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LOCAL GOVERNMENT ACT 1995

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**CITY OF SOUTH PERTH**

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**STANDING ORDERS LOCAL  
LAW**

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**LOCAL LAW RELATING TO  
COLLIER PARK GOLF COURSE**



**LOCAL GOVERNMENT ACT 1995****CITY OF SOUTH PERTH****STANDING ORDERS LOCAL LAW**

No 1 of 1999

In pursuance of the powers conferred by the Local Government Act 1995 and all other powers enabling it the Council of the City of South Perth hereby records having resolved on 26 May 1999 to make the following Local Law:

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**LOCAL GOVERNMENT ACT 1995**

## CITY OF SOUTH PERTH

**STANDING ORDERS LOCAL LAW**

No 1 of 1999

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

- (1) This Local Law may be cited as the Standing Orders Local Law 1999.
- (2) In the clauses to follow, this Local Law is referred to as “the Standing Orders.”

**1.2 Commencement**

This Local Law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**1.3 Application and Intent**

- (1) This Local Law provides the rules and guidelines which apply to the conduct of meetings of Council, meetings of Committees of Council and meetings of Electors.
- (2) All meetings of the Council or a committee and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and these Standing Orders.
- (3) This Local Law is intended to result in:
- (a) better decision making by Council;
  - (b) the orderly conduct of meetings dealing with Council business;
  - (c) the community understanding the process of conducting meetings dealing with Council business; and
  - (d) the more efficient and effective use of time at meetings.

**1.4 Previous Local Laws**

The Local Laws published in the *Government Gazette* on 17 December 1996 (No 1 of 1996) relating to Standing Orders is hereby repealed.

**1.5 Interpretation**

- (1) In these Standing Orders unless the context otherwise requires:

“Act” means the Local Government Act 1995;

“Additional Ordinary Meeting” means a meeting of Council which is held in addition to the Ordinary Monthly Meeting for the purpose of considering and dealing with the ordinary business of Council subject to clause 19;

“CEO” means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the City of South Perth;

“Committee” means a Committee established by the local government under the Local Government Act 1995, Sections 5.8 and 5.9(2)(a) to (d);

“Council” means the Council of the City of South Perth;

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

“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.

“Ordinary Monthly Meeting” means a meeting of Council, held on a monthly basis, for the purpose of considering and dealing with the ordinary business of Council subject to clause 19;

“Special Meeting” means a meeting of Council which is held for the purpose of considering and dealing with Council business which is urgent, complex in nature or confidential. A Special Meeting may only consider such business as is specified in the notice for the meeting.

- (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.

## **PART 2—CALLING MEETINGS**

### **2.1 Calling Committee Meetings**

A meeting of a committee is to be held:

- (a) if called for in a verbal or written request to the CEO by the presiding member of the committee, setting out the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) if so decided by the committee.

### **2.2 Notice of Special Council Meetings**

(1) Subject to subclause (2), the CEO is to convene a special meeting of the Council by giving each Council member at least 72 hours' notice of the date, time, place and purpose of the meeting.

(2) Where there is a need to meet urgently, in the opinion of the Mayor, the CEO may give a lesser period of notice of a special meeting than mentioned in subclause (1).

## **PART 3—BUSINESS OF THE MEETING**

### **3.1 Business to be Specified on Notice Paper**

(1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the presiding member or a decision of the Council.

(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, without the approval 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:

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

except in the case of an adjournment to the next ordinary meeting of the Council 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) Public question time
- (c) Apologies and leave of absence
- (d) Confirmation of minutes
- (e) Reports of Committees and Delegates
- (f) Mayoral Announcements
- (g) Matters referred by the Western Australian Municipal Association
- (h) Correspondence
- (i) Late Correspondence
- (j) Notices of Business
- (k) Urgent business approved by the presiding member or by decision
- (l) Closure

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

(3) Unless otherwise decided by the members present or in accordance with sub-clause (4) or clause 3.10, the order of business at any committee meeting is to be the order in which that business stands in the agenda of the meeting.

(4) At any meeting of a committee the presiding member may propose a change to the order of business. Any member may move that a change in order of business proposed by the presiding member not be accepted and if carried by a majority of members present, the proposed change in order is not to take place.

(5) Notwithstanding subclauses (1), (2) and (3) in determining the order of business for any meeting of the Council or a committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

(6) Notwithstanding subclause (1), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriately decided, by that meeting.

### **3.3 Public Question Time**

(1) A member of the public who raises a question during question time is to state their name and address.



- (2) A question may be taken on notice by the Council or committee for later response.
- (3) When a question is taken on notice under sub-clause (2) a response is to be given to the member of the public in writing by the CEO.

