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LOCAL GOVERNMENT ACT 1995

TOWN OF CLAREMONT

**STANDING ORDERS LOCAL
LAW 2007**

LOCAL GOVERNMENT ACT 1995**TOWN OF CLAREMONT****STANDING ORDERS LOCAL LAW 2007****TABLE OF CONTENTS****PART 1—PRELIMINARY**

- 1.1 CITATION
- 1.2 APPLICATION
- 1.3 INTERPRETATION
- 1.4 REPEAL

PART 2—MEETINGS OF COUNCIL

- 2.1 CONVENING COUNCIL MEETINGS
- 2.2 CONVENING OF SPECIAL MEETINGS
- 2.3 NOTICE OF MEETING AND NOTICE OF ADJOURNMENT
- 2.4 FAILURE TO RECEIVE NOTICE NOT TO INVALIDATE PROCEEDINGS

PART 3—QUORUM

- 3.1 QUORUM TO BE PRESENT
- 3.2 LOSS OF QUORUM DURING A MEETING

PART 4—BUSINESS OF THE MEETING

- 4.1 BUSINESS TO BE SPECIFIED IN NOTICE PAPER
- 4.2 ORDER OF BUSINESS
- 4.3 ORDER OF BUSINESS AT SPECIAL MEETING
- 4.4 PUBLIC QUESTION TIME
- 4.5 COMMUNITY SUBMISSIONS
- 4.6 DEPUTATIONS
- 4.7 PETITIONS
- 4.8 MINUTES
- 4.9 NOTICES OF MOTION
- 4.10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
- 4.11 URGENT BUSINESS
- 4.12 CONFIDENTIAL BUSINESS
- 4.13 CLOSURE OF MEETING

PART 5—PUBLIC ACCESS TO AGENDA PAPER MATERIAL

- 5.1 INSPECTION ENTITLEMENT
- 5.2 CONFIDENTIALITY OF INFORMATION WITHHELD

PART 6—PRODUCTION OF DOCUMENT

- 6.1 INTERPRETATIONS
- 6.2 MEMBER MAY REQUIRE PRODUCTION
- 6.3 CIRCUMSTANCES IN WHICH CEO TO COMPLY
- 6.4 ACCESS BY MEMBER TO TABLED DOCUMENTS

PART 7—OPEN DOORS—EXCEPT AS PROVIDED

- 7.1 GENERAL OBLIGATION
- 7.2 RESOLUTION TO CLOSE DOOR
- 7.3 PERSONS TO LEAVE CHAMBER
- 7.4 REMOVAL OF PERSON BY ORDER
- 7.5 DURATION OF CLOSURE
- 7.6 NOTICE OF MOTION NOT REQUIRED

PART 8—CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

- 8.1 OFFICIAL TITLES TO BE USED
- 8.2 MEMBERS TO OCCUPY OWN SEATS
- 8.3 LEAVING MEETINGS
- 8.4 ADVERSE REFLECTION
- 8.5 RECORDING OF PROCEEDINGS
- 8.6 PREVENTION OF DISTURBANCE
- 8.7 DISTINGUISHED VISITORS
- 8.8 OBJECTIONABLE BUSINESS

PART 9—CONDUCT OF MEMBERS DURING DEBATE

- 9.1 MEMBERS TO INDICATE
- 9.2 PRIORITY
- 9.3 THE PRESIDING MEMBER TO TAKE PART IN DEBATES
- 9.4 RELEVANCE
- 9.5 LIMITATION OF NUMBER OF SPEECHES
- 9.6 LIMITATION OF DURATION OF SPEECHES
- 9.7 MEMBERS NOT TO SPEAK AFTER CONCLUSION OF DEBATE
- 9.8 MEMBERS NOT TO INTERRUPT
- 9.9 RE-OPENING OF DISCUSSION ON DECISIONS

