

G WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

231



PERTH, THURSDAY, 11 JANUARY 2001 No. 12 SPECIAL

PUBLISHED BY AUTHORITY JOHN E. THOMPSON, ACTING GOVERNMENT PRINTER AT 3.45 PM

LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

**STANDING ORDERS
LOCAL LAW 2000**

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STANDING ORDERS LOCAL LAW 2000

In pursuance of the powers conferred upon it by the above mentioned Act, and all other powers enabling it, the Council of the City of Bayswater resolved on the 12th day of December 2000 to make the following Local Law.

PART 1**1. Preliminary****1.1. Citation**

This Local Law may be cited as the *City of Bayswater Standing Orders Local Law 2000*.

The clauses of this local law shall be referred to as "*The Standing Orders*".

1.2. Repeal

The City of Bayswater Standing Orders published in the *Government Gazette* on 29th May 1981 and amendments are repealed.

1.3. 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.

1.4. Interpretations

1.4.1 In these Standing Orders unless the context otherwise requires—

"Act" means the "*Local Government Act, 1995*";

"agenda" in relation to any proposed meeting means the notice paper;

"CEO" means the Chief Executive Officer or Acting Chief Executive Officer, for the time being, of the City of Bayswater;

"Committee" means any committee or sub-committee of the Council appointed in accordance with provisions of the Act;

"Council" means the Council of the City of Bayswater;

"Director" means a Director or Acting Director, for the time being, of the City of the City of Bayswater;

"Mayor" means the Mayor, or Deputy Mayor or a member of the Council when performing a function of the Mayor in accordance with the Act;

"Presiding Member" means the Presiding Member of a committee or the Deputy Presiding Member, or a member of the committee when performing a function of the Presiding Member in accordance with the Act;

"meeting" includes any ordinary or special meeting of the Council or any other meeting held in accordance with the Act and properly convened as the Act requires;

"member" means the Mayor, or a councillor of the Council, or in the case of a committee, a member of the committee appointed in accordance with the Act;

"notice paper" in relation to any proposed meeting means a paper setting out the terms of business to be transacted at the meeting and the order of that business. The notice calling a Special Meeting may stand as the Notice for that meeting;

"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;

1.4.2 Unless otherwise defined herein the terms and expressions used in the Standing Orders are to have the meaning given to them in the Act and Regulations.

PART 2**2. Meetings of the Council****2.1 Categories of Meetings**

2.1.1 Meeting of the Council and Committees are to be of two categories, namely "Ordinary" and "Special".

2.1.2 Ordinary Meetings are those called at such place and at such times as the Council, from time to time, appoints for the transaction of the Ordinary business of the Council, and the Committees.

2.1.3 Special Meetings are those called to consider Special business, the purpose of which is to be specified in the notice convening the meeting.

2.2 Notice of Special Council Meetings

2.2.1 Subject to subclause 2.2.2, the CEO is to convene a Special meeting of the Council by making formal contact with each Council member and giving at least 24 hours' notice of the date, time, place and purpose of the meeting.

2.2.2 Where there is a need to meet urgently, in the opinion of the Mayor, the CEO may give a lesser period of notice of a Special meeting than mentioned in subclause 2.2.1.

2.3 Business of the Meeting

2.3.1 Business to be Specified on Notice Paper

- (i) No business is to be transacted at any ordinary meeting of Council other than that specified in the agenda.
- (ii) 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, except for urgent business as per clause 2.3.5.
- (iii) 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.
- (iv) 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.

2.3.2 Order of Business at Ordinary Meeting

- (i) Unless otherwise decided by the Council the order of business at an Ordinary meeting of the Council is to be as follows—
 - (a) Official opening
 - (b) Record of Attendance, Apologies, Leave of Absence (previously approved)
 - (c) Public question time
 - (d) Applications for Leave of absence
 - (e) Confirmation of minutes
 - (f) Disclosure of financial interest summary
 - (g) Urgent Business
 - (h) Petitions
 - (i) Motions of which previous notice has been given
 - (j) Presentation of Committee Reports
 - (k) Mayors Report
 - (l) Affixing of the Common Seal
 - (m) Discussion of matters behind closed doors
 - (n) Closure
- (ii) 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.
- (iii) Notwithstanding subclauses (i) and (ii) 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.

2.3.3 Public Question Time

- (i) A member of the public who raises a question during question time is to state his or her name and address.
- (ii) A question may be taken on notice by the Council for later response.
- (iii) When a question is taken on notice under subclause (ii) a response is to be given to the member of the public in writing by the CEO.

