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LOCAL GOVERNMENT ACT 1995

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**CITY OF SUBIACO**

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**LOCAL LAWS  
(STANDING ORDERS)**



**LOCAL GOVERNMENT ACT 1995**

## CITY OF SUBIACO

**LOCAL LAW (STANDING ORDERS) 1999**

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**LOCAL GOVERNMENT ACT 1995**

## CITY OF SUBIACO

**STANDING ORDERS LOCAL LAW 1999****Part 1—Preliminary****1.1 Citation**

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

**1.2 Application**

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.

**1.3 Interpretation**

- (1) In these Standing Orders unless the context otherwise requires:
  - “CEO” means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the City of Subiaco;
  - “committee” means a committee of the Council;
  - “Council” means the Council of the City of Subiaco;
  - “presiding member or person presiding” 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.
  - “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.
- (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The Standing Orders of the City of Subiaco published in the Government Gazette on 30 July 1982 are repealed.

**Part 2—Calling Meetings****2.1 Calling Committee Meetings**

A meeting of a committee is to be held—

- (a) if called by the Council;
- (b) if called for by at least  $\frac{1}{2}$  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, either in the opinion of the Mayor; or at least a third of the members, the CEO may give a lesser period of notice of a special meeting than mentioned in subclause (1).

**2.3 Mode of Serving Notice**

A notice of a meeting is considered duly served where the required period of notice has been given and where it has been hand delivered, sent by mail, facsimile machine, e-mail or other electronic or telecommunications method selected by the CEO as being a method compatible with the requirements of the Local Government Act for convening meetings.

**2.4 Cancellation of Meeting**

Where the Council has called either a Council, Special Council or Committee meeting and in the opinion of the Presiding Member; or a third of the Council or Committee there is no business to be transacted at the meeting the CEO is to send a Notice to each Council member at least 72 hours before the meeting that the meeting will not be held. Every effort will be made to provide notice to members of the public of the change.

### **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 person presiding 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, Special 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 where the Council by an absolute majority adds, subtracts or alters the business at the adjourned meeting and provides at least 72 hours notice of the change to each Council member.

#### **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) Declaration of Opening
- (b) Record of Attendance/Apologies/Leave of Absence (Previously Approved)
- (c) Response to Previous Public Questions Taken on Notice
- (d) Public question time
- (e) Applications for leave of absence
- (f) Petitions and Approved Deputations
- (g) Confirmation of minutes of Previous Meetings
- (h) Announcements by the Presiding Member without discussion
- (i) Reports of Committees and Officers
- (j) Elected members motions of which previous notice has been given
- (k) New business of an urgent nature approved by the person presiding or by decision of the Meeting
- (l) Closure of meeting

(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.

(3) Notwithstanding subclauses (1) and (2) in 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.

(4) 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 his or her 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, and a copy is to be included in the agenda of the next meeting of the Council or committee as the case requires.

#### **3.4 Petitions**

(1) A petition should take the following form—

- (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 the person upon whom, and an address at which, notice to the petitioners can be given;

(2) A petition must be in the form prescribed by the Act and Local Government (Constitution) Regulations 1996 if it is—

- (a) a proposal to change the method of filling the office of Mayor;
- (b) a proposal to create a new district or the boundaries of the Local Government;
- (c) a request for a poll on a recommended amalgamation;

- (d) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.
- (3) Formal petitions are to be presented to Council by a Councillor.
- (4) Where a petition does not relate to a matter in Clause (2) and does not conform to Clause (1), it may be treated as an informal petition and the CEO may at his or her discretion forward the petition to a committee or Council accompanied by an officer report.

### **3.5 Approved Deputations**

- (1) Deputations to Council meetings will only be received in special circumstances and only with the approval of the Council given by decision at a prior meeting.
- (2) Deputations to committees will only be received with the prior approval of at least a ½ of the members of the committee.
- (3) An approved deputation—
  - (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.

### **3.5 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, 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.
- (2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

### **3.7 Announcements by the Person Presiding Without Discussion**

At any meeting of the Council or a committee the person presiding may announce or raise any matter of interest or relevance to the business of the Council or committee.,

### **3.8 Elected Members 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 under subclause (1) is to be given at least four (4) clear working days before the meeting at which the motion is moved.
- (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 deemed to be 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) No notice of motion is to be out of order because the proposed action involved in the notice of motion is considered to be open to objection.
- (6) 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 or her in writing moves the motion when called on; or
  - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (7) If a notice of motion is given and lapses in the circumstances referred to in subclause (6) (a), a notice of motion in the same terms or the same effect is not to be given against for at least 3 months from the date of such lapse.