PART 10—PROCEDURES FOR DEBATE OF MOTIONS

- 10.1 MOTIONS TO BE STATED
- 10.2 MOTIONS TO BE SUPPORTED
- 10.3 UNOPPOSED BUSINESS
- 10.4 ONLY ONE SUBSTANTIVE MOTION CONSIDERED
- 10.5 BREAKING DOWN OF COMPLEX QUESTIONS
- 10.6 ORDER OF CALL IN DEBATE
- 10.7 LIMIT OF DEBATE
- 10.8 MEMBERS MAY REQUIRE QUESTIONS TO BE READ
- 10.9 CONSENT OF SECONDER REQUIRED TO ACCEPT ALTERATION OF WORDING
- 10.10 ORDER OF AMENDMENTS
- 10.11 AMENDMENTS MUST NOT NEGATE ORIGINAL MOTION
- 10.12 MOVER OF MOTION MAY SPEAK ON AMENDMENT
- 10.13 SUBSTANTIVE MOTION
- 10.14 WITHDRAWAL OF MOTION AND AMENDMENTS
- 10.15 LIMITATION OF WITHDRAWAL
- 10.16 PERSONAL EXPLANATIONS
- 10.17 PERSONAL EXPLANATIONS—WHEN HEARD
- 10.18 RULING ON QUESTIONS OF PERSONAL EXPLANATION
- 10.19 RIGHT OF REPLY
- 10.20 RIGHT OF REPLY PROVISIONS

PART 11—PROCEDURAL MATTERS

- 11.1 PERMISSIBLE PROCEDURAL MOTIONS
- 11.2 DEBATE ON PROCEDURAL MOTIONS
- 11.3 PROCEDURAL MOTIONS—CLOSING DEBATE—WHO MAY MOVE
- 11.4 PROCEDURAL MOTIONS—RIGHT OF REPLY ON SUBSTANTIVE MOTION

PART 12—EFFECT OF PROCEDURAL MOTIONS

- 12.1 QUESTION TO BE ADJOURNED—EFFECT OF MOTION
- 12.2 MEETING TO NOW ADJOURN—EFFECT OF MOTION
- 12.3 QUESTION TO BE PUT—EFFECT OF MOTION
- 12.4 MEETING TO MEET BEHIND CLOSED DOORS—EFFECT OF MOTION
- 12.5 THAT THE QUESTION BE REFERRED BACK TO A COMMITTEE OR REFERRED TO THE CEO—EFFECT OF MOTION

PART 13—MAKING DECISIONS

- 13.1 QUESTION—WHEN PUT
- 13.2 QUESTION—METHOD OF VOTING

PART 14—VOTING

- 14.1 METHOD OF TAKING VOTE

PART 15—PRESERVING ORDER

- 15.1 THE PRESIDING MEMBER TO PRESERVE ORDER
- 15.2 DEMAND FOR WITHDRAWAL
- 15.3 POINTS OF ORDER—WHEN TO RAISE—PROCEDURE
- 15.4 POINTS OF ORDER—WHEN VALID

- 15.5 POINTS OF ORDER—RULING
- 15.6 POINTS OF ORDER—RULING CONCLUSIVE UNLESS DISSENT MOTION IS MOVED
- 15.7 POINTS OF ORDER TAKE PRECEDENCE
- 15.8 PRECEDENCE OF PRESIDING MEMBER
- 15.9 RIGHT OF THE PRESIDING MEMBER TO ADJOURN WITHOUT EXPLANATION TO REGAIN ORDER

PART 16—MOTION FOR REVOCATION

- 16.1 “SUBSTANTIVE RESOLUTION” DEFINED
- 16.2 REVOCATION OR CHANGE AT SAME MEETING
- 16.3 REVOCATION OR CHANGE AT SUBSEQUENT MEETING
- 16.4 SUPPORT FOR REVOCATION OR CHANGE
- 16.5 TERMS OF AND REASONS FOR REVOCATION OR CHANGE AT THE SAME MEETING TO BE STATED
- 16.6 TERMS AND REASONS FOR REVOCATION AT SUBSEQUENT MEETING TO BE STATED IN NOTICE
- 16.7 WRITTEN NOTICES RECEIVED DURING SAME MEETING
- 16.8 DELAY IN IMPLEMENTING SUBSTANTIVE RESOLUTION
- 16.9 RESTRAINTS ON NOTICES OF REVOCATION OR CHANGE
- 16.10 RESTRAINTS ON MOTIONS FOR REVOCATION OR CHANGE
- 16.11 MULTIPLE NOTICES TO REVOKE OR CHANGE
- 16.12 ABSENCE OF MOVER OR SECONDER
- 16.13 NO REVOCATION OF PROCEDURAL RESOLUTION OR A RESOLUTION TO REVOKE
- 16.14 MOTION TO CHANGE HAVING EFFECT OF REVOCATION