2.3.4 Confirmation of Minutes

- (i) 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.
- (ii) The person presiding at the meeting at which the Minutes are confirmed is to sign the front page and either signs with pen or stamp each page of the Minutes and certify the confirmation.
- (iii) Discussion of any Minutes shall only extend to their accuracy as a record of the proceedings.

2.3.5 Urgent Business

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

2.3.6 Motions of which Previous Notice has been given

- (i) 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 previously been given in writing.
- (ii) A notice of motion under the subclause (i) is to be given at least seven (7) clear working days before the meeting at which the motion is moved.
- (iii) A notice of motion is to relate to the good government of persons in the district.
- (iv) The CEO with the concurrence of the Mayor, may exclude from the notice paper any notice of motion deemed to be out of order.
- (v) No notice of motion is to be out of order because the policy involved is considered to be objectionable.
- (vi) A motion of which notice has been given is to lapse unless the member who gave notice thereof, or some member authorised by him or her in writing moves the motion when called on.
- (vii) If a notice of motion is given and lapses in the circumstances referred to in subclause (vi), notice of motion in the same terms or the same effect is not to be given again for a least 3 months from the date of such lapse.

2.3.7 Announcement by the Person Presiding Without Discussion

At any meeting of the Council or Committee the person presiding may propose a change to the order of business and may amend the order of business with agreement of a simple majority of the members present.

2.4 Public Access to Agenda Material

2.4.1 Inspection Entitlement

Members of the public have access to Agenda material in accordance with the Act and Regulations.

2.4.2 Confidentiality of Information Withheld

- (i) Information withheld by the CEO from members of the public in accordance with the Act and Regulations, are to be marked "confidential" in the Agenda of a Council or Committee meeting.
- (ii) 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.

2.5 Quorum

2.5.1 Quorum to be Present

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

2.5.2 Loss of Quorum During a Meeting

- (i) 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—
 - a quorum is present to decide the matter; the person presiding may suspend the proceedings of the particular matter for a period of sixty (60) minutes and continue the meeting. If a quorum is not present at the end of the sixty (60) minutes, the particular matter is deemed to have been adjourned and the person presiding is to reschedule the particular matter to some future time or date; or
 - 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 in accordance with 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 sixty (60) 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.
- (ii) Where debate on a motion is interrupted by an adjournment under subclause (i) (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—
 - The names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - The provisions of clause 3.2.5 apply when the debate is resumed.

2.6 Keeping of Minutes

2.6.1 Content of Minutes

In addition to the matters contained in the Act and 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.

2.6.2 Preservation of Minutes

Minutes of each Council and Committee meeting are to be kept as a permanent record of the activities of the Local Government and are to be transferred to the Public Records Office, being a directorate of the Library and Information Services of Western Australia, in accordance with the retention and disposal policy determined by that office from time to time.

PART 3

3. Conduct at Council and Committee Meetings

3.1 General Procedure

3.1.1 Official Titles to be Used

Members of the Council are to address each other in 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.

3.1.2 Members to Occupy Own Seats

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 Councillor and the Councillor is to occupy that position when present at meetings of the Council until such time as there is a call by majority of Councillors for a re-allotment of positions.

3.1.3 Leaving Meetings

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

3.1.4 Adverse Reflection

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. Council members present are entitled to determine if the expression is offensive or objectionable and the member may withdraw the expression.
Penalty : \$1,000.

3.1.5 Recording of Proceeding Prohibited

- (i) 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.
- (ii) Subclause (i) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or Committee.

3.1.6 Prevention of Disturbance

- (i) Any member of the public addressing the Council or a Committee is to extend due courtesy and respect to the Council or Committee and the processes under which they operate and must take direction from the person presiding whenever called upon to do so.
Penalty : \$1,000.
- (ii) 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.

3.1.7 Mobile Phones and Audible Electronic Devices

Mobile telephones and audible electronic devices shall not be switched on or be used in the Council Chamber or meeting room.

3.2 Conduct of Members During Debate

3.2.1 Members to Rise

At Council meetings 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.

3.2.2 Priority of Speaking

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.

3.2.3 The Person Presiding to take part in Debates

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

3.2.4 Relevance / Digression

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.

3.2.5 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.

3.2.6 Limitation of Duration of Speeches

All addresses are to be limited to a maximum of fifteen (15) minutes. Extension of time is to be at the discretion of the person presiding.

3.2.7 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.

3.2.8 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 move a motion under clause 3.4.1 (v).