### **3.9 New Business of An Urgent Nature introduced with approval of the Person Presiding or by Decision**

In cases of extreme urgency or other special circumstance, matters may, with the consent of the person presiding, or by decision of the members present, be raised without notice and decided by the meeting. The measure of urgency shall be that the matter cannot wait until the next meeting for decision.

## **Part 4—Matters relating 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 Confidentiality of Information Withheld**

(1) Information withheld by the CEO from members of the public under Regulation 14.2, of the Regulations, is to be—

- (a) identified in the agenda of a Council or committee meeting under the item “Matters for which meeting may be closed”; and
- (b) marked “confidential” in the agenda.

(2) 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 his or her duties.

#### **4.3 Changing order of Business on Agenda**

(1) Business at the meeting shall be considered in the order it appears in the Agenda except where the person presiding announces a change in the order of business and such change shall be noted in the minutes.

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

(3) A member may move that a change in the order of business be accepted, and if carried by a majority of members present, such change shall be noted in the minutes.

### **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 on the agenda of that ordinary meeting or other committee meeting, from other recommendations of the committee, to enable the member concerned to disclose the interest and leave the room prior to consideration of that matter only.

#### **5.2 Council and committees may allow members disclosing interests to participate etc. in meetings**

(1) Where the Council or a committee is required to make a decision relating to whether a member who has disclosed an interest is able to be present in the meeting place as—

- (a) an observer
- (b) a participant in the discussion
- (c) able to vote on the matter

the member disclosing the interest shall leave the room while the decision relating to their presence is being determined.

(2) If it is decided at a meeting that a member who has disclosed an interest in a matter is permitted to be present during discussion or decision making relating to the matter or 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.

#### **5.3 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.

#### **5.4 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 to be Present**

(1) 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 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.

(2) If at any time during the course of a meeting of a committee a quorum is not present in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest the procedural motion "that the committee proceed to the next business" shall be deemed to have effect and the CEO is to submit the matter to the next following Council meeting for determination.

(3) If at any time during the course of a meeting of the Council or committee a quorum is not present because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the person presiding 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 person presiding 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.

(4) Where debate on a motion is interrupted by an adjournment under subclauses (2) or (3)—

- (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 intent of a recommendation of a committee or officer is varied or overturned an explanation of the change shall be recorded in the amended resolution, unless the change is of a minor nature.

### **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, (or its successor) 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 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.

(3) Any member who shall use an expression which in the opinion of the person presiding reflects offensively or objectionably on any member or officer of the Council, shall when required by the person presiding, unreservedly withdraw such expression and make a satisfactory apology to the Chair, and if he or she declines, or neglects to do so, the person presiding shall refuse to hear such member further upon the matter then under discussion and shall call upon the next speaker.

(4) If a member is of the opinion that the person presiding at a Council or committee meeting or another member has reflected adversely on a decision of the Council or committee or in reference to any member, employee of the Council, or any other person, that member may move a motion that the presiding person or the offending member be required to unreservedly withdraw such an expression and make a satisfactory apology to the meeting and if he or she declines, or neglects to do so, any member may move a motion of censure in the presiding member or the offending member in relation to the expression used.

(5) If a member of the Council or committee specifically requests, immediately after their use, that any particular words used by a member or the person presiding be recorded in the minutes, the person taking the minutes is to take down the words used and read them to the meeting for verification and then record them in the minutes.

### **8.3 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 (1) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee.

#### **8.4 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.

(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.

(3) Any person not being a member, who interrupts the orderly conduct of the business of the Council or committee and who does not obey an order of the person presiding to leave the meeting may be removed.

(4) Any person not being a member, who interrupts the orderly conduct of the business of the Council or committee and who does not obey an order carried by resolution of the meeting to leave the meeting may be removed.

#### **8.5 Distinguished Visitors**

If a distinguished visitor is present at a meeting of the Council or a committee, the person presiding may invite such person to sit beside the person presiding 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 person presiding to speak, members are to rise and address the Council through the person presiding, 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 person presiding is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

#### **9.3 The Person Presiding shall seek to be impartial**

The person presiding shall not make statements on matters before the Chair and shall not appear to be prejudiced either in favour or against the matter during the debate, except that where the person presiding wishes to take part in the debate they will first announce this to the meeting and include themselves in the priority of speakers and when this occurs all matters relating to the conduct of members during debate shall apply to the presiding member.