PART 17—COMMITTEES

- 17.1 STANDING ORDERS APPLY TO COMMITTEES
- 17.2 ESTABLISHMENT AND APPOINTMENT OF COMMITTEES
- 17.3 APPOINTMENT OF DEPUTY MEMBERS
- 17.4 MEMBER ATTENDING COMMITTEE AS OBSERVER
- 17.5 CALLING MEETING OF COMMITTEE
- 17.6 UNFINISHED BUSINESS OF FORMER COMMITTEES
- 17.7 CONFERENCE OF COMMITTEES
- 17.8 COMMITTEES TO REPORT
- 17.9 REPORTS OF COMMITTEES

PART 18—ELECTORS' MEETINGS

- 18.1 STANDING ORDERS APPLY
- 18.2 RESTRICTION ON VOTING AND SPEAKING

PART 19—DISCLOSURE OF MEMBERS' AND EMPLOYEES INTERESTS

- 19.1 DISCLOSURE OF FINANCIAL, INDIRECT FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS
- 19.2 SUBSTITUTION OF DEPUTY AT COMMITTEE
- 19.3 EXEMPTION BY MINISTER
- 19.4 RECORDING DETAILS OF INTEREST IN MINUTES
- 19.5 DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

PART 20—ADMINISTRATIVE MATTERS

- 20.1 SUSPENSION OF STANDING ORDERS
- 20.2 CASES NOT PROVIDED FOR IN STANDING ORDERS
- 20.3 NEGATIVED MOTION NOT TO BE ENTERTAINED WITHIN THREE MONTHS
- 20.4 DEPUTATIONS BY COUNCIL
- 20.5 COUNCIL'S COMMON SEAL

LOCAL GOVERNMENT ACT 1995**TOWN OF CLAREMONT****STANDING ORDERS LOCAL LAW 2007**

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the Town of Claremont resolved on 17 July 2007 to make the following *Town of Claremont Standing Orders Local Law 2007*.

PART 1—PRELIMINARY**1.1 CITATION**

- (1) This Local Law may be cited as the *Town of Claremont Standing Orders Local Law 2007*.
- (2) In this Local Law the clauses are referred to as “the Standing Orders”.

1.2 APPLICATION

All meetings of the Council or a Committee and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and these Standing Orders.

1.3 INTERPRETATION

In these Local Laws, unless the context otherwise requires—

“absolute majority” in relation to a Council means a majority comprising enough of the members for the time being of the Council for their numbers to be more than 50% of the number of offices (whether vacant or not) of member of the Council; **(Sections 1.4 and 1.9 of the Act)**

“Act” means the *Local Government Act 1995*;

“agenda 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;

“CEO” means the Chief Executive Officer or the Acting Chief Executive Officer for the time being of the Town; **(Section 1.4 of the Act)**

“clause” means a clause of these Standing Orders;

“Committee” means any Committee of the Council established in accordance with the Act;

“Council” means the Council of the Town; **(Section 1.4 of the Act)**

“Council delegate” means a Councillor or employee of the Town appointed as a delegate or representative of the Council on or to any external body, conference or meeting;

“Council member” means the Mayor or Councillors of the Town;

“Councillor” means a person who holds the office of Councillor of the Town;

“employee” means a person employed by the Town in accordance with the Act;

“Mayor” includes—

- (a) in the absence of the Mayor, the Deputy Mayor; and
- (b) if the Mayor or Deputy Mayor are not available or are unable to perform the functions of the Mayor, a Councillor chosen from those present;

“meeting” includes any ordinary meeting or special meeting of the Council, a meeting of a Committee or any other meeting properly convened and held in accordance with the Act;

“Member” means the Mayor or a Councillor, or in the case of a Committee, a member of the Committee;

“Minister” means the Minister responsible for administering the Act;

“minor amendment” in relation to a motion to amend another motion (“the primary motion”) shall be one which does not alter the primary or basic intent of the primary motion as determined by the presiding member of the meeting;

“negatived motion” means a motion which, having been voted upon, is declared as lost;

“ordinary meetings” are those Council and Committee meetings of the Town called for the transaction of the ordinary business of the Council or Committee;

“presiding member” means the person entitled to preside at meetings in accordance with the Act;

“Regulations” mean 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;

“Town” means the Town of Claremont;

“urgent business” means business dealt with in accordance with the provisions of these Local Laws; and

“without discussion” means without debate but does not preclude a Councillor from asking such questions as the presiding member at the meeting permits, with there being no discussion, debate or challenge on the ruling of the presiding member.

