



WESTERN  
AUSTRALIAN  
GOVERNMENT

**Gazette**

81



PERTH, MONDAY, 10 JANUARY 2000 No. 5 SPECIAL

PUBLISHED BY AUTHORITY KEVIN J. McRAE, ACTING GOVERNMENT PRINTER AT 3.45 PM

LOCAL GOVERNMENT ACT 1995

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**TOWN OF KWINANA**

**LOCAL LAW—STANDING  
ORDERS**



**LOCAL GOVERNMENT ACT 1995**

## TOWN OF KWINANA

**LOCAL LAW—STANDING ORDERS**

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**LOCAL GOVERNMENT ACT 1995**

## TOWN OF KWINANA

**LOCAL LAW RELATING TO STANDING ORDERS**

Under the powers conferred by the Local Government Act 1995 and of all other powers enabling it, the Council of the Town of Kwinana hereby records having resolved on the 27th day of October 1999 to make the following Standing Orders local law.

**1. CITATION**

- (1) This Local Law may be cited as *the Town of Kwinana Standing Orders Local Law 1998*.
- (2) In the clauses to follow, this Local Law is referred to as "the Standing Orders."

**2. COMMENCEMENT AND APPLICATION**

- (1) This Local Law comes into effect 14 days after the date of its publication in the *Government Gazette*.
- (2) All meetings of the Council or a Committee and other matters as prescribed are to be conducted in accordance with the Act, Regulations and these Standing Orders.

**3. INTENT**

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 the business of Council; and
- (d) the more efficient and effective use of time at meetings.

**4. REPEAL OF PREVIOUS LOCAL LAW**

The Town of Kwinana Local Law relating to the Conduct of Proceedings and the Business of Council published in the *Government Gazette* on 18 January 1991 is hereby repealed.

**5. INTERPRETATIONS**

The following interpretations should be used in these Standing Orders, unless the context otherwise requires—

- "**Act**" means the Local Government Act, 1995, and amendments;
- "**CEO**" means the Chief Executive Officer of the Town of Kwinana or other officer who, for the time being, is acting in that capacity;
- "**Clause**" means a clause of this Local Law;
- "**Closed Doors**" means a meeting of the Council or Committee where no member of the public or media are present;
- "**Committee**" means a Committee of the Council
- "**Council**" means the Council of the Town of Kwinana;
- "**Petition**" means a formal written request signed by a number of persons to the Council and dealt with in accordance with clause 14;
- "**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;
- "**Regulations**" means the Local Government (Administration) Regulations 1996, and amendments;
- "**Substantive motion**" means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

**6. MEETINGS—NOTICE AND BUSINESS****6.1 Calling Ordinary or Special Meetings of Council**

An ordinary or a special meeting of the Council is to be held if called for in accordance with Section 5.4 of the Act.

**6.2 Meeting Day and Time**

- (1) The Council shall resolve, at the first meeting held after an ordinary elections day, the days and times each month when ordinary Council meetings shall be held;
- (2) No alteration to the days or times of Ordinary Council meetings other than a temporary alteration to remain in force for not more than one month shall be made unless at least two months' notice of the motion to alter such days or times shall be given and such alteration shall be agreed to by an absolute majority of the Council.

### **6.3 Kind of Meetings**

Meetings of the Council and Committees shall be of two kinds, "ordinary" and "special". Ordinary meetings are those called at such place and at such times as the Council or the Committee from time to time, appoints for the transaction of the ordinary business of the Council or Committee. Special meetings are those called to consider special business, the nature of which shall be specified in the notice convening the meeting.

### **6.4 Notice of Meetings—Members to Receive Notice**

Before any ordinary or special meeting of the Council a notice signed by the CEO, stating the place, date and time of holding the meeting, and specifying the business to be transacted, shall be transmitted by post, or otherwise left or delivered to each member, at least 72 hours before the meeting, at the usual or last known place of abode or business, or to another address any member may request by notice in writing to the CEO. The notice giving the date, time and place of the meeting and the agenda, with supporting reports, shall be served on each of the members of the Council at least seventy two (72) hours before the time of the commencement of the meeting.

### **6.5 Special or Emergency Meeting**

(1) Subject to sub-clause (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 sub-clause (1).

### **6.6 Business to be Specified on Agenda**

(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 and accompanied by a report from the relevant Council employee.

(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 and accompanied by a report from the relevant Council employee.

(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.

### **6.7 Urgent Business**

In cases of extreme urgency or other special circumstances, matters may, by a simple majority of the members present, be raised without notice and decided by the meeting.

