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LOCAL GOVERNMENT ACT 1995

**EASTERN METROPOLITAN
REGIONAL COUNCIL
STANDING ORDERS LOCAL
LAW 1998**

LOCAL GOVERNMENT ACT 1995

EASTERN METROPOLITAN REGIONAL COUNCIL

STANDING ORDERS LOCAL LAW 1998

Under the powers conferred by the Local Government Act 1995, the Council of the Eastern Metropolitan Regional Council resolved on 29 April 1999 to adopt the Model Local Law (Standing Orders) 1998 published in the *Government Gazette* on 3 April 1998, with such modifications as are here set out.

Citation

(1) This Local Law may be cited as the Eastern Metropolitan Regional Council Standing Orders Local Law 1998.

(2) In the clauses to follow, this Local Law is referred to as "the Standing Orders."

Schedule

Modification to the Model Local Law (Standing Orders) 1998

Item	Clause Affected	Description
1	1.3(1)	insert: <p>"deputy member" means one member of the Council of the participant appointed by the participant Council who may act temporarily in place of either member of the EMRC Council according to Clause 7.1(5) of the Establishment Agreement of the Eastern Metropolitan Regional Council.</p> <p>"member" means a member of the Council of the participant appointed by the participant Council to be a member of the EMRC Council."</p> <p>delete: "Presiding member" means the presiding member of a committee or the deputy Presiding member, or a member of the committee when performing a function of the Presiding member in accordance with the Act."</p>
2	1.4	Delete the whole clause
3	2.1(a)	Delete "member" and add: "Chairman or person"
4	2.1(c)	Delete "if so decided by the committee" and substitute "if called for by the CEO at bi-monthly intervals unless it is his or her view that a committee meeting should not be held or should be held more frequently."
5	2.2(1) (additional) "2.3"	Delete "72" substitute "48" Add: Validity of Documentation and Proceedings The validity of a document or the service of it, is not affected by an error, misdescription or irregularity which is not reasonably likely to mislead, or which in fact does not mislead."
6	(additional) "2.4"	Add: Failure to Receive Notice Failure by a member or members to receive notice duly given by the CEO will not invalidate the notice of the meeting or the proceedings of the meeting."
7	3.1(3)	Delete "member" and substitute "person"
8	3.1(4)	Add: "(in accordance with Clause 3.2 (Order of Business))"
9	3.2(1)	Delete the order of business as shown from "(a) to (m)" and substitute: <p>(a) Declaration of opening/announcement of visitors</p> <p>(b) Record of attendance/apologies/leave of absence (previously approved)</p> <p>(c) Disclosure of interests</p> <p>(d) Announcements by the Chairman or person presiding without discussion</p>

		(e) Response to previous public questions taken on notice
		(f) Public question time
		(g) Application for leave of absence
		(h) Petitions/deputations/presentations
		(i) Confirmation of minutes of previous meetings
		(j) Questions by members of which due notice has been given
		(k) Questions without notice
		(l) Announcement of confidential matters for which meetings may be closed to the public
		(m) Business not dealt with from a previous meeting
		(n) Reports of officers
		(o) Reports of committees
		(p) Reports of delegates
		(q) Elected members motions of which previous notice has been given
		(r) New business of an urgent nature approved by the Chairman or person presiding or by decision of meeting
		(s) Confidential matters for which the meeting may be closed to the public
		(t) Future meetings of Council
		(u) Declaration of closure of meeting"
10	(additional) "3.3	Add: Change to the Order of Business (1) The Chairman or person presiding may propose a change to the order of business. Any member may move that a change in order of business proposed by the Chairman or person presiding not be accepted and if carried by a majority of members present, the proposed change in order is not to take place."
11	(additional) "3.4	Add: Disclosure of Interests Written notices of disclosure of interests will be announced at that item in the order of business and again raised immediately before the matter is discussed."
12	(additional) "3.5	Add: Announcements by the Chairman or Person Presiding Without Discussion At any meeting of the Council or a committee the Chairman or person presiding is to announce or raise any matter of interest or relevance to the business of the Council or committee."
13	3.6	Delete the whole clause
14	(additional) "3.6	Add: Response to Previous Public Questions Taken on Notice (1) Where a question is taken on notice, a written answer will be forwarded to the questioner as soon as possible. (2) A summary of the answer will be recorded in the minutes of the following meeting of the Council or committee as a response to a previous question."
15	3.7	"Matters for which Meeting May be Closed" Delete the whole clause
16	3.3	Delete "3.3" and substitute "3.7." and add: "(4) If the answer to a question by a member of the public of which due notice has been given, cannot be provided at the meeting at which it is asked, the member of the public asking the question may request that the answer be given verbally at the next appropriate committee or Council meeting."
17	3.8	"Correspondence" —delete the whole clause
18	(additional) "3.8	Add: Applications for Leave of Absence A request for leave of absence may be made verbally by the member at the meeting or made in writing prior to the meeting."