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

1.4 REPEAL

The Standing Orders Local Law of the Town of Claremont published in the *Government Gazette* on 8 March 2000 is repealed.

PART 2—MEETINGS OF COUNCIL

2.1 CONVENING COUNCIL MEETINGS

(1) The CEO is to convene an ordinary meeting in accordance with the Act. **(Section 5.4 of the Act)**

(2) Subject to clause 2.2, the CEO is to convene a special meeting in accordance with the Act. **(Section 5.4 of the Act)**

2.2 CONVENING OF SPECIAL MEETINGS

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

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

(3) The notice calling a special meeting may stand as the agenda paper for that meeting.

2.3 NOTICE OF MEETING AND NOTICE OF ADJOURNMENT

(1) The giving of notice of meetings of the Council is dealt within the Act and the giving of public notice of meetings is dealt with in the Regulations. **(Section 5.5 of the Act, and regulation 12 of the Regulations)**

(2) How documents can be given to a person is dealt within the Act and the *Interpretation Act 1984*. **(Sections 9.50 and 9.54 of the Act, and sections 75 and 76 of Interpretation Act 1984)**

(3) When a meeting is adjourned to a day and hour other than the next ordinary meeting, notice of the resumption of the adjourned meeting, if time permits, is to be given to each member specifying the nature of the business to be transacted.

2.4 FAILURE TO RECEIVE NOTICE NOT TO INVALIDATE PROCEEDINGS

Failure to receive a notice of meeting shall not affect the validity of any meeting provided reasonable steps have been taken to serve such notice.

PART 3—QUORUM

3.1 QUORUM TO BE PRESENT

(1) The quorum for meetings is dealt within the Act. **(Sections 5.7 and 5.19 of the Act)**

(2) No business is to be transacted at a meeting unless a quorum is present.

3.2 LOSS OF QUORUM DURING A MEETING

(1) If at any time during any meeting a quorum is not present, the presiding member upon becoming aware of the fact is to suspend the proceedings of the meeting for a period of 15 minutes. **(Regulation 8 of the Regulations)**

(2) If a quorum is not present at the expiration of the 15 minutes suspension period the presiding member is to extend the suspension for a further period of 30 minutes after which the meeting is deemed to be adjourned and the CEO is to reschedule the meeting to a future time or date, having regard for the requirements for the convening of meetings.

(3) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment and be recorded in the minutes of the meeting.

(4) Where the debate on any motion is interrupted at a meeting, which is adjourned due to lack of a quorum, that debate is to be resumed at the resumption of the meeting at the point where it was interrupted.

(5) The members who have spoken on the motion at the adjourned meeting must not speak again on resumption of that meeting, except the mover who retains the right of reply.

(6) At any meeting where a quorum is not present or there is an adjournment due to the lack of a quorum the names of the members then present are to be recorded in the minute book.

PART 4—BUSINESS OF THE MEETING

4.1 BUSINESS TO BE SPECIFIED IN NOTICE PAPER

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

(2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.

(3) No business is to be transacted at a Committee meeting other than that specified in the agenda paper or given in the notice as the purpose of the meeting, without the approval of the presiding member or a decision of the Committee.