### **6.8 Confidential Business**

(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 to be dealt with Behind Closed Doors"; 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.

Penalty \$5,000

### **6.9 Failure to Receive Notice not to Invalidate Proceedings**

Failure to receive a notice on the part of any member of the Council or a Committee shall not affect the validity of the meeting so long as all reasonable steps have been taken to serve such notice.

## **7. MEETINGS—QUORUM**

### **7.1 Quorum To Be Present**

The Council or a Committee shall not transact business at a meeting unless a quorum is present.

### **7.2 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 person presiding is to suspend the proceedings of the meeting for a period of no less than five (5) minutes and no longer than an hour, 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.
- (2) Where debate on a motion is interrupted by an adjournment under sub-clause (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 17.4 apply when the debate is resumed.

## **8. MEETINGS—MINUTES**

### **8.1 Recording and Reading of Minutes**

- (1) Binding, pasting or otherwise permanently affixing the minutes to the leaves of a book shall be a sufficient recording of the minutes in the Minute Book.
- (2) Reading of the minutes of a previous meeting may be dispensed with provided that a copy of those minutes has been supplied to each member of the Council or Committee as the case requires at least 72 hours prior to the date of the ordinary meeting at which they are presented for confirmation.

### **8.2 Confirmation of Minutes**

The minutes of any preceding Council or Committee meeting not previously confirmed, shall be submitted for confirmation to the next meeting of the Council or Committee, and no discussion of them shall be permitted except as to their accuracy as a record of the proceedings. Each page of the minutes shall subsequently be initialled and dated by the person presiding over the meeting, except that the last page of the minutes must receive a full signature and date.

### **8.3 Content of Minutes**

In accordance with Regulation 11 of the Regulations, the content of minutes of a meeting of the Council or a Committee is to include—

- (a) where a decision made at the meeting is significantly different from the relevant written recommendation of a Committee or an employee of the Council, or;
- (b) where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled,

the reasons for the decision.

### **8.4 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 Council 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.

## **9. MEETINGS—ORDER OF BUSINESS**

### **9.1 Ordinary Meetings of Council**

The order of business at ordinary meetings of Council, unless altered by a Council resolution to that effect, shall be as nearly as practicable as follows—

- (a) opening prayer
- (b) apologies and leave of absence (previously approved)
- (c) question time for the public
- (d) applications for leave of absence
- (e) disclosure of financial interest by members and Council officers
- (f) permission to speak more than once
- (g) community submissions
- (h) confirmation of minutes
- (i) receipt of minutes and consideration of recommendations from Committee meetings
- (j) petitions, deputations and presentations
- (k) notices of motion
- (l) reports
- (m) urgent business
- (n) Councillors reports
- (o) response to previous public questions
- (p) Councillors question time
- (q) question time for the public
- (r) Mayoral announcements (without discussion)

- (s) matters to be dealt with behind closed doors
- (t) closure

## **9.2 Special Meetings**

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.

## **9.3 Special Matters for Decision**

Notwithstanding sub-clause (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 the CEO considers is appropriately decided, by that meeting.

# **10. MEETINGS—PUBLIC CONDUCT**

## **10.1 Prevention of Disturbance**

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

Penalty \$1,000

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

Penalty \$1,000

## **10.2 Leaving Meetings**

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

# **11. ROLE OF THE PERSON PRESIDING**

## **11.1 Mayor to Preside at Meetings of Council**

The Mayor, if present, able and willing shall preside at all meetings of the Council and in the Mayor's absence, the Deputy Mayor shall preside. If the Deputy Mayor is not present, able or willing then one of the Councillors chosen by the Councillors then present shall preside.

## **11.2 Directions by the Person Presiding**

(1) At any meeting of the Council the person presiding shall have the right to direct attention to any matter of interest or relevance to the business of the Council or propose a change to the order of business.

(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 will not take place.

## **11.3 The Person Presiding to Take Part in Debates**

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

# **12. QUESTIONS**

## **12.1 Public Question Time**

(1) Question time for members of the public shall be allocated at—

- (a) every ordinary Council meeting;
- (b) every special Council meeting;
- (c) every meeting of a Committee with a delegated power or duty.

(2) The maximum time for each public question time shall be 15 minutes, unless the Council, by resolution, extends the time limit in order to allow further questions to be put by members of the public. Each person wishing to ask a question or questions within public question time will be allowed a maximum of 3 minutes, with additional questions that will exceed this time to be submitted in writing.