### **3.4 Confirmation of Minutes**

- (1) When minutes of a meeting are submitted to an ordinary meeting of the Council or committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, they are to:
  - (a) state the item or items with which they are dissatisfied; and
  - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

### **3.5 Mayoral Announcements**

At any meeting of the Council the Mayor may announce or raise any matter of interest or relevance to the business of the Council.

### **3.6 Correspondence**

- (1) The CEO is to use discretion in deciding what correspondence to place before the Council or a committee.
- (2) Correspondence or other matters submitted for Council's consideration is to be referred in the first instance to the appropriate Standing Committee of the Council unless the Council directs otherwise, or there are exceptional or urgent circumstances.
- (3) Late correspondence for Council and Committee meetings shall be entertained only if it is a matter of urgency or if it refers to a matter already included on the Agenda.

### **3.7 Notice of Business**

- (1) Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as they consider appropriate, in the form of a notice of business, of which notice has been given in writing to the CEO.
- (2) A notice of business under subclause (1) is to be given no later than midday on the Friday of the week immediately preceding the week in which the meeting is to be held.
- (3) A notice of business 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 business deemed to be out of order; or
  - (b) may on his/ 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 business on such matters as policy, budget and law.
- (5) No notice of business is to be out of order because the policy involved is considered to be objectionable.

### **3.8 Questions by Members**

- (1) The Mayor or any Councillor may without notice during the course of debate, or at appropriate times during a meeting, ask any question relevant to that debate or to the subject under discussion or to the ordinary business of the Council. The person to whom the question is addressed shall answer to the best of their knowledge and ability. In answering any question a person may qualify their answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend his/her answer.
- (2) Every question and answer shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

### **3.9 Urgent Business Approved By the Person Presiding or by Decision**

In cases of extreme urgency or other special circumstance, matters may, with the consent of the presiding member, or by decision of the members present, be raised without notice and decided by the meeting.

### **3.10 Public Submissions on Business on the Agenda**

- (1) Where the Council has a policy to allow submissions by ratepayers residents or representatives of ratepayers or residents in regard to specific items on the agenda of a committee meeting the participation by such members of the public is to be allowed in accordance with that policy.
- (2) At committee meetings where submissions are allowed the presiding member may alter the order of business so as to bring forward in the meeting those items on which submissions are to be made.

### **3.11 Deputations**

- (1) A deputation wishing to be received by the Council or a committee is to apply in writing to the CEO who is to forward the written request to the Mayor, or the Presiding Member as the case may be.
- (2) The Mayor if the request is to attend a Council meeting, or the Presiding Member of the committee, if the request is to attend a meeting of a committee, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be, or may instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.

- (3) deputation invited to attend a Council or committee meeting:
- (a) is not to exceed five persons, only two of whom may address the Council or committee, although others may respond to specific questions from the members; and
  - (b) is not to address the Council or committee for a period exceeding 15 minutes without the agreement of the Council or the committee as the case requires.
- (4) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.

#### **PART 4—PUBLIC ACCESS TO AGENDA MATERIAL**

##### **4.1 Inspection Entitlement**

Members of the public have access to agenda material in the terms set out in Regulation 14 of the Regulations.

##### **4.2 Confidential Business**

- (1) Any report which is classified as "Confidential" by the CEO under Regulation 14(2) shall be treated as strictly confidential and shall not, without the authority of the Council, be disclosed to any person other than the Mayor, Councillors, CEO or other employees of the Council as authorised by the CEO.
- (2) All discussions and proceedings and every matter dealt with by or brought before the Council sitting otherwise than with open doors, shall be treated as strictly confidential, and shall not, without the authority of the Council, be disclosed to any person other than the Mayor, Councillors, CEO or other employees of the Council as authorised by the CEO prior to discussion of that matter at a meeting of the Council with open doors.
- (3) All discussions, proceedings and every matter dealt with by or brought or to be brought before any Committee of the Council sitting otherwise than with open doors shall be treated as strictly confidential and shall not without the authority of the Council or a Committee be disclosed to any person other than the Mayor, Councillors, CEO or other employees of the Council as authorised by the CEO.
- (4) A member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out their duties unless such disclosure is authorised by a decision of Council.

