover, seconder and result of all procedural motions are to be recorded in the minutes of the meeting.

### **11.3 Procedural Motions—Majority Required**

Any procedural motion is to be carried upon a simple majority of members present voting in the affirmative.

### **11.4 Procedural Motions—Closing Debate—Who May Move**

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

### **11.5 Procedural Motions—Right of Reply**

There is to be no right of reply on any procedural motion.

### **11.6 Procedural Motions—Right of Reply on Substantive Motion**

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

## **PART 12—EFFECT OF PROCEDURAL MOTIONS**

### **12.1 That the Council (or Committee) Proceed to the Next Business—Effect of Motion**

This motion, having been carried, will cause the debate to cease immediately and for the council (or committee) to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be placed on any future notice paper.

### **12.2 That the Question be Adjourned—Effect of Motion**

This motion, having been carried, will cause all debate on the substantive motion or amendment to cease but to continue when the discussion is reconvened. A record is to be taken of all those who have spoken on the matter under consideration at the time of the adjournment.

### **12.3 That the Council (or Committee) do Now Adjourn—Effect of Motion**

This motion, having been carried, will cause the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the person presiding or a simple majority of members upon vote, determine otherwise. A record is to be taken of all those who have spoken on the matter under consideration at the time of the adjournment.

### **12.4 That the Question be Now Put—Effect of Motion**

(1) This motion, having been carried during discussion on a substantive motion without amendment, will cause the person presiding to offer the right of reply and then immediately put the matter under consideration without further debate.

(2) This motion, having been carried during discussion on an amendment, will cause the person presiding to put the amendment to the vote without further debate.

(3) This motion, having been lost, will allow debate to continue.

### **12.5 That the Question be Not Now Put—Effect of Motion**

(1) This motion, having been carried during discussion of either a substantive motion or an amendment, will cause the meeting to proceed to the next business with no decision required to be made. In this case, there is no requirement for the matter to be raised again, except that it can only be raised by way of another substantive motion for which due notice must be given.

(2) This motion, having been lost, will cause the person presiding to immediately put any amendment to the vote and then to offer the right of reply and put the substantive motion to the vote immediately.

### **12.6 That the Ruling of the Mayor (or Presiding Member) be Disagreed With—Effect of Motion**

This motion, having been carried, will cause the ruling of the Mayor (or Presiding Member) about which this motion was moved, to be reversed and for the meeting to proceed accordingly.

### **12.7 That the Motion Lie on the Table—Effect of Motion**

(1) This motion, having been carried, will cause debate on the substantive motion and any amendment to cease immediately and for the meeting to proceed to the next business.

(2) Any member may raise the motion from the table, by giving appropriate notice of motion for any meeting in the future.

(3) When a motion is raised from the table, the mover of the original substantive motion, or in the absence of the original mover, the person moving this procedural motion, is given the opportunity to re-introduce the matter after which debate shall continue according to these standing orders.

**12.8 That the Council (or Committee) Meet Behind Closed Doors—Effect of Motion**

(1) Subject to any deferral under clause 3.10 or clause 4.3(2), this motion, if carried, will cause the general public and any officer or employee the council or committee determines, to leave the room.

(2) While a decision made under this clause is in force the operation of clause 9.5, limiting the number of speeches a member of the council may make, is suspended unless the council decides otherwise.

(3) Upon the public again being admitted to the meeting the person presiding, unless the council or committee decides otherwise, is to cause the motions passed by the council or committee whilst it was proceeding behind closed doors to be read aloud including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.

(4) No person is to publish, or make public, any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

Penalty \$5,000.

**PART 13—MAKING DECISIONS****Decision making procedures****13.1 Voting and Decisions—Majority to Determine**

(1) All acts of the council or a committee, and all questions coming before the council or a committee, are decided by a simple majority of the members present and voting at a properly constituted meeting, unless otherwise provided for in these standing orders or the Act or Regulations.

(2) If the votes of members present at a council or a committee meeting are equally divided, the person presiding may cast a second vote.

**13.2 Question—When Put**

When the debate upon any question is concluded and the right of reply has been exercised the person presiding shall immediately put the question to the council or the committee, and, if so desired by any member of the council or committee, shall again state it.