(4) No business is to be transacted at an adjourned meeting of the Council or a Committee other than that—

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

except in the case of an adjournment to the next ordinary meeting of the Council or the Committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

4.2 ORDER OF BUSINESS

Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows—

1. Declaration of Opening.
2. Appointment of presiding member (if required).
3. Disclaimer (to be read aloud by presiding member).
4. Acknowledgment of receipt of written declarations of financial interests (by presiding member).
5. Apologies and Leave of Absence.
6. Action taken on previous public questions taken on notice.
7. Public question time.
8. Community Submissions.
9. Confirmation of Minutes.
10. Announcements of official duties and functions attended by the Mayor without discussion.
11. Written requests for leave of absence.
12. Deputations and petitions.
13. Business left over from previous meeting (if adjourned).
14. Reports of Committees and employees.
15. Motions of which previous notice has been given.
16. Notices of motion given at the Meeting for consideration at next Meeting.
17. Questions of which due notice has been given.
18. New business of an urgent nature introduced by decision of Meeting—
 - 18.1 Members.
 - 18.2 Employees.
19. Confidential Business.
20. Closure of Meeting.

4.3 ORDER OF BUSINESS AT SPECIAL MEETING

The order of business at any special meeting shall be the order in which that business stands in the notice of the meeting.

4.4 PUBLIC QUESTION TIME

(1) **Public Question Session (Section 5.24 of the Act, and regulations 5, 6, and 7 of the Regulations)**—

- (a) A minimum of fifteen minutes shall be allocated for issues to be raised by members of the public and responded to at—
 - (i) every ordinary meeting of the Council; and
 - (ii) every special meeting of the Council; and
 - (iii) every meeting of a Committee to which the Council has delegated a power or duty; and
 - (iv) every other meeting prescribed for the purpose of section 5.24(1) of the Act.
- (b) The meeting may extend the time for Public Question Session, by resolution on a motion without notice, and in any event the time shall be extended without the necessity for a resolution to allow an equal opportunity of time to each member of the public who wishes to raise an issue.

- (c) Once all the issues raised by members of the public have been presented and responded to at a meeting, any unused portion of the time period may be used, to proceed with the business of the meeting.
- (d) Each member of the public who wishes to raise an issue at a meeting referred to in paragraph (1a) shall be given equal and fair opportunity to raise the issue and receive a response.
- (e) In addition to raising issues without notice at meetings, a member of the public wishing to raise an issue may register that interest by notification in writing to the CEO in advance, setting out the text or substance of the issue. The order in which registrations of interest are received by the CEO shall determine the order of issues unless the presiding member determines otherwise.
- (f) A member of the public having raised an issue shall return to a seat in the gallery unless otherwise directed by the presiding member at the meeting.
- (g) Nothing in paragraph (1d) requires—
 - (i) the Council to answer a question that does not relate to a matter affecting the Town;
 - (ii) the Council at a special meeting to answer a question that does not relate to the purpose of that meeting; or
 - (iii) a Committee to answer a question that does not relate to a function of that Committee.
- (h) Subject to the procedural matters previously set out in this subsection, the procedures for the raising of and responding to issues raised by members of the public at a meeting referred to in paragraph (1a) are to be determined—
 - (i) by the presiding member at the meeting; or
 - (ii) in the case where the majority of members present at the meeting disagree with the presiding member, by the majority of these members.
- (i) Every reasonable effort should be made to provide a substantive response to an issue raised by a member of the public, but if the meeting is unable to provide an informative response to the whole of the issue, it may—
 - (i) respond to that part (if any) for which it has a substantive response;
 - (ii) respond otherwise that the response or part to which no substantive response has been supplied will be responded to substantively in a manner and at a time indicated.
- (j) If the written registration of interest in raising an issue is given to the CEO not less than two working days before the meeting at which the issue is to be raised, then the response to the issue at the meeting shall be a substantive response.

(2) Questions and Answers to be Brief

All questions and answers shall be given as briefly and concisely as possible, and no discussion shall be allowed. Questions requiring a written response shall be taken on notice and responded to by the CEO as soon as practicable. Action taken shall be noted on the order of business at the following ordinary meeting of the Council or Committee in relation to written responses.

(3) Issues Not to Involve Bad Language, Argument or Opinion, or Adverse Reflection on Integrity of any Councillor or Employee—

- (a) In submitting any issues, no bad language, argument or expression of opinion shall be used or offered, nor any facts stated except so far as may be necessary to explain the issue. The Mayor may modify a question to make it comply with this subsection.
- (b) An issue shall not contain any statement reflecting adversely on the integrity of any Councillor or employee.
- (c) If in the opinion of a member, false information or any adverse reflection is contained in any issue raised, then through the Mayor, the member may offer comment by way of correction.