(3) A member of the public who raises a question during question time is to state his or her name and address.

## **12.2 Questions on Notice**

(1) If a question asked by a member of the public or a Councillor cannot be answered at the meeting, the question will be taken on notice and responded to in writing, within fourteen (14) days after the meeting. A summary of the response to the question is to be included in the agenda or the minutes of the next meeting of the Council or the Committee as the case requires.

(2) Councillors or members of the public seeking to ask a question at any meeting of the Council can give written notice of the specific question to the CEO by 12 noon on the day of the Council or Committee meeting as the case may be. The person presiding shall cause the question and response, *if available*, to be read to the meeting.

## **12.3 Questions—General**

(1) All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

(2) In putting any questions, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.

### **13. COMMUNITY SUBMISSIONS**

Any member of the public may during the Community Submissions segment of the Agenda, with the consent of the person presiding, speak on any matter before the Council or Committee, provided that—

- (a) the person has requested the right to do so in writing addressed to the CEO by noon on the day of the meeting.
- (b) the person's speaking right to be exercised before Council debates the particular Agenda item.
- (c) the person speaking during Community Submissions will be limited to a maximum period of three (3) minutes, unless extended by the consent of the meeting which will be decided without debate.

### **14. PETITIONS**

#### **14.1 Petition Intent & Legibility to be Clear**

A petition to Council may be received, provided that the intention and legibility of the petition are clear.

#### **14.2 Contents of Petition**

A petition must contain—

- (a) the names, addresses and signatures of the petitioners;
- (b) the name and address of the person who lodged the petition with the Council shown on the front of the petition; and
- (c) the subject of the petition at the top of each page.

#### **14.3 Consideration of Petition by Council**

The only question which shall be considered by the Council on the presentation of any petition shall be—

- (a) that the petition shall be received; or
- (b) that the petition shall not be received; or
- (c) that the petition be received and a report prepared; or
- (d) that the petition be received and be referred to a Committee for consideration.

### **15. NOTICES OF MOTION**

#### **15.1 Notice of Motion to be in Writing**

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 either—

- (a) at the last previous Council meeting, or
- (b) at least seven (7) clear days before the meeting at which the motion is moved.

#### **15.2 Subject of Notice of Motion**

Every notice of motion shall relate to the good government of persons in the district and the CEO, with the concurrence of the Mayor, shall rule out of order any notice which does not comply with this clause.

#### **15.3 Officer Report to Address Notice of Motion**

An officer report is to be prepared in respect of each notice of motion received, addressing the issue or issues raised in the notice and the report is to be considered in conjunction with the notice of motion.

#### **15.4 Exclusion or Amendment of Notice of Motion**

(1) The CEO—

- (a) with the concurrence of the Mayor, may exclude from the Agenda 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.

(2) No notice of motion is to be out of order because the policy involved is considered to be objectionable.

#### **15.5 Motion to Lapse**

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.

#### **15.6 Repetition of Lapsed Motions**

If a notice of motion is given and lapses in the circumstances referred to in subclause (15.5) (a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.

## **16. CONDUCT AT COUNCIL AND COMMITTEE MEETINGS**

### **16.1 Official Titles to be Used**

Members of the Council shall speak of each other in the Council or committee by their respective titles of Mayor or Councillor. Members of the Council, in speaking of or addressing officers, shall designate them by their respective official titles.

### **16.2 Adverse Reflection**

(1) No member of the Council is to reflect adversely upon a decision of the Council, except on a motion that the decision be revoked.

(2) No member of the Council or a Committee may use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.

(3) If a member of the Council or Committee 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.

### **16.3 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.

### **16.4 Reporters**

Accredited reporters of the press and other media—

- (a) are to be permitted to attend any meeting of the Council or a committee which is open to the public, in such part of the meeting room as may be set aside for them;
- (b) must withdraw during the period when the Council or Committee is sitting behind closed doors.

### **16.5 Alcohol**

Consumption of alcohol in a meeting of the Council or a Committee is prohibited.

### **16.6 Smoking**

Smoking in a meeting of the Council or a Committee is prohibited.

### **16.7 Recording of Proceedings**

(1) No member of the public 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) Sub-clause (1) does not apply if the record is taken by or at the direction of the CEO. The following meetings shall be tape recorded, except where the Council or Committee sit behind closed doors—

- (a) all Council meetings,
- (b) Committee meetings, at the request of the person presiding, the Mayor or CEO.