19	3.9	Delete " 3.4 " substitute " 3.9 " and add: "/Deputations/Presentations (a) Petitions" Delete letter "(a)" substitute numeral "(1)" Delete letter "(b)" substitute numeral "(2)" delete "of the district" substitute "of participant Councils" Delete letter "(c)" substitute numeral "(3)" Delete letter "(d)" substitute numeral "(4)" Delete letter "(e)" substitute numeral "(5)" Delete letter "(f)" substitute numeral "(6)"
20	3.9(g)	Delete the whole sub-clause
21	3.9	Delete " 3.12 " " Deputations " and add: "(b) Deputations"
22	3.9(b)(1)	Delete "in writing", "forward the written request to" and "member" substitute "advise the", "person" and "of the receipt of the application."
23	3.9(b)(2)	Delete "member" substitute "person"
24	3.9(b)(3)	Add: "(unless a majority of members otherwise agrees)"
25	3.9(b)(3)(b)	Add: "fifteen (15)"
26	3.9(b)(4)	Add: "subject to the members present deciding otherwise"
27	3.9	Add: "(c) Presentations" (1) If the CEO determines that it would be beneficial for a presentation to be made, with the agreement of the Chairman, the presentation may take place under this order of business or at the time of dealing with that particular item of business. (2) The time for the presentation and any questions from members will be determined by the Chairman or person presiding according to the particular case or circumstance."
28	3.5	Delete " 3.5 " substitute " 3.10 " and add: " of Previous Meetings "
29	3.5 " 3.10 "	Add: "(3) It is not permissible to change a decision taken at a meeting unless the resolution was incorrectly recorded."
30	3.10	Delete " 3.10 " substitute " 3.11 "
31	3.11(1)	Delete "four (4) clear working days" substitute "forty eight (48) hours" and (3) Insert: "Chairman or"
32	(additional) " 3.12 "	Add: Questions Without Notice For purposes of this item of order of business, the expression "question" means a request for information or an enquiry. A question requesting general information from an Officer present at the meeting may be asked without notice, but the Officer shall have the right to ask that: (i) the question be placed on notice for the next meeting of the Council; or (ii) the answer to the question be given to the member who asked it prior to the next ordinary meeting of Council. If the answer to the question without notice cannot be given at the meeting at which it is asked, the member asking the question may request that the answer be given to the appropriate committee or Council meeting and the Chairman or person presiding may if he or she shall think fit, so direct."
33	(additional) " 3.13 "	Add: Announcement of Confidential Matters for Which Meetings May Be Closed to the Public Confidential matters for which the meeting may be closed to the public will be announced at that order of business."
34	(additional) " 3.14 "	Add: Business Not Dealt With From a Previous Meeting The CEO will bring forward any business which appeared on the agenda of a previous meeting and was not dealt with."