Penalty: \$5,000.00

- (5) Sub-clauses (1), (2) and (3) of this clause shall not:
- (a) preclude a Councillor from making further enquiry and investigation of a matter dealt with by or brought or to be brought before a Committee provided that the report and any recommendation made by an officer and discussion by the Committee shall remain confidential;
  - (b) preclude the Council dealing with any such discussion, resolution, proceeding or other matter at a meeting of the Council held with open doors;
  - (c) preclude the disclosure of anything which is public to the extent that it is common knowledge;
  - (d) preclude the disclosure by a person of any thing known to that person from a source other than any such discussion, resolution, proceeding or other matter; or
  - (e) prevent any disclosure which is required to be made by law.

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

##### **5.1 Separation of Committee Recommendations**

Where a member of the Council 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 meeting that will be attended by the member, the recommendation concerned is to be separated by a decision 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.

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

- (1) Where a member has disclosed the nature of their interest in a matter, immediately before the matter is considered by the meeting, they may, without disclosing the extent of the interest, request that they 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 is to 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.

##### **5.3 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 to 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 is to 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.

**5.4 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.

**5.5 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 their advice to the meeting by verbally disclosing the nature of the interest and such disclosure shall be recorded in the minutes of the meeting.

**PART 6—QUORUM****6.1 Quorum to be Present**

The Council or a committee is not to transact business at a meeting unless a quorum is present.

**6.2 Loss of Quorum During a Meeting**

(1) If at any time during the course of a meeting of the Council or a committee a quorum is not present:

(a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest,

the matter is adjourned until either:

(i) a quorum is present to decide the matter; or

(ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under section 5.69 of the Act; or

(b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the presiding member is to suspend the proceedings of the meeting for a period of five minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the presiding member is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or the Standing Orders when calling a meeting of that type.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1)(b):

(a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and

(b) in the case of a Council meeting:

(i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and

(ii) the provisions of clause 9.5 apply when the debate is resumed.

**PART 7—KEEPING OF MINUTES****7.1 Content of Minutes**

(1) 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, 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.

(2) Where the Council or a committee alters the recommendation of a committee or sub-committee respectively, the reasons for that decision shall be recorded as part of the resolution.

(3) Where the Council or a committee decides other than in accordance with the recommendation in the employee's report, the reasons for that decision shall be recorded as part of the resolution.

**7.2 Preservation of Minutes**

Minutes including the agenda 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 Public Records Office, being a directorate of the Library and Information Service of Western Australia, in accordance with the retention and disposal policy determined by that office from time to time.

**PART 8—CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS****8.1 Official Titles to be Used**

Members of the Council are to 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 employees, are to designate them by their respective official titles.

**8.2 Members to Occupy Own Seats**

At the first meeting held after each election day, the CEO is to alphabetically by Ward, allot 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 change in the composition of the Council.

**8.3 Leaving Meetings**

During the course of a meeting of the Council or a committee no member is to enter or leave the meeting without first advising the presiding member, in order to facilitate the recording in the minutes of the time of entry or departure.

**8.4 Adverse Reflection**

(1) No member 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 or changed.

(2) No member 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.

Penalty \$1,000

(3) If a member of the Council or committee specifically requests, immediately after their use, that any particular words used by a member 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**

(1) No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council.

(2) Subclause (a) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee.

**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 presiding member whenever called upon to do so.

Penalty \$1,000.00

(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 \$1,000.00

(3) Mobile telephones and audible pagers are not to be switched on nor used during any meeting of the Council or a committee.

**8.7 Distinguished Visitors**

If a distinguished visitor is present at a meeting of the Council or a committee, the presiding member may invite such person to sit beside the presiding member or at the Council table.

**PART 9—CONDUCT OF MEMBERS DURING DEBATE****9.1 Members to Rise**

Every member of the Council wishing to speak is to indicate by show of hands or other method agreed upon by the Council. When invited by the presiding member to speak, members are to rise and address the Council through the presiding member, provided that where any member of the Council is unable to stand by reason of sickness or disability he or she may 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 presiding member is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

**9.3 The Presiding Member to Take Part in Debates**

Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in these Standing Orders, the presiding member may take part in a discussion of any matter before the Council or committee as the case may be.

**9.4 Relevance**

(1) Every member of the Council or a committee is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

(2) The Presiding Member 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 member and may direct that member, if speaking, to discontinue their speech and thereupon the member shall cease speaking and shall resume their seat.

**9.5 Limitation of Number of Speeches**

No member of the Council is to 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**

(1) All addresses are to be limited to a maximum of ten minutes except for procedural motions which are governed by clause 11.2.

(2) Extension of time is permissible only with the agreement of a simple majority of members present but such extension is not to extend the member's total speaking time beyond 15 minutes..