(4) No Discussion on Questions

Subject to paragraph (c) of the preceding subsection, no discussion or further questions shall be allowed on any question or the response thereto.

4.5 COMMUNITY SUBMISSIONS

Any member of the public may during the community submissions segment of the ordinary meeting, with the consent of the presiding member, speak on any matter on the agenda paper 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 is to be exercised before Council debates the particular agenda paper item.
- (c) the person speaking will be limited to a maximum period of five (5) minutes.
- (d) that person shall not also be afforded a deputation during that meeting or an adjourned meeting on the same matter.

4.6 DEPUTATIONS

(1) Any person or persons wishing to be received as a deputation by Council shall, in the first instance, send to the CEO a written request, setting out the subject matter to be raised by the deputation in concise terms, but nevertheless in sufficient detail to enable the Council to have a general understanding of the purpose of the deputation.

(2) Where the CEO receives a request in terms of the preceding subsection but not otherwise, the CEO shall refer it to the presiding member of the appropriate meeting, and

- (a) give a précis of the request to that person;
- (b) recommend, with an explanation, whether or not the deputation should be received; and
- (c) request advice from the presiding member within a stated time whether or not he or she considers the deputation should be received.

(3) In the event that the presiding member indicates agreement, the person or persons wishing to be received as a deputation shall be invited to meet the Council at its next meeting.

(4) A deputation shall not exceed three persons, of which all are at liberty to address the Council, for a maximum of five (5) minutes each or a collective maximum of ten (10) minutes, except in reply to questions from Councillors, and the matter shall not be further considered by the Council, until all other business of the meeting has been finalised.

(5) A Council shall not make a resolution arising from the subject of a deputation at the meeting at which the deputation is received unless the matter is the subject of an employee report contained in the agenda papers of the meeting.

4.7 PETITIONS

(1) A petition, in order to be effective, is to—

- (a) be addressed to the Council and be in the form “We, the undersigned, all being Electors of the Town of Claremont, do humbly pray that...”
- (b) be made by electors of the district;
- (c) state the request on each page of the petition;
- (d) contain the names, addresses and signatures of the electors making the request, and the date each elector signed;
- (e) contain a summary of the reasons for the request;
- (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
- (g) not contain any language that is disrespectful to the Council or likely to be defamatory to any person.

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

- (a) a proposal to change the method of filling the office of Mayor;
- (b) a proposal to create a new district or the boundaries of the Town;
- (c) a request for a poll on a recommended amalgamation;
- (d) a submission about changes to wards the name of a district or ward or the number of Councillors for a district or ward.

(3) A member presenting a petition shall be limited to a statement of the parties from whom it comes, the number of the signatures attached to it, the material issues contained in it, and to the reading of the preamble to the petition. It shall be incumbent on the member presenting the petition to be familiar with the nature and contents of the petition, and to ascertain that it is in the form prescribed by clause 4.7(1).

(4) The only question that shall be considered by the Council on the presentation of any petition shall be—

- (a) that the petition shall be acknowledged; or
- (b) that the petition be acknowledged and referred to a Committee for consideration and report; or
- (c) that the petition be acknowledged and be dealt with by the Council in conjunction with an item on the same agenda paper.

4.8 MINUTES

(1) Confirmation of Minutes

- (a) The confirmation of minutes is dealt within the Act; **(Section 5.22 of the Act)**
- (b) When minutes of a meeting are submitted to a meeting for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to—
 - (i) state the item or items with which he or she is dissatisfied; and
 - (ii) propose a motion clearly outlining the alternative wording to amend the minutes.
- (c) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

(2) Content of Minutes

In addition to the matters contained in the Regulations the content of minutes of a meeting shall 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. **(Regulation 11 of the Regulations)**

(3) Preservation of Minutes

Minutes including the agenda paper of each meeting are to be kept as a permanent record of the activities of the Town and are to be transferred to the State Records Office of Western Australia, in accordance with the retention and disposal policy determined by that office.