- 35 (additional) Add:
"3.15 Reports of Officers
 The CEO may, at his discretion, submit reports of officers directly to the Council meeting under this item at that order of business."
- 36 (additional) Add:
"3.16 Reports of Committees
 Reports of committees are to be considered under this item at that order of business."
- 37 (additional) Add:
"3.17 Reports of Delegates
 (1) Members have the opportunity to provide reports on authorised activities attended on behalf of the EMRC.
 (2) Reports of delegates which require a decision of Council will be considered at a future meeting under a written report, unless the Council or the committee decides otherwise on the grounds of urgency.
 (3) The Chairman or person presiding shall have the discretion to declare any report out of order, and if he or she does so, the member shall immediately cease speaking."
- 38 3.9 Delete "3.9" substitute "3.18"
- 39 3.9—"3.18" Add: **"Members"**
- 40 3.9—"3.18"(3) Delete the whole sub-clause
- 41 3.9—"3.18"(4) Delete numeral "4" substitute numeral "3"
- 42 3.9—"3.18"(5) Delete numeral "5" substitute numeral "4" delete "policy" substitute "subject"
- 43 3.9—"3.18"(6) Delete numeral "6" substitute numeral "5"
- 44 3.9—"3.18"(5)(b) Delete "agrees" substitute "decides"
- 45 3.9—"3.18"(7) Delete numeral "7" substitute numeral "6"
- 46 3.11 Delete "3.11" substitute numeral "3.19"
- 47 3.11—"3.19" Delete **"Urgent Business Approved by the Person Presiding or by Decision"** substitute **"New Business of an Urgent Nature Approved by the Chairman or Person Presiding or by Decision of Meeting"**
 And add: "Chairman or"
- 48 (additional) Add:
"3.20 Confidential Matters For Which the Meeting May Be Closed to the Public
 (1) Under this order of business, the Council may resolve to close the meeting to the public to consider confidential matters.
 (2) Unless otherwise determined by the Chairman or person presiding confidential matters will be dealt with in the order in which they appear on the agenda.
 (3) The Council is to determine any Officers, employees and consultants who shall remain at the meeting.
 (4) At the discretion of the CEO, consultants remaining when the meeting is closed to the public, may be required to sign a confidentiality agreement prior to the meeting proceeding."
- 49 (additional) Add:
"3.21 Future Meetings of Council
 Under this order of business, future meeting dates as previously resolved or amended according to the Act, will be listed."
- 50 4.2(1)(a) Delete " "Matters for which meeting may be closed" " substitute " "Confidential matters for which the meeting may be closed to the public"."
- 51 6.1(2) Add:
 "(2) Every meeting shall proceed to business as soon after the time stated in the summons as a quorum is constituted; but if a quorum is lacking thirty (30) minutes after the appointed time of the meeting, the meeting shall be adjourned."
- 52 6.2(b) Add: twice "Chairman or" delete "five" substitute "not more than fifteen (15)"
- 53 6.2(2) Delete the whole sub-clause
- 54 (additional) Add:
"6.3 Deputy Members
 (1) Where a member of the Council is unable to attend a meeting or part of a meeting a deputy member may attend in place of that