**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 presiding member.

**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; or
- (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.

**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 state the substance of the motion before speaking to it.

**10.2 Motions to be Supported**

No motion or amendment to a substantive motion is open to debate until it has been seconded, or, in the case of a motion to revoke or change the decision made at a Council or a committee meeting, unless the motion has the support required under Regulation 10 of the Regulations.

**10.3 Unopposed Business**

- (1) Upon a motion being moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the presiding member may declare the motion in subclause (1) carried without debate and without taking a vote on it.
- (3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

**10.4 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.

**10.5 Breaking Down of Complex Questions**

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

**10.6 Order of Call in Debate**

The presiding member is to 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.

**10.7 Limit of Debate**

The presiding member 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.

**10.8 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.

**10.9 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.

**10.10 Order of Amendments**

- (1) Except as limited by sub-clause (2) any number of amendments may be proposed to a motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been carried, withdrawn or lost.
- (2) When one amendment to a motion is carried, only one further amendment to the original motion, as amended, and no more may be moved.

**10.11 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.

**10.12 Relevance of Amendments**

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

**10.13 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.

**10.14 Substantive Motion**

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved, subject to the limitations of sub-clause 10.10(2).

**10.15 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.

**10.16 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.

**10.17 Personal Explanation**

No member is to 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 is to 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.

**10.18 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, is 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 is to be offered at the conclusion of that speech.

**10.19 Ruling on Questions of Personal Explanation**

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

**10.20 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 is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

**10.21 Right of Reply Provisions**

The right of reply is governed by the following provisions:

- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) if an amendment is moved to the substantive motion 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) if the member who moved the substantive motion chooses to speak to an amendment then the right of reply is forfeited by that member, that is, debate on the substantive motion will conclude without a right of reply; and
- (e) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

**10.22 Negatived Motions**

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

**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 question be adjourned;
- (b) that the Council (or committee) now adjourn;

- (c) that the question be now put;
- (d) that the ruling of the presiding member be disagreed with;
- (e) that the Council (or committee) meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under section 5.23 of the Act;
- (f) that the question be referred to a named committee for consideration and recommendation; and
- (g) that the question be referred back to a named committee for further consideration (where the question before Council is a recommendation from a committee).

### **11.2 No Debate on Procedural Motions**

(1) The mover of a motion stated in each of paragraphs (a), (b), (d) and (e) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion stated of paragraphs (c) of Clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(3) The mover of a motion stated in each of paragraphs (f) and (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, the Chair of the named committee, or in his/her absence the Deputy Chair or a member of the committee, may speak for not more than five minutes, and there is to be no debate on the motion.

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

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

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

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

### **11.5 Question to be Put—Sufficient Debate**

(1) A member may, at the conclusion of the speech of any other member, move without notice "That the Question be now Put" and, provided the presiding member is of the view that there has been sufficient debate on the matter, upon that motion being formally seconded, that motion shall be immediately put, without debate.

(2) If the presiding member is of the view that there has not been sufficient debate on the matter then he/she shall rule the motion to be out of order.

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

### **12.1 Question to be Adjourned—Effect of Motion**

(1) The motion "that the question be adjourned", if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion or, if not stated, then at a time determined forthwith by the presiding member..

(2) If the motion is carried at a meeting of the Council:

- (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
- (b) the provisions of clause 9.5 apply when the debate is resumed.

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

### **12.2 Council (or Committee) to Now Adjourn—Effect of Motion**

(1) The motion "that the Council (or committee) now adjourn", if carried, causes 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 presiding member or a simple majority of members upon vote, determine otherwise.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1):

- (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
- (b) in the case of a Council meeting:
  - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
  - (ii) the provisions of clause 9.5 apply when the debate is resumed.

### **12.3 Question to be Put—Effect of Motion**

(1) The motion "that the question be now put", if carried during discussion of a substantive motion without amendment, causes the person presiding to offer the right of reply and then immediately put the matter under consideration without further debate.

(2) This motion, if carried during discussion of an amendment, causes the person presiding to put the amendment to the vote without further debate.

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

**12.4 Ruling of the Presiding Member Disagreed With—Effect of Motion**

The motion “that the ruling of the presiding member be disagreed with”, if carried, causes the ruling of the presiding member about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

**12.5 Council (or Committee) to Meet Behind Closed Doors—Effect of Motion**

(1) Subject to any deferral under clause 3.7 or other decision of the Council or committee, this motion, if carried, causes 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 presiding member, 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 out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.

(4) A person who is a Council member, a committee member, or an employee is not 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 \$5,000.00

**12.6 Referral to a Named Committee**

The motion “that the question be referred to a named committee for consideration and recommendation”, if carried, causes 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 and the question will be included on the agenda of the next meeting of the named committee.