**13.3 Question—Method of Putting**

If a decision is unclear or in doubt, the person presiding shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon by council or the committee before declaring the decision which shall be final unless a call for a recording of votes is received, as provided for in clause 13.4 of these standing orders.

**13.4 Recording of Votes**

If a member of council or a committee specifically requests that there be recorded—

- (a) his or her vote; or
- (b) the vote of all members present;

on a matter voted on at a meeting of the council or a committee, then the votes are to be recorded in the minutes.

**PART 14—REVOKING OR CHANGING DECISIONS****14.1 Revoking Decisions—When This Can Occur**

A decision may be revoked or changed at the same meeting at which it was made if—

- (1) (a) at least one third of the number of offices (whether vacant or not) of members of the council or committee support the motion to revoke or change the decision;
- (b) the member who proposes the revocation or change of the decision—
  - (i) clearly identifies the decision to be revoked or changed; and
  - (ii) clearly states the reason for seeking the revocation or change;
- (c) the motion to revoke or change the decision is carried—
  - (i) in the case where the decision to be revoked or changed was required to be carried by an absolute majority or by a special majority, by that kind of majority; or
  - (ii) in any other case by an absolute majority;
- (2) A decision may be revoked or changed at a meeting other than the one at which it was originally made if—
  - (a) The motion to revoke or change the decision is supported—
    - (i) in the case where an attempt to revoke or change the decision has been made within the previous 3 months but had failed, by an absolute majority; or
    - (ii) in any other case, by at least one third of the number of offices (whether vacant or not) of members of the council or committee;
  - (b) the member who proposes the revocation or change of the decision—
    - (i) clearly identifies the decision to be revoked or changed; and
    - (ii) clearly states the reason for seeking the revocation or change;
  - (c) the motion to revoke or change the decision is carried—
    - (i) in the case where the decision to be revoked or changed was required to be carried by an absolute majority or by a special majority, by that kind of majority; or
    - (ii) in any other case, by an absolute majority.

**14.2 Implementation of a Decision**

(1) If a notice of motion to revoke or change a decision of the council or a committee is received by the CEO before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation has been dealt with.

(2) The council or a committee shall not entertain a motion for revocation or change of a decision of the council or the committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given—

- (a) action has been taken to implement the decision; or
- (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put into effect by the council in writing to the applicant or the applicant's agent by an employee of the council authorised to do so;

unless there is a statement of impact of the legal and financial consequences of accepting and carrying a motion of revocation or change.

**14.3 Motion to Change Having Effect of Revocation**

This clause does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

**PART 15—PRESERVING ORDER****15.1 The Person Presiding to Preserve Order**

The person presiding is to preserve order, and may call any member to order, whenever, in his or her opinion, there is cause for so doing.

**15.2 Demand for Withdrawal**

A member at a meeting of the council or a committee may be required by the person presiding, or by the council or a committee on a motion moved and carried, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an employee, and if the member declines or neglects to do so, the person presiding may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

**15.3 Points of Order—When to Raise—Procedure**

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised, shall immediately stop speaking and be seated while the person presiding listens to the point of order.

**15.4 Points of Order—Definitions**

The following are to be recognised as valid points of order—

- (a) that the discussion is of a matter not before the council or committee;
- (b) that offensive or insulting language is being used;
- (c) drawing attention to the violation of any written law or standing order of the council, provided that the member making the point of order shall state the written law or standing order believed to be breached.

**15.5 Points Of Order—Ruling**

The person presiding shall give a decision on any point of order after the point has been raised by either upholding or rejecting the point of order.

**15.6 Points of Order—Ruling Conclusive, Unless Dissent Motion is Moved**

The ruling of the person presiding upon any question of order shall be final, unless a majority of the members support a motion of dissent with the ruling.

**15.7 Points of Order—Motion Against Ruling Procedure**

An objection having been taken to the ruling of the person presiding, the member so objecting may immediately move dissent with the ruling. Should the motion be seconded, it shall be put to the vote immediately and the result of the vote, whether in support of the ruling or otherwise, shall determine the action of the council or committee.