4.9 NOTICES OF MOTION

(1) Giving Notice of Motion

- (a) Unless the Act, Regulations or these Standing Orders otherwise provide, a member may only bring forward at a meeting such business as he or she considers advisable in the form of a motion of which notice has been given in writing to the CEO.
- (b) Except in the case of a Special Meeting of the Council, notice of motion shall be given either—
 - (i) at the last previous Council meeting; or
 - (ii) at least 5 working days before the meeting at which it is brought forward.
- (c) Every notice of motion shall relate to some question affecting the constitution, administration or condition of the Town or the Council, or as otherwise authorised by a written law.

(2) Exclusion or Amendment of Notices

- (a) The CEO, with the concurrence of the presiding member, may exclude from the agenda paper of any meeting any notice of motion which contravenes, or may potentially contravene, these Standing Orders or any provision of any legislation, or which may have the potential to expose Council, Councillors or employees to legal action.

The CEO may, on his or her own initiative, make such amendments to the form, but not the substance, of the notice of motion as will bring it into due form.

If any notice of motion is excluded under this clause, the CEO is to provide the reason for so doing to all Members as soon as practicable.
- (b) No notice of motion shall be deemed informal by reason of the question or issue involved being considered objectionable, or by reason of its having relation to a matter not within the scope of the ordinary work of the Council, so long as, in the opinion of the presiding member, such matter is one of public interest, utility or importance.

(3) Motion to Lapse

A motion of which notice has been given shall lapse unless—

- (a) the member who gave notice thereof, or some other member authorised by the member in writing, is present to move the motion when called on; or
- (b) the meeting on a motion agrees to defer consideration of the motion to a later stage or date.

(4) Dealing with Lapsed Motion

- (a) If a notice of motion is given and lapses in the circumstances referred to in subsection (3), notice of motion in the same terms or the same effect may be given for consideration at a subsequent meeting.
- (b) If a motion in the same terms or to the same effect lapses at the subsequent meeting, the meeting shall not consider a motion in the same terms or to the same effect until at least three months have elapsed from the date of the meeting at which the motion last lapsed, except by approval of an absolute majority. This provision shall not apply to motions to revoke or alter a resolution and to which clause 20.3 applies.

(5) Amendments to Notice of Motion

- (a) An amendment other than a minor amendment to a motion of which Notice of Motion has been given in accordance with clause 4.9(1) shall not be considered at a meeting unless notice in writing of the amendment is received by the CEO no later than 12.00 noon on the last working day before the day of the meeting at which such motion is to be brought forward.
- (b) The presiding member shall decide whether any amendment moved without notice given in accordance with the preceding paragraph of this subsection is a minor amendment but the Council may dissent from the presiding member's ruling in accordance with the provisions of clause 11.1(f).

4.10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

- (1) Any member seeking to ask a question at any meeting shall give written notice of the specific question to the CEO at least five (5) working days before the hour fixed for the commencement of the meeting.
- (2) All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed on them. In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.
- (3) The CEO may refer a question to the Mayor for determination by the Mayor when the CEO believes the question may be considered to contravene, or potentially contravene, any provision of the Standing Orders or any provision of any legislation, or which may have the potential to expose Council, Councillors or employees to legal action. If the Mayor concurs with this belief, the question shall be rejected.
- (4) If any question of which due notice has been given is excluded under this clause, the CEO is to provide the reason for so doing to all members as soon as practicable.
- (5) If the question referred to in subclause (1) is considered to be in order, the answer is, as far as is practicable, to be included in written form in the agenda paper of the meeting, or otherwise tabled at that meeting.

4.11 URGENT BUSINESS

(1) When Introduced

A member may move a motion involving urgent business that is not included in the agenda paper for that meeting provided that—

- (a) the presiding member at the meeting has requested the member to move the motion or has first consented to the business being raised having taken due regard to—
 - (i) the urgency of the business is such that the business cannot await inclusion in the agenda paper for the next meeting of the Council; or
 - (ii) if the business was to be deferred to the next meeting, such delay could result in legal or financial implications to the Town; or
- (b) the business could not normally be dealt with by an employee of Council during Council office hours.