#### **9.4 Relevance**

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.

#### **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**

All addresses are to 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 10.19 or
- (d) to move a motion under clause 11(1)(e).

#### **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 member of the Council, including the mover, shall speak to a motion 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 person presiding may ask the meeting if any member opposes it.

(2) If no member signifies opposition to the motion the person presiding may immediately put the question to the vote.

(3) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.

(4) 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 person presiding 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 person presiding 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 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.

**10.8 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 Amendments**

Any amendment must be so expressed as to—

- (a) add to the motion
- (b) subtract from the motion
- (c) substitute words within the motion
- (d) be unambiguous and specific
- (e) indicate the placement of the amendment within the motion

**10.11 Amendments—Who May Move**

Any member, except the mover and seconder of the original motion, who feels that the motion is worded unsatisfactorily, or does not cover fully the point at issue, or wishes to delete some part of it, may propose an amendment to the motion provided he or she has not already spoken to it.

**10.12 Order of Amendments**

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

**10.13 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.

**10.14 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, they shall restrict their comments to addressing the amendment only. Where in the opinion of the person presiding the mover of the substantive motion has unreasonably addressed issues relating to the substantive motion during debate on the amendment the right of reply is forfeited by that person.

**10.15 Motion As Amended Becomes the Question**

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

**10.16 Substantive Motion**

When the person presiding is of the opinion that all amendments have been dealt with and all debate on the question before the meeting at that time has been exhausted he or she is to offer the right of reply unless forfeited and then put the amended motion to the vote.

**10.17 Withdrawal of Motion and Amendments**

Council or a committee may on a vote put 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. Where the seconder does not grant approval or where a member expresses a view to the contrary discussion on the motion or amendment is to continue.

**10.18 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. No substantive motion which includes an amendment may be withdrawn.

**10.19 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.

**10.20 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 required to seek the consent of the person presiding to make the personal explanation at that time or at the conclusion of the speech of the member then speaking.

**10.21 Ruling on Questions of Personal Explanation**

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

**10.22 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 or the person presiding 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. The person presiding shall call to order any member contravening this clause.

**10.23 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) 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.

**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) now adjourn;
- (d) that the question be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the person presiding be disagreed with;
- (g) that the question lie on the table
- (h) that the question be referred to committee
- (i) that the Council (or committee) close the meeting or part of the meeting to the public, 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.

**11.2 No Debate on Procedural Motions**

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

**11.3 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.

**Part 12—Effect of Procedural Motions****12.1 Council (or Committee) to Proceed to the Next Business—Effect of Motion**

The motion “that the Council (or committee) proceed to the next business”, 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, nor is there any requirement for the matter to be again raised for consideration.

**12.2 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.

(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.

**12.3 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 person presiding 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.

**12.4 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.

**12.5 Member to be No Longer Heard—Effect of Motion**

The motion “that the member be no longer heard”, if carried, causes the person presiding to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

**12.6 Ruling of the Person Presiding Disagreed With—Effect of Motion**

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

**12.7 That the Question Lie on the Table**

The motion “that the question lie on the table”, if carried, causes discussion to be suspended and later in the meeting or at another meeting the discussion can be resumed where it left off provided that a further motion has been carried “that the question (stating it) be taken from the table.” This motion can be moved only once during discussion on a substantive motion. If it is carried while an amendment is being discussed, both the original motion and the amendment are laid on the table. The motion “that the question lie on the table” will not be entertained once a motion is put to the vote. Neither it, nor the ‘raising’ motion are open to debate.

**12.8 That the Matter be Referred to Committee**

The motion "that the matter be referred to committee", if carried causes discussion to cease on the matter. The motion must state the committee to be entrusted with the matter and where that committee is to be given power to act must include the delegation. Where the matter is to be again referred to the Council the date the report is to be ready for consideration is to be stated in the motion. The motion to commit may be debated and the mover of this procedural motion has a right of reply.

**12.9 Council (or Committee) close the meeting or part of the meeting to the public—Effect of Motion**

(1) 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 person presiding, 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. Where no members of the public are in attendance at this time the reading of the motions can be dispensed with.

(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.