**15.8 Points of Order Take Precedence**

Notwithstanding anything contained in these standing orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

**15.9 Precedence of Person Presiding**

When the person presiding rises during the progress of a debate, any member of the council or committee then speaking, or offering to speak, shall immediately sit down and every member of the council or committee present shall preserve strict silence so that the person presiding may be heard without interruption. This clause is not to be used by the Mayor to exercise the right provided in Clause 9.3, but to preserve order.

**15.10 Right of the Person Presiding to Adjourn Without Explanation to Regain Order**

(1) If a meeting ceases to operate in an orderly manner, the person presiding may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate will continue at the point at which the meeting was adjourned. If, at any one meeting, the person presiding has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

(2) In the case of any adjournment under subclause (1) a record is to be taken of all those who have spoken on the matter under consideration at the time of the adjournment.

**PART 16—ADJOURNMENT OF MEETING****16.1 Meeting May be Adjourned**

The council or a committee may, upon a motion moved and carried, adjourn any meeting to a later time on the same day, or to any other day.

**16.2 Limit to Moving Adjournment**

No member is to move or second more than one motion of adjournment during the same sitting of the council or committee.

**16.3 Unopposed Business—Motion for Adjournment**

On a motion for the adjournment of the council or committee, the person presiding, before putting the motion, may seek leave of the council or committee to proceed to the transaction of unopposed business.

**16.4 Withdrawal of Motion for Adjournment**

A motion or an amendment relating to the adjournment of the council or a committee may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal, debate of the motion is to continue.

**16.5 Time To Which Adjourned**

The time to which a meeting is adjourned for want of a quorum under clause 6.2 or clause 6.4, by the person presiding to regain order under clause 15.10, or by decision of the council under clause 16.1, may be to a time which follows the adjournment or conclusion of another meeting or event.

**PART 17—COMMITTEES OF THE COUNCIL****17.1 Appointment of Committees**

A committee is not to be appointed except on a motion setting out—

- (a) the proposed functions of the committee; and
- (b) the names of the council members, employees and other persons to constitute the committee; or
- (c) the number of members intended to constitute the committee and a provision that they be appointed by a separate motion.

**17.2 Appointment of Deputy Committee Members**

(1) The council may appoint one or more persons to be the deputy or deputies, as the case may be, 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 a deputy of that member, selected according to seniority, is 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.

**17.3 Presentation of Committee Reports**

When the report or recommendations of a committee are placed before the council, the adoption of recommendations of the committee is to be moved by—

- (a) the Presiding Member of the committee; or if absent,
- (b) another member of the committee; or if no member of the committee is present,
- (c) a member of the council.

**17.4 Reports of Committees—Questions**

When a recommendation of any committee of the council is submitted for adoption, any member of the council may direct questions directly relating to the recommendation through the Mayor, to the Presiding Member or any member of the committee making the recommendation.

**17.5 Permissible Motions on Recommendation From Committee**

A recommendation made by or contained in the minutes of a committee may be adopted by the council without amendment or modification, failing which, it may be—

- (a) rejected by the council and replaced by an alternative decision; or
- (b) amended or modified and adopted with such amendment or modification; or
- (c) referred back to the committee for further consideration.



**17.6 Standing Orders Apply to Committees**

Where not otherwise specifically provided, these standing orders apply generally to the proceedings of committees of the council, except that the following standing orders do not apply to the meeting of a committee—

- (a) Clause 8.2, in regard to seating;
- (b) Clause 9.1, in respect of the requirement to rise;
- (c) Clause 9.5, limitation on the number of speeches.

**PART 18—ELECTED MEMBERS BRIEFING SESSIONS****18.1 Interpretations.**

In this part, unless the context otherwise requires—

- a “Briefing List” means the list of matters to be discussed at a meeting of the Elected Members’ Briefing Session Committee.

“EMBS” means a meeting of the Elected Members’ Briefing Session Committee.

**18.2 Committee Constituted**

An Elected Members’ Briefing Session Committee, hereafter referred to in this Part as “the Committee”, is constituted as a committee of the whole council.

**18.3 Function and Powers of the Committee**

(1) The function of the Committee is to inform council members of relevant and material facts and circumstances pertaining to matters to be decided by the council or which are otherwise relevant to the good government of persons in the district.

(2) The committee has no delegated powers or duties.