**12.7 Referral Back to a Named Committee**

The motion “that the question be referred back to a named committee for further consideration”, if carried, causes 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 and the question will be included on the agenda of the next meeting of the named committee.

**PART 13—MAKING DECISIONS****13.1 Question—When Put**

(1) When the debate upon any question is concluded and the right of reply has been exercised the presiding member 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.

(2) When the presiding member is putting any question, a member is not to leave the meeting.

**13.2 Question—Method of Putting**

(1) If a decision of the Council or a committee is unclear or in doubt, the presiding member shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

(2) The presiding member will advise the number of votes in favour of the motion and the number of votes against the motion before declaring the decision of the meeting. The numbers of votes are to be recorded in the minutes together with the decision of the meeting.

**PART 14—IMPLEMENTING DECISIONS****14.1 Implementation of a Decision**

(1) The Council or a committee shall not vote on a motion to rescind or change a decision of the Council or committee whether the motion of rescission 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;

without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed rescission or change.

(2) The motion to rescind or change a decision of Council is to include the reasons for such rescission or change.

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

The presiding member is to preserve order, and may call any member or other person in attendance to order, whenever, in their 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 presiding member, or by a decision of the Council or committee, 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 presiding member 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, is to immediately stop speaking and be seated while the presiding member listens to the point of order.

**15.4 Points of Order—When Valid**

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 policy of the Local Government, provided that the member making the point of order states the written law or policy believed to be breached.

**15.5 Points Of Order—Ruling**

The presiding member is to give a decision on any point of order which is 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 presiding member upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

**15.7 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.

**15.8 Precedence of Presiding Member**

(1) When the presiding member rises during the progress of a debate, any member of the Council or committee then speaking, or offering to speak, is to immediately sit down and every member of the Council or committee present shall preserve strict silence so that the presiding member may be heard without interruption.

Penalty \$500.00

(2) Subclause (1) is not to be used by the presiding member to exercise the right provided in clause 9.3, but to preserve order.

**15.9 Right of the Presiding Member to Adjourn Without Explanation to Regain Order**

(1) If a meeting ceases to operate in an orderly manner, the presiding member 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 is to continue at the point at which the meeting was adjourned. If, at any one meeting, the presiding member 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) Where debate of a motion is interrupted by an adjournment under sub-clause (1), in the case of a Council meeting:

- (a) the names of members who have spoken in the matter prior to the adjournment are to be recorded; and
- (b) the provisions of clause 9.5 apply when the debate is resumed.

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

The Council or a committee may decide to adjourn any meeting to a later time on the same day, or to any other day.

**16.2 Limit to Moving Adjournment**

(1) No member is to move or second more than one motion of adjournment during the same sitting of the Council or committee.

(2) A member who has spoken on the question then before Council or committee shall not move the adjournment of the Council or committee.

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

**16.3 Unopposed Business—Motion for Adjournment**

On a motion for the adjournment of the Council or committee, the presiding member, 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, by the presiding member to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

## **PART 17—COMMITTEES OF THE COUNCIL**

### **17.1 Establishment and Appointment of Committees**

A committee is not to be established except on a motion setting out the proposed functions of the committee and either:

- (a) the names of the Council members, employees and other persons to be appointed to the committee; or
- (b) the number of Council members, employees and other persons to be appointed to 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 if the Presiding Member is a Council member and is in attendance; or
- (b) a Council member who is a member of the committee, if the Presiding Member of the Committee is not a Council member, or is absent; or
- (c) otherwise, by a Council member who is not a member of the committee.

### **17.4 Reports of Committees—Questions**

When a recommendation of any committee is submitted for adoption by the Council, any member of the Council may direct questions directly relating to the recommendation through the presiding member to the Presiding Member or to any member of the committee in attendance.

### **17.5 Permissible Motions on Recommendation From Committee**

(1) 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.

(2) Where the Council rejects, replaces or amends a recommendation of a committee, the reasons for that decision are to be recorded in the minutes of the Council meeting.

### **17.6 Standing Orders Apply to Committees**

(1) Where not otherwise specifically provided, these Standing Orders apply generally to the proceedings of committees, 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.
- (d) Clause 3.2, in regard to the order of business where the presiding member may determine that specific items are to be brought forward in the meeting to allow a brief presentation from a ratepayer, resident or a representative of a ratepayer or resident in accordance with clause 3.10.

(2) In applying these Standing Orders to a committee a reference to the "presiding member" shall be a reference to the "presiding person" where the person presiding is not a member of Council.