		member provided that the deputy member has been nominated by the participant which nominated the absent member.
		(2) The deputy member is required to have taken an Oath or Affirmation of Allegiance and made a declaration in the prescribed form before acting in the office.
		(3) While entitled to attend that meeting in place of the member, or act for the member, the deputy member has all the powers of that member."
55	7.1	Delete the whole clause
56	7.2	Delete the heading " 7.2 Preservation of Minutes " substitute " 7.1 Preservation of Agendas and Minutes "
		Add: "Regional" and "(LISWA)"
57	8.1	Add:
		"or Member."
58	8.2	Delete the whole clause and substitute "At the first meeting held after each ordinary election day, the CEO is to allot, by random draw, a position at the Council table, to each participant Council and the members from that participant Council are to occupy that position when present at meetings of the Council until such time as there is a call by a majority of members for a re-allotment of positions. Subject to Clause 8.7, no other persons, including deputy members (unless acting in accordance with clause 6.3), will be seated at the Council table other than EMRC Officers nominated by the CEO."
59	8.4(3)	Delete the whole of sub Clause 3 and substitute "In relation (only) to a breach of Clause 8.4(2), if a member of the Council or a committee specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the Chairman or 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."
60	8.6	Add:
		"(3) Any person interrupting the proceedings of the Council or the committee shall, when so directed by the Chairman or person presiding, forthwith leave the Council Chamber or committee meeting room."
61	9.1	Delete " to Rise " substitute " Wishing to Speak ", add twice "Chairman or", delete "rise and", add "and may rise or remain seated while speaking," and delete "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."
62	9.2	Add: "Chairman or"
63	9.3	Add: " Chairman or " to the heading.
		Delete the whole of Clause 9.3 and substitute "Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in these Standing Orders, the Chairman or person presiding may take part in a discussion of any matter before the Council or committee as the case may be. Provided that where the Chairman or person presiding moves a motion or amendment he or she shall first vacate the chair and the deputy Chairman or other person elected for the purpose shall preside over the meeting during such time as the motion or amendment is being debated and voted upon."
64	9.5	Add: "personal"
65	9.7	Add: "Chairman or"
66	9.8	Add:
		"(1)" and
		"(2) Any member interrupting the proceedings of the Council or the committee shall, when so directed by the Chairman or person presiding, forthwith leave the Council Chambers or committee meeting room."
67	(additional)	Add:
	"9.9	Respect for the Chairman or Person Presiding and Speaker
		When a motion is being voted upon, a member shall not walk out of, or across the Chamber and shall not, whilst any other member is speaking, pass between the speaker and the Chair."
68	9.9	Delete the numeral " 9.9 " and substitute " 9.10 " and add "In the case of a motion which was lost, no member is to re-open debate on that

		subject (except with the consent of an absolute majority of Council) for at least three (3) months from the date of such motion."
69	10.3(1)	Add: "Chairman or"
70	10.3	Delete the whole sub Clause (2) and substitute: "(2) If no member signifies opposition to the motion the Chairman or person presiding may put the motion directly to the vote" and delete the whole of sub Clause (3).
71	10.3(4)	Delete the numeral "4" and substitute the numeral "3"
72	10.3(5)	Delete the numeral "5" and substitute the numeral "4"
73	10.6(c) & (d)	Add: "be invited to"
74	10.6(h)	Delete "takes" and substitute "invited to take"
75	10.12	Delete " Not to " and substitute " May " and delete the whole of Clause 10.12 and substitute "On an amendment being moved, any member may speak to the amendment."
76	10.13	Add: " Amended Motion Treated as "
77	10.16	Delete "rises to explain" and substitute "conveys their explanation," and add "Nor should he or she seek to strengthen his or her former argument by introducing new matter or by replying to other members."
78	10.20(b)	Add: "In the case of a negative vote on the amendment, any members who have not spoken to the original motion have the right to do so prior to the right of reply"
79	11.1(g)	Delete "meet behind closed doors" and substitute "meeting be closed to the public,"
80	12.3(1)	Add: "In the case of a meeting being adjourned to the day and time of the next ordinary meeting, the business adjourned from the previous meeting will be dealt with at that order of business—"Business Not Dealt with from a Previous Meeting." "
81	12.7	Delete " Council (or Committee) to Meet Behind Closed Doors—Effect of Motion " and substitute " Council (or Committee) Should be Closed to the Public—Effect of Motion "
82	12.7(1)	Delete "any deferral under Clause 3.13 or other decision of the" and substitute "Clause 3.20 or any other decision of the" and add "or consultant"
83	12.7(3)	Add: "Chairman or"
84	12.7(4)	Delete the whole of Clause 4 and substitute: "(4) All discussion, matters and questions considered or discussed by committees of the Council or the Council while the meeting is closed to the public shall be treated as strictly confidential and shall not without the authority of the Council, the committee or the CEO (as the case may be) be published or made public in any way, or disclosed to any person other than the Chairman, members, or Officers of the Council or the CEO of participant Councils (and in the case of Officers only so far as may be necessary for the performance of their duties) prior to the discussion of that matter at a meeting of the Council open to the public."
85	13.1	Insert: "Chairman or"
86	13.2	Insert: "Chairman or" and Add: "This provision has no effect in regard to a secret ballot conducted under Schedule 2.3 of the Act."
87	14.1	Insert: "valid"
88	14.1(1)(a)	Delete "(a)" and "; and"
89	14.1(1)(b)	Delete the whole sub-Clause.
90	14.1(3)(a)	Delete "(a)" and "; or" and delete the whole of sub-Clause (b) and add: "possible".
91	15.1	Insert: " Chairman or " in the heading and "Chairman or" in the Clause.
92	15.3	Insert: "is to" and "Chairman or"
93	15.4(c)	Insert: "the Standing Orders or" and "Regional"
94	15.6	Insert: "Chairman or"
95	15.8	Insert: " Chairman or " in heading
96	15.8(1)	Insert twice "Chairman or" and delete "or" and substitute "or public" and delete "sit down" and substitute "cease speaking and is to be seated"
97	15.9	Insert: " Chairman or "