3.2.9 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. A member of a Council or Committee may with agreement by absolute majority re-open discussion on decisions of a particular matter of that meeting.

3.3 Procedures for Debate on Motions

3.3.1 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.

3.3.2 Motions to be Seconded

No motion or amendment to a substantive motion, except for a motion under clause 3.4.1 (viii), 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 in accordance with the Act and Regulations.

3.3.3 Unopposed Business

- (i) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.
- (ii) If no member signifies opposition to the motion the person presiding may declare the motion in subclause (i) carried without debate and without taking a vote to it.
- (iii) A motion carried under subclause (ii) is to be recorded in the minutes as a unanimous decision of the Council or Committee.
- (iv) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (v) 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.

3.3.4 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.

3.3.5 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 and debated as separate motions.

3.3.6 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 Secunder to the motion;
- (c) The mover to speak to the motion;
- (d) The Secunder 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.

3.3.7 Member may require Questions to be Read

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

3.3.8 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 Secunder.

3.3.9 Order of Amendments

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

3.3.10 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.

3.3.11 Mover of Motion may speak on Amendment

On an amendment being moved, any member may speak to the amendment. The mover of a substantive motion does not lose their right of reply should they choose to speak on the amendment. The mover of the amendment has the same entitlements for the right of reply as the mover of the substantive motion.

3.3.12 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 amendments may be moved.

3.3.13 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.

3.3.14 Right to Reply

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

3.3.15 Right to Reply Provisions

The right of reply is governed by the following provisions—

- (i) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (ii) 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;
- (iii) the mover of any amendment does have a right of reply;
- (iv) 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.

3.4 Procedural Motions

3.4.1 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—

- (i) that the Council (or Committee) proceed to the next business;
- (ii) that the question be adjourned;
- (iii) that the Council (or Committee) now adjourn;
- (iv) that the question be now put;
- (v) that the member be no longer heard;
- (vi) that the ruling of the person presiding be disagreed with;
- (vii) 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, in accordance with the Act and Regulations;
- (viii) that the reports and recommendations of that Committee, as submitted, be moved for their adoption.

3.4.2 No Debate on Procedural Motions

- (i) The mover of a motion stated in each of paragraphs (i), (ii), (iii), (vi) and (vii) of clause 3.4.1 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.
- (ii) The mover of a motion stated in each of paragraphs (iv) and (v) of Clause 3.4.1 may not speak to the motion, the Seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

3.4.3 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.

3.5 Effect of Procedural Motions

3.5.1 Question be Adjourned—Effect of Motion

- (i) 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.

- (ii) 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 3.2.5 apply when the debate is resumed.
- 3.5.2 Council (or Committee) do Now Adjourn—Effect of Motion
- (i) 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.
 - (ii) Where debate on a motion is interrupted by an adjournment under subclause (i)—
 - (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—
 - the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - the provisions of clause 3.2.5 apply when the debate is resumed.
- 3.5.3 Question be Put—Effect of Motion
- (i) 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.
 - (ii) This motion, if carried during discussion of an amendment, causes the person presiding to put the amendment to the vote without further debate.
 - (iii) This motion, if lost, causes debate to continue.
- 3.5.4 Member 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.
- 3.5.5 Ruling of the Mayor (or Presiding Member) be Disagreed with—Effect of Motion
- The person presiding shall decide all questions of order or practice and the decision shall be final and be accepted by the Council without argument or comment unless in any particular case the Council shall thereupon resolve that a different ruling shall be substituted for the ruling given by the person presiding. Discussion shall be permitted on any such motion.
- 3.5.6 Council (or Committee) meet behind closed doors—Effect of Motion
- (i) Subject to any other decision of the Council or Committee, this motion, if carried, causes the general public and any officer or employee the Council or Committee determines, to leave the room.
 - (ii) While a decision made under this clause is in force the operation of clause 3.2.5 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.
 - (iii) 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, in accordance with the Act and Regulations.
 - (iv) 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.
- 3.5.7 Presentation of Committee Report and Recommendations—Effect of Motion
- (i) The reports and recommendations of the Committee shall, when presented to the Council, be taken as read, as submitted, and the presiding member of each Committee, or in their absence, a member, shall move their adoption.
 - (ii) Upon the consideration by the Council of any reports or recommendations of a Committee, the person presiding, shall, without further motion, put the recommendations of the Committee in their numerical order unless the Council shall otherwise determine. Each recommendation that shall be adopted by the Council shall forthwith become a Resolution of the Council, and shall be also recorded in the Minutes of the Council.
 - (iii) The person presiding or other member of a Committee bringing up a report shall be deemed to move the adoption of each recommendation of the Report, unless they have previously intimated their disagreement with it.
 - (iv) When any recommendation of any Committee of the Council is submitted for confirmation and adoption, any member of the Council may, through the person presiding, speak upon any matter arising.
 - (v) When an amendment is proposed with reference to the adoption or confirmation of any recommendation of any Committee, the subject of such amendment shall be discussed and disposed of before the other acts and proceedings of such Committee are considered.