## **PART 18—MEETINGS OF ELECTORS**

18.1 The Standing Orders may apply, so far as it practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this clause and the provisions of Regulation 15, 17 or 18 of the Act, the latter prevails.

18.2 A person who is not an elector is not entitled to vote at a meeting of electors, and he/she may not take part in any discussion at that meeting, unless the meeting, by a motion, requests him/her to do so.

## **PART 19—ADMINISTRATIVE MATTERS**

### **19.1 Suspension of Standing Orders**

(1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more of the Standing Orders.

(2) The mover of a motion to suspend temporarily any one or more of the Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.

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

The presiding member 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 presiding member in these cases is final, except where a motion is moved and carried under clause 11.1 (d).

**19.3 Penalties**

Except where a higher penalty is specifically provided in the Standing Orders, any person committing a breach of Standing Orders is liable to a penalty not exceeding five hundred dollars.

**PART 20—COMMON SEAL****20.1 The Council's Common Seal**

(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) Every document to which the seal is affixed must be signed by the Mayor and the CEO or a senior employee authorised by the CEO.

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

(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.

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

Penalty \$1,000

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Dated 8th day of June 1999.

The Common Seal of the City of South Perth was hereunto affixed in the presence of:

S. E. PIERCE, Mayor.  
S. N. DOWNING, Acting Executive Manager.

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**LOCAL GOVERNMENT ACT 1995****CITY OF SOUTH PERTH****LOCAL LAW RELATING TO COLLIER PARK GOLF COURSE**

No 2 of 1999

In pursuance of the powers conferred by the Local Government Act 1995 and all other powers enabling it the Council of the above mentioned Local Government hereby records having resolved on 26 day of May 1999 to make the following Local Law.

**Short Title**

1.1 This Local Law may be cited as the Collier Park Golf Course Local Law 1999.

**Commencement**

2.1 This Local Law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**Contents and Intent**

3.1 This Local Law provides for the good order and management of the Collier Park Golf Course and provides for safety and good order and comfort for patrons thereof.

**Repeal of Previous Local Laws**

4.1 The By-laws published in the *Government Gazette* on 8 July 1994 are hereby repealed.

**Interpretation**

5.1 In this Local Law, unless the context otherwise requires:

“Act” means the Local Government Act 1995;

“CE” means the Chief Executive of the City and in the absence of the Chief Executive, the Acting Chief Executive of the City;

“City” means the City of South Perth;

“Controller” means the person or persons for the time being appointed by the Council to direct, control and manage the golf course and shall include any assistant to the Controller approved in writing by the Council;

“Council” means the Council of the City;

“District” means the local government district of the City;

“gender and number” in these Local Laws shall when denoting a gender or genders include each other and words in the singular number include the plural and vice versa;

“golf course reserve” means the land known as Reserve 38794 vested in the City of South Perth and includes all buildings, structures, fittings, fixtures and equipment forming part thereof;

“golf course” means that portion of the golf course reserve which is laid out as a golf course and includes all tees, fairways, bunkers greens and practice tees, practice fairways, practice greens, practice bunkers and any driving range now or in the future forming part of the golf course;

“person” and words applying to any person or individual include a body corporate and in the plural a group of persons and a club association or other body of persons;

“sufficient and suitable golfing equipment” shall comprise not less than one putter, two clubs, two golf balls and a golf bag.

**Prohibited Activities on the Golf Course**

6.1 A person must not:

- (a) in or on the golf course reserve behave in a manner which is likely to interfere with or does interfere with the enjoyment of any person who might use the golf course reserve;
- (b) enter or remain on the golf course reserve whilst offending against decency or good order as regards dress, language, conduct or otherwise;
- (c) drop or otherwise discard or dispose of any paper, cardboard, can top, bottle, bottle top, container or other litter of any kind on the golf course except into receptacles set aside for the deposit or collection thereof;
- (d) commit any nuisance or create or take part in any disturbance on the golf course reserve;
- (e) operate any radio, tape recorder, amplifier or other radio or sound transmission on the golf course reserve;