(3) All tapes shall be retained for at least a period of sixty (60) days, following the minutes having been confirmed. Any such tape recordings of any Council or Committee meeting may be retained in excess of the sixty (60) day period for legal or pending legal action purposes, following the written request for retention to the CEO from any member, employee or member of the public, following the confirmation of the minutes and subject to the request being received within the sixty (60) day retention period.

(4) Access for the purpose of listening to the tape recording of any Council meeting, with the exception of any matter discussed behind closed doors in accordance with the Act, shall be given to any member, employee or member of the public, at the Council Administration Centre.

(5) A copy of the tape, or a transcript of all or part of the meeting, with the exception of any matter discussed behind closed doors in accordance with the Act, is to be made available to a member of the public on payment of the fee determined by the Council from time to time.

(6) Any person who tampers with a tape recording of a meeting so as to produce a false record, commits an offence.

Penalty \$1,000

(7) Mobile telephones and audible pagers are not to be switched on nor used in the Council Chamber or other Council meeting rooms during meetings of the Council or Committee.

## **17. CONDUCT OF MEMBERS DURING DEBATE**

### **17.1 Members to Rise**

Every member of the Council wishing to speak shall indicate by raising their hand. When invited by the person presiding to speak, members shall stand and address the Council through the person presiding, provided that any member of the Council unable conveniently to stand by reason of disability, sickness or infirmity shall be permitted to sit while speaking.

### **17.2 Priority of Speakers**

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

### **17.3 Relevance**

Every member of the Council shall restrict their remarks to the motion or amendment under discussion, or to an explanation or point of order.

**17.4 Limitation of Number of Speeches**

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

**17.5 Limitation of Duration of Speeches**

All addresses shall be limited to a maximum of ten (10) minutes. Extension of time is permissible only with the agreement of a simple majority of members present.

**17.6 Members Not to Speak After Conclusion of Debates**

No member of the Council may speak to any question after it has been put by the person presiding at the meeting.

**17.7 Members Not to Interrupt**

No member of the Council or Committee is to make any undue noise or interrupt another member of the Council or Committee whilst speaking, unless—

- (a) to raise of point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 18.16;
- (d) to move a motion under clause 19.1 (e).

**17.8 Re-opening Discussion on Decisions**

No member of the Council or 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.

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

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

**18. PROCEDURES FOR DEBATE OF MOTIONS****18.1 Motions to be Stated**

Any member of the Council or Committee who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it.

**18.2 Motions to be Seconded**

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.

**18.3 Only One Substantive Motion Considered**

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

**18.4 Breaking Down of Complex Questions**

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

**18.5 Order of Call in Debate**

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

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion. Where there is no speaker against the motion the person presiding may put 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.

**18.6 Limit of Debate**

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

**18.7 Member May Require Question 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.

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

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

**18.9 Order of Amendments**

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 withdrawn or lost.

**18.10 Amendments Must Not Negate Original Motion**

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

**18.11 Mover of Motion Not to Speak on Amendment**

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

**18.12 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.

**18.13 Withdrawal of Motion and Amendments**

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

**18.14 Limitation of Withdrawal**

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

**18.15 Personal Explanation**

No member shall speak at any meeting of the Council or a Committee, except upon the matter before the Council or Committee, unless it is to make a personal explanation. Any member of the Council or Committee who is permitted to speak under these circumstances must confine their 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.

**18.16 Personal Explanation—When Heard**

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

**18.17 Ruling on Questions of Personal Explanation**

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

**18.18 Right of Reply**

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

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

**18.19 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.

**19. PROCEDURAL MOTIONS****19.1 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 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.

**19.2 No Debate on Procedural Motions**

(1) The mover of a motion stated in each of paragraphs (a), (b), (c), (f) and (g) of clause 19.1 of these standing orders 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 19.1 of these standing orders 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.

**19.3 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.

**19.4 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.

**20. EFFECT OF PROCEDURAL MOTIONS****20.1 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.

**20.2 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 17.4 apply when debate is resumed.

**20.3 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 sub-clause (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 17.4 apply when the debate is resumed.

**20.4 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.

**20.5 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.

**20.6 Ruling of the Person Presiding Be 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.

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

(1) The motion “that the Council (or Committee) meet behind closed doors”, if carried, causes the general public and any officer or employee as the Council or Committee determines, to leave the room.