(3) It is not a function of the Committee to make recommendations to the council on matters raised at an EMBS nor to recommend the adoption of the reports of employees or others included in the agenda of a forthcoming council meeting.

**18.4 Appointment of Committee**

Members of the Committee are to be appointed—

- (a) at the first meeting of the council after an ordinary elections day; and
- (b) at the first meeting of the council after an extraordinary election; and
- (c) at the first meeting of the council after any other election to the office of council member under the Act.

**18.5 Election of Presiding Member and Deputy Presiding Member.**

A Presiding Member and, if the Committee so decides, a Deputy Presiding Member, is to be elected as the first matter dealt with—

- (a) at the first meeting of the Committee after a section 4.13 or 4.14 election or after an ordinary elections day; and
- (b) at the first meeting of the Committee after an extraordinary vacancy occurs in the office of Presiding Member or Deputy Presiding Member as the case may be.

**18.6 Standing Orders To Apply.**

Parts 1-17 and Part 19 of the standing orders apply generally at an EMBS unless inconsistent with a provision of this Part, in which event the latter prevails.

**18.7 Calling an EMBS.**

(1) An EMBS is to be called by the CEO from time to time as decided by a simple majority decision of the council, or in consultation with the Mayor and Presiding Member if the Mayor is not also the Presiding Member.

(2) A Briefing List is to be compiled by the CEO and this is to include matters proposed for inclusion by the Mayor, council members and senior employees.

(3) The CEO is to convene an EMBS by giving each member at least 72 hours notice of the date, time and place of the meeting and a Briefing List for the meeting.

**18.8 EMBS to be Open to the Public**

(1) An EMBS is open to members of the public and notice of an EMBS is to be given on a notice board at the council offices from the time such an EMBS is convened

(2) A Briefing List is not to contain any matter in respect of which a meeting may be closed under section 5.23 of the Act.

(3) The Briefing List and any reports and other documents made available to council members for consideration at an EMBS are to be available for inspection by members of the public from the time the Briefing List, reports and other documents are made available to members.

(4) Members of the public are only permitted to speak during a question time, except by invitation made under clause 18.9(1) or by invitation of the person presiding.

**18.9 Invited Persons To Make Presentations.**

(1) Persons having an interest in or knowledge of matters to be decided by the council, may be invited by the CEO to address an EMBS from time to time.

(2) Such persons will not address an EMBS for longer than 15 minutes other than with the approval of the person presiding.

(3) Where an invitation is issued under subclause (1), this is to be notified in the Briefing List.

**18.10 General Business for Elected Members.**

“General Business” is to be included on the Briefing List, during the consideration of which only council members are to introduce matters.

**PART 19.—ADMINISTRATIVE MATTERS**

**19.1 The Common Seal of the local government**

(1) The CEO is to have charge of the common seal of the local government, and is responsible for the safe custody and proper use of it.

(2) The common seal of the local government may only be used on the authority of the council given either generally or specifically and every document to which the seal is affixed must be signed by the Mayor and the CEO or a senior employee authorised by him or her.

(3) The common seal of the local government is to be affixed to any local law which is made by the council.

(4) The CEO is to record in a register each date on which the common seal of the local government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed, and report to the council a listing of the uses made of the common seal at least annually.

(5) Any person who uses the common seal of the local government or a replica thereof without authority commits an offence.

Penalty \$1,000.

**19.2 Suspension of Standing Orders**

(1) The mover of a motion to suspend any standing order is to state the clause of the standing order to be suspended.

(2) A motion to suspend temporarily, any one or more of the standing orders, regulating the proceedings and business of the council must be seconded and carried by a simple majority.

**19.3 Cases not Provided for in Standing Orders**

The person presiding is to decide questions of order, procedure, debate, or otherwise in cases where these standing orders and the Act and Regulations are silent. The decision of the person presiding in these cases is final, except where a motion is moved and carried under clause 9.10.

**19.4 Duty of CEO**

It is the duty of the CEO to draw the attention of the council to any breach or likely breach of these standing orders.

Dated this 21st day of July, 1998.

The Common Seal of the Town of Victoria Park was hereunto affixed by authority of a decision of the Council in the presence of—

J. A. E. LEE, Mayor.  
J. M. BONKER, Chief Executive Officer.





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