- (f) wilfully obstruct any portion of the golf course reserve;
- (g) damage or interfere with any tee, green, bunker, mound, slope, bank lake border, water course or any other prepared landscaped or construction portion of the golf course reserve;
- (h) cause inconvenience, annoyance, interference or obstruction to any member of the public, an officer or employee of the Council or the Controller;
- (i) pick up, remove or have in his possession on the golf course reserve any golf ball, unless on that day and at that time he is authorised to play or is a person authorised to act as a caddie and is acting as such at the time;
- (j) having been refused permission to enter or having been removed from the golf course reserve or have appealed to the Council in accordance with Clause 9 of these Local Laws and such appeal having been disallowed, enter onto or remain on the golf course reserve;
- (k) play or practise any other game or sport or carry out any physical activity other than golf on the golf course reserve or play or practise golf on any portion of the golf course reserve except and only on such parts of the golf course reserve as may from time to time be laid out and designated for such play or practice;
- (l) remain on the golf course reserve after being lawfully directed by the Controller to leave;
- (m) leave on the golf course reserve any vehicle, object or thing or any animal which the Controller may direct him to remove;
- (n) damage, destroy, apply graffiti to, interfere with, remove anything from or affix anything to any part of any building, fixture, fitting, accessory or installation on or about the golf course reserve;
- (o) enter or remain on the golf course reserve while in a state of intoxication;
- (p) use any lake or ornamental pond within the golf course reserve for swimming, boating, sailing, fishing or any other sport, recreation or activity or enter or remain on any such lake or ornamental pond other than for the purpose of retrieving their golf ball therefrom in the course of playing a round of golf;
- (q) take onto the golf course reserve any alcoholic beverages or consume any alcoholic beverages except on such part of the golf course reserve as may from time to time be set aside for such purpose and licensed with the relevant liquor licence issued under the Liquor Licensing Act 1988; and
- (r) use any taps, showers, hand basins, toilet and related facilities other than for the purposes and in the matter for which the same are designed.

6.2 No person except an employee or officer of the Council carrying out his normal duties shall:

- (a) enter or leave the golf course reserve other than by the public entrance and exist ways;
- (b) enter or remain on the golf course reserve except on those days and during those hours in which the golf course is open for playing or practising;
- (c) pick, cut, prune, lop or damage any tree or portion of any tree, shrub, turf or any other type of vegetation on or from the golf course reserve;
- (d) kill, injure or interfere with any fauna on the golf course reserve;
- (e) take any golf buggy, wheelchair or like conveyance fitted with wheels to any part of the golf course reserve unless the width thereon is 25mm or greater;
- (f) enter or remain upon any portion of the golf course reserve when by doing so damage is likely to be caused thereto or where notices have been posted directing persons not to so enter or remain on such portion or contrary to any instruction or direction given by the Controller;
- (g) unless with the prior written consent of the Council, drive, use or park a bicycle, motor cycle, motor car, motorised or other vehicle on any portion of the golf course reserve except in such areas paved, marked and set apart for such purpose;
- (h) while driving using or parking any bicycle, motor car, motorised or other vehicle on any portion of the golf course reserve refuse or fail to comply with all signs applicable thereto and any order or direction given by an officer or employee of the Council or the Controller;
- (i) bring or allow any animal to enter onto or remain upon any part of the golf course reserve;
- (j) bring onto or discharge or fire any firearms, bow, slingshot or other like weapon or device on or from the golf course reserve; and
- (k) bring on to or set or use or attempt to bring on to, set or use the golf course reserve any animal trap, bird trap, fish trap, net or like device.

6.3 Unless with the prior written consent of the Controller, no person shall:

- (a) for a fee, coach or instruct any person in the playing of golf within the golf course reserve;
- (b) offer himself for employment or be employed for a fee as a caddie on the golf course reserve; and
- (c) sell, offer or expose for sale or exchange any golf ball or any golf equipment or other goods or services in the golf course reserve unless with the prior written consent of the Council.

**Prohibited Activities in Relation to Playing Golf**

7.1 No person shall:

- (a) commence or continue to practise golf on the golf course until he has first obtained permission of the Controller to do so;

- (b) commence or continue to play golf on the golf course unless in the possession of a written authorisation or a ticket issued to him by the Controller which is appropriate for the number of holes of golf being played and valid for play on that day and at that time;
- (c) play the holes other than in the sequence directed by the Controller except when using any practice area with the permission of the Controller;
- (d) play golf on the golf course unless in full possession of sufficient and suitable golfing equipment for that purpose;
- (e) play golf on the golf course if not in the opinion of the Controller reasonably and suitably attired, including suitable footwear, to play golf;
- (f) take any golf bag or golf bag buggy onto any part of the golf course laid out as a putting green, practise putting green, sand trap or bunker;
- (g) practise golf on any part of the golf course reserve except on those parts set aside and indicated by notice boards as practice tees, practice fairways and practice greens;
- (h) whilst playing golf on the golf course be accompanied by a non-playing spectator unless with the prior written consent of the Controller;
- (i) cross or trespass upon any portion of the golf course prepared for play or practice or on any practice fairway or practice putting green unless that person is a fee paying player or otherwise has permission of Council or the Controller to do so;
- (j) commence to play or practice golf when and for such period as the Controller shall direct when the Controller is of the opinion that such play or practise cannot commence or continue without damaging the golf course or creating a danger or hazard;
- (k) play golf otherwise than in a group of players of such minimum or maximum number as the Controller shall direct, provided that the maximum number shall not exceed that specified in clause 12 of these Local Laws; and
- (l) play golf with any group of players in any round other than the group with which he commenced that round unless with the prior consent of the Controller.