(2) Meetings or parts of meetings, may be closed to the public if the meeting or part of the meeting deals with any of the following—

(a) a matter affecting an employee or employees of the Town of Kwinana;

(b) the personal affairs of any person;

(c) a contract entered into, or which may be entered into, by the Council and which relates to a matter to be discussed at the meeting;

(d) legal advice obtained, or which may be obtained, by the Council and which relates to a matter to be discussed at the meeting;

- (e) a matter that if disclosed would reveal—
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the Council;
  - (f) a matter that if disclosed, could be reasonably expected to—
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the Council's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
  - (h) such other matters as may be prescribed by regulations made under the Act.
- (3) While a decision made under this clause is in force, the operation of clause 17.4 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.
- (4) Upon the public again being admitted to the meeting the person presiding, unless the Council or Committee decides otherwise, is to cause the motions passed by the Council or Committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.
- (5) 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

## **21. MAKING DECISIONS**

### **21.1 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.

### **21.2 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.

## **22. IMPLEMENTING DECISIONS**

(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.

(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;

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.

## **23. PRESERVING ORDER**

### **23.1 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 a cause for doing so.



**23.2. 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.

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

(1) 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.

(2) All points of order raised are to be recorded in the minutes of the meeting, together with the ruling on the point of order given by the person presiding.

**23.4 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 these Standing Orders, any written law, or policy of the Council, provided that the member making the point of order states the Standing Order, the written law or policy believed to be breached.

**23.5 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.

**23.6 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.

**23.7 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.

**23.8 Precedence of Person Presiding**

(1) When the person presiding speaks 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 person presiding may be heard without interruption.

Penalty \$500

(2) Sub-clause (1) is not to be used by the person presiding to exercise the right provided in clause 11.3, but to preserve order.

**23.9 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 (15) 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 17.4 apply when the debate is resumed.

**24. ADJOURNMENT OF MEETING****24.1 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.

**24.2 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.

**24.3 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.

**24.4 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.

**24.5 Notice of Adjourned Meeting**

When a meeting of the Council is adjourned to a day and hour other than the next Ordinary Meeting of the Council, notice of the adjourned meeting shall, if time permits, be sent in the manner provided by Clause 6.4 of this local law to each member specifying the nature of the business to be transacted.

**25. DECISIONS MADE AT ELECTORS' MEETINGS**

Minutes of Electors' meetings are to be presented for consideration of the Council in accordance with Section 5.33 of the Act, with the mover and seconder of any motions carried at the Electors' meeting, together with two (2) persons opposed to the adopted motion being invited to attend the Council meeting. Each of these persons is to be given the opportunity to address Council prior to consideration of the minutes.

**26. COMMITTEES OF THE COUNCIL****26.1 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.

**26.2 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 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.

**26.3 Attendance by Members as Observers**

Members have the right to attend meetings of Committees that they are not appointed to as observers and may be permitted by the person presiding to speak on any matter under consideration by the Committee, but shall not be entitled to vote.

**26.4 Calling of 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 Mayor or the presiding member of the Committee, setting out the date and purpose of the proposed meeting;
- (b) if called for by at least two (2) 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.

**26.5 Presentation of Committee Minutes**

When the minutes 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.

**26.6 Recommendations 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 or to any member of the Committee in attendance.

**26.7 Permissible Motions on Recommendation From Committee**

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

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

**26.8 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 17.1, in respect of the requirement to rise;
- (b) clause 17.4, limitation on the number of speeches.

**27. ADMINISTRATIVE MATTERS****27.1 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.

**27.2 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 19.1 (f).

**28. CODE OF CONDUCT**

Any code of conduct adopted by Council in regard to the conduct of members, Committee members and employees shall have the same effect as if incorporated as provisions of this local law and any breach thereof shall have the same consequences as to penalty and otherwise as to breaches of this local law.

**29. COMMON SEAL****29.1 The Council's Common Seal**

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

(2) The common seal of the Town of Kwinana 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 the CEO.

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

(4) The CEO is to record in a register each date on which the common seal of the Town of Kwinana 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 Town of Kwinana or a replica thereof without authority commits an offence.

Penalty \$1,000

**29.2 Sealing Clause**

The sealing clause for the Council shall be as follows—

*"The Common Seal of the Town of Kwinana was hereunto affixed in the presence of—*

.....

*Mayor*

.....

*Chief Executive Officer"*

\_\_\_\_\_

Dated this 22nd day of December 1999.

The Common Seal of the Town of Kwinana was hereunto affixed in the presence of—

J. H. D. SLINGER, Mayor.  
F. R. EDWARDS, Chief Executive Officer.

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