98	15.9(1)	Insert: "Chairman or"
99	16.1	Add: "In any event, every Council or committee meeting, subject to Clause 16.3, shall (unless prolongation of the meeting is resolved by an absolute majority) terminate not later than 11.00 pm and any business not concluded at that time shall stand adjourned to a future meeting as decided by the Council or committee."
100	16.2	Delete "sitting" and substitute "meeting"
101	16.3	Insert: "Chairman or"
102	16.5	Insert: "Chairman or"
103	17.1	Add: "(1)" and "(2) The powers and duties of the committees shall be as the Council from time to time defines."
104	17.2	Add: "(3) Any member who is not available to attend a scheduled committee meeting shall make arrangements for his or her proxy (in order of priority as selected by Council) to attend in his or her stead."
105	17.3 "17.3"	Delete whole Clause and substitute: Appointment of Members from Participants to Committees (1) Where the Council establishes a committee with members from participants, the appointment of those members shall be made according to the wishes of the participants. (2) Where the members of a committee established by the Council are to be employees of participants, those employees are to be the CEO of the respective participants or employees appointed by the CEO of the respective participants."
106	17.4	Insert: "Chairman or" and "of the committee"
107	17.5	Add: "(1)" and "(2) Where in the opinion of the Chairman or person presiding an amendment or modification of a recommendation alters the substance or effect of the recommendation, the Chairman or person presiding shall require a new motion to be put forward prefaced by the words "I move that the Recommendation be rejected and that...." "
108	17.6	Add: "(1)" and delete the whole of sub-clause "(b)" and delete "(c)" and substitute "(b)" and Add: "(2) These Standing Orders are to apply after making the appropriate alterations to meetings of committees which are held via teleconference, e-mail or other electronic or telecommunication means."
109	18.1	Add: "(3) Any Standing Order so suspended will remain suspended until decided otherwise by the Council."
110	18.2	Insert twice "Chairman or"
111	(additional) "18.3"	Add: Representation on Public Bodies Wherever it becomes necessary to nominate a member of Council to represent the Council on a Public Body or State Instrumentality, that nomination shall be made by Council."
112	(additional) "18.4"	Add: Protection of Officers All complaints by members concerning the ability, character or integrity of any Officer or employee of the Council shall be in writing and be signed by the person or persons making the complaint and shall be addressed to the Chairman who shall investigate the same and report thereon to the Council at its next meeting."
113	(additional) "18.5"	Add: Enforcement The Chairman or person presiding is authorised to enforce the Standing Orders and to prosecute for any breach thereof."
114	19.1(1)	Delete "Local Government" and substitute "Eastern Metropolitan Regional Council,"
115	19.1(2)	Delete "Local Government" and substitute "Eastern Metropolitan Regional Council" and delete "may only be used on the authority of"



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