### **General**

8.1 The golf course shall be open for the playing or practising of golf on such days and at such times as the Council shall from time to time determine.

8.2 The Controller may at any time refuse permission for any person other than an officer of the Council to enter onto or remain on any portion of the golf course reserve but any person aggrieved by such refusal may appeal to the Council in writing and the Council's decision upon such appeal shall be final.

8.3 Any written authorisation granted, ticket issued or scorecard provided to a person to play golf shall be produced for inspection at any time to any person duly authorised by the Council to demand the production of same or to the Controller.

8.4 Any persons permitted to act as a caddie on the golf course reserve shall abide by any reasonable direction given by the Controller.

8.5 The number of persons playing golf together in any group on the golf course shall not exceed 4 (four) and in order to facilitate the even flow of play, the Controller may direct golfers at the commencement of the round to form into groups not exceeding 4 (four).

8.6 Any person authorised to play golf on the golf course shall commence play at the time directed by the Controller and any person who for any reason is unable to commence play at the time so directed shall thereafter only be entitled to play when the Controller directs.

8.7 Every player shall endeavour to keep his position in the order of play on the golf course and when a player is unable to do so for any reason he shall invite and permit the player or players next following him to play through.

8.8 Every player shall observe and comply with the directions of the Controller in respect of any special conditions of play and shall observe the requirements of any notice erected to direct or control play.

8.9 Every player shall at all times while on the golf course reserve observe the etiquette of golf and the rules of golf except as varied by any local rules detailed on any score card issued by the Controller and displayed on the notice board at the Controller's office.

8.10 The Controller may at any time withdraw, cancel or annul any permission or ticket authorising any person to play on the golf course where any of the by law provisions are breached.

8.11 No person shall be entitled to any refund of any fee paid for playing or practising on the golf course notwithstanding that such play or practice may for any reason not be completed on the day or within the hours permitted by any authorisation or ticket issued to that person.

8.12 All persons admitted to the golf course reserve are admitted on the condition that neither the Council nor any person for whose acts Council is responsible in law shall be liable to any person so admitted for injury or damage sustained by that person through any neglect default or omission of any other person thereon.

### **Administration**

9.1 Nothing in these Local Laws shall be construed so as to inhibit or preclude an employee, contractor or agent of the City from carrying out his normal and lawful duties.

9.2 The Council may, in writing under the hand of the CE, appoint an officer or officers to carry out the powers and duties conferred by these Local Laws including authorisation to service notices under Part 9 Division 2 Subdivision 2 and Part 5 of the Local Government (Functions and General) Regulations.

9.3 An officer appointed under clause 9.2 of these Local Laws shall, on demand show an identification card and certificate of appointment.

9.4 A person on the golf course reserve is to obey any lawful order of an officer appointed under clause 21 and must not in any way obstruct or hinder such officer.

**Penalties**

10.1 Every person who shall commit a breach of any provision of these Local Laws may forthwith be removed from or directed to leave the golf course reserve by any officer or employee of the Council, the Controller or by any member of the Police Force and such person shall also be liable to prosecution for such breach.

10.2 Any person who commits an offence under these local laws is liable, upon conviction, to the penalty specified in these local laws or, if no penalty is specified, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

10.3 (a) An offence against any provision of these local laws is a prescribed offence for the purposes of Section 9.16 (1) of the Act.

(b) The modified penalty for an offence against any provision of these local laws is \$100.

10.4 For the purposes of this local law:

- (a) the form of notice referred to in Section 9.13 of the Act is that of Form I in the Schedule to the Local Government (Functions and General) Regulations 1996; and
- (b) the form of infringement notice referred to in Section 9.17 of the Act is that of Form 2 in the Schedule to the Local Government (Functions and General) Regulations 1996; and
- (c) the form of the notice referred to in Section 9.20 of the Act is that of Form 3 in the Schedule to the Local Government (Functions and General) Regulations 1996.

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Dated 8th day of June 1999.

The Common Seal of the City of South Perth was hereunto affixed in the presence of:

S. E. PIERCE, Mayor.  
S. N. DOWNING, Acting Chief Executive.

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