- (vi) In debating the recommendations of the Committee, the Council may—
 - (a) Adopt the recommendations pertaining to each item.
 - (b) Refer the item back to the Committee for further consideration.
 - (c) Amend the recommendation pertaining to any item where such decision (or any decision) would be in the interests of the Council.
 - (d) Defeat the recommendation.

3.6 Making Decisions

3.6.1 Questions—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.

3.6.2 Questions—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, except for the election of Mayor which shall be in accordance with the Act and Regulations.

3.7 Implementation of Decisions

- (i) If a notice of motion supported by an absolute majority 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 in accordance with the Act and 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 of an absolute majority of members.
- (ii) Implementation of a decision is only to be withheld under subclause (i) 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.
- (iii) 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.

3.8 Preserving Order

3.8.1 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.

3.8.2 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, or the person presiding may request the member apologise or to withdraw from the meeting.

3.8.3 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.

3.8.4 Points of Order—When Valid

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

- (i) that the discussion is of a matter not before the Council or Committee;
- (ii) that offensive or insulting language is being used;
- (iii) 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.

3.8.5 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.

3.8.6 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.

3.8.7 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.

3.8.8 Precedence of Person Presiding

- (i) When the person presiding asks the meeting to come to order 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.

- (ii) Subclause (i) is not to be used by the person presiding to exercise the right provided in Clause 3.2.3, but to preserve order.

3.8.9 Right of the Person Presiding to Adjourn Without Explanation to Regain Order

- (i) 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.
- (ii) Where debate of a motion is interrupted by an adjournment under sub-clause (i), 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 3.2.5 apply when the debate is resumed.

3.9 Adjourning of Meeting**3.9.1 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.

3.9.2 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.

3.9.3 Unopposed Business—Motion of 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.

3.9.4 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.

3.9.5 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.

PART 4**4. Committees of the Council****4.1 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—

- (i) the names of the Council members, employees and other persons to be appointed to the Committee; or
- (ii) 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.

4.2 Appointment of Deputy Committee Members

- (i) 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.
- (ii) 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.

4.3 Calling of Committee Meetings

A meeting of a Committee is to be held—

- (i) if called for in a verbal or written request to the CEO by the Presiding Member of the Committee, setting out the date and the purpose of the proposed meeting;
- (ii) if called for by the person presiding or by majority of the members of the Committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (iii) if so decided by Council or the Committee.

4.4 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 or to any member of the Committee in attendance.

4.5 Permissible Motions on Recommendations 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—

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

4.6 Deputations

- (i) A deputation wishing to be received by a Committee is to apply to the Director who will refer the request to the Presiding Member. A Councillor or the Mayor may ask the Director to accept a deputation.
- (ii) The Presiding Member of the Committee may approve the request, in which event the Director is to invite the deputation to attend a meeting of a Committee or may instruct the Director to refer the request to the Committee to decide by simple majority whether or not to receive the deputation.
- (iii) A deputation invited to attend a Committee meeting shall be in accordance with Council Policy.

4.7 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—

- (i) Clause 3.1.2, in regard to seating;
- (ii) Clause 3.2.1, in respect of the requirement to rise;
- (iii) Clause 3.2.5, limitation on the number of speeches.

PART 5

5. Administrative Matters

5.1 The Council's Common Seal

- (i) 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.
- (ii) 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.
- (iii) The common seal of the local government is to be affixed to any local law which is made by the local government.
- (iv) 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.
- (v) Any person who uses the common seal of the local government or a replica thereof without authority commits an offence.
Penalty : \$1,000.

5.2 Suspension of Standing Orders

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

5.3 Cases not Provided for in Standing Orders

The person presiding is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders and the Act and Regulations are silent. The decision of the person presiding in these cases is final, except where a motion is moved and carried under clause 3.4.1 (vi).

Dated this 13th day of December, 2000

The COMMON SEAL OF THE CITY OF BAYSWATER was affixed by authority of a resolution of the Council in the presence of—

J. B. D'ORAZIO, Mayor.
M. J. CAROSELLA, Chief Executive Officer.



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