**Part 13—Making Decisions****13.1 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.

**13.2 Question—Method of Putting**

If a decision of the Council or a committee 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 so that no voter's vote is secret, before declaring the decision.

**13.3 Questions Unresolved**

Where, due to an equality of votes and in the case of the person presiding neglecting to or not wishing to make a casting vote the question is unresolved and the CEO is authorised to raise the matter again at the next following Council meeting irrespective of whether the matter was being considered by a committee or Council.

**Part 14—Implementing Decisions****14.1 Implementation of a Decision**

(1) If a notice of motion to revoke or change a decision of the Council or a committee is received 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 or change has been dealt with, except that—

- (a) if a notice of motion to revoke or change a decision of the Council or a committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under Regulation 10 of the Regulations indicate their support for the notice of motion at that meeting; and
- (b) if a notice of motion to revoke or change a decision of the Council or a committee is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of members required to support the motion under Regulation 10 of the Regulations and they have indicated this support by signing the written notice.

(2) Implementation of a decision is only to be withheld under sub-clause (1) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.

(3) The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or 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; or
- (c) where the decision came into effect immediately upon its being made under some other law or subsidiary legislation;

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 revocation or change.

## **Part 15—Preserving Order**

### **15.1 The Person Presiding to Preserve Order**

The person presiding is to preserve order, and may call any member or other person in attendance 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 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 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, is to immediately stop speaking and be seated while the person presiding 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 person presiding 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 person presiding 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 Person Presiding**

(1) When the person presiding rises to preserve order or to rule on a point of order, 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 person presiding may be heard without interruption.

### **15.9 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 is to 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) 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**

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, by the person presiding 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. Where no time or day is specified, notice of the resumption of the adjourned meeting is required to be given at least 72 hours prior to the time of the proposed resumption.

## **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.

(3) The Council may appoint the same person or persons to be the deputy or deputies of more than one member of a committee.

### **17.3 Presentation of Committee Reports**

(1) When the report or recommendations of a committee are placed before the Council, the adoption of recommendations of the committee is to be moved en bloc 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

who shall refer to the recommendations by their reference number.

(2) Where prior to the meeting or so soon as possible after the commencement of the meeting, any member has advised an appropriate person in subclause 1 that they wish to consider separately any of the recommendations of the committee, the person presenting the adoption of the recommendations shall exclude those so advised from the en bloc motion.

(3) Any recommendations of the committee not determined shall be placed before the Council by the person presiding at the Council meeting who shall call for a mover for each separate recommendation until all the recommendations have been dealt with.

### **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 person presiding to the Presiding Member, any member of the committee, or officer in attendance.

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

A recommendation placed before the Council under Clause 17.3 (2) 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) moved in its recommended form and then amended or modified and adopted with such amendment or modification; or
- (c) referred back to the committee for further consideration.

### **17.6 Certain Recommendations not to be submitted en bloc**

Recommendations are not to be submitted to the Council en bloc where:

- (a) an absolute majority vote is required
- (b) a special majority vote is required
- (c) a disclosure of interest has been made
- (d) a member has indicated they wish the recommendation to be considered separately

### **17.7 Standing Orders Apply to Committees**

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

**17.8 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.

**17.9 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 11.1 (f).

**Part 18—Administrative Matters****18.1 Correspondence**

(1) All official correspondence is to be addressed to the CEO.

(2) Where correspondence is addressed to the Mayor or a member and delivered to the administration centre, a copy will be forwarded to the Mayor or the member as the case may be.

(3) No member of the public is to distribute correspondence in the Council Chamber to members immediately before or during a Council meeting.

(4) The CEO is to use discretion in deciding what correspondence to place before the Council or a committee.

(5) Correspondence may be placed before the Council or a committee in the form of a précis, provided all relevant and material facts are contained in the précis.

(6) Where correspondence contains a matter to be decided by the Council or committee, the CEO is, if the circumstances permit, to recommend a course of action to the Council or committee, or state the alternative courses of action available.

**18.2 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) 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 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.

**18.3 Record of Information given to Elected Members**

The CEO is to ensure that a proper, reasonable and accurate record of information and advice given to Elected Members is kept.

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Adopted by a special majority of Council at its meeting held on 27 April 1999.

The common seal of the City of Subiaco was hereunto affixed by a resolution of Council in the presence of—

CHESTER BURTON, Chief Executive Officer.  
TONY (AV) COSTA JP, Mayor.

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