(2) When Absolute Majority Required

If, at an ordinary meeting, a Councillor objects that a motion introduced as urgent business and moved without notice does not deal with urgent ordinary business within the meaning of that term in clause 4.11(1) (a) (i) or (ii) of these Local Laws, the motion shall be of no effect unless it is agreed to at the meeting by an absolute majority. **(Section 1.9 of the Act)**

4.12 CONFIDENTIAL BUSINESS

(1) Obligation of Confidentiality

Every matter dealt with by, or brought before a meeting sitting otherwise than with open doors, shall be treated as strictly confidential, and shall not without the authority of the meeting be disclosed to any person other than the Mayor, Councillors, or employees of the Council (and in the case of employees, only so far as may be necessary for the performance of their duties) prior to the discussion of that matter at a meeting held with open doors. **(Section 5.23 of the Act, and regulation 4A of the Regulations)**

(2) CEO Restricting Documents

Any report, document or correspondence which is to be placed before a meeting and which is in the opinion of the CEO of a confidential nature may at the CEO's discretion be marked as such and shall then be treated as strictly confidential and shall not without the authority of the meeting be disclosed to any person other than the Mayor, Councillors or employees of the Council. **(Section 5.95 of the Act)**

4.13 CLOSURE OF MEETING

Should a meeting still be in progress three (3) hours after the opening of the meeting, the presiding member shall request the meeting for an extension of time to enable the business of the meeting which remains unresolved to be considered. A motion must be carried to this effect and stipulate a time to a maximum extension of one (1) further hour up until which business of the meeting may be considered, at which time the presiding member shall close the meeting. Any business remaining unresolved shall be adjourned and re-considered to a day and time as determined by Council or a Committee or at the next ordinary meeting of the Council or Committee.

PART 5—PUBLIC ACCESS TO AGENDA PAPER MATERIAL

5.1 INSPECTION ENTITLEMENT

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

5.2 CONFIDENTIALITY OF INFORMATION WITHHELD

- (1) Information withheld by the CEO from members of the public under the Regulations, is to be—
 - (a) identified in the agenda papers of a meeting under the item "Matters for which the meeting may be closed"; and
 - (b) marked "confidential" in the agenda paper. **(Regulation 14 of the Regulations)**
- (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 of up to a maximum of \$5,000.

PART 6—PRODUCTION OF DOCUMENT

6.1 INTERPRETATIONS

In this part—

- (a) the term "document" means a deed, book, report, paper or any other written material whatsoever or any other recorded or stored information;
- (b) the term "other thing" means any thing whatsoever other than a document as defined, which relates to a matter or question under consideration or discussion by the Council or, by virtue of a notice of meeting given, to be considered or discussed by the Council; and
- (c) the term "laid on the table" means laid or deposited at a place within the Council's Administrative Building designated from time to time for that purpose by the CEO and at

which place a tabled document or other thing may be perused or inspected by a member during Council office hours or at other times on application to the CEO and inflections of that term shall have a like meaning.

6.2 MEMBER MAY REQUIRE PRODUCTION

On giving to the CEO not less than 4 hours' notice, a member is entitled to have laid on the table a document or other thing which is under consideration by Council and the CEO on receiving that notice shall lay the document on the table for a period of 24 hours commencing as soon as practicable after the receipt by the CEO of the notice. **(Section 5.92 of the Act)**

6.3 CIRCUMSTANCES IN WHICH CEO TO COMPLY

The CEO shall comply with a request made pursuant to clause 6.2 unless the CEO is of the opinion that it contravenes, or may potentially contravene any provision of the standing orders, any provision of any legislation, or which may have the potential to expose Council, Councillors or employees to legal action.

If an item is excluded under this clause, the CEO is to provide the reason for so doing to all members as soon as practicable.

6.4 ACCESS BY MEMBER TO TABLED DOCUMENTS

When a document or other thing is laid on the table in accordance with this clause then that document or other thing may be perused or inspected by a member in the place designated at any time during Council's office hours or at any other reasonable time on application to the CEO. The document or other thing shall not be removed and subject to section 5.96 and section 5.97 of the Act, shall not be copied.

PART 7—OPEN DOORS—EXCEPT AS PROVIDED

7.1 GENERAL OBLIGATION

Subject to the provisions of clause 7.2 and clause 7.3 the business of the Council shall be conducted with open doors. **(Section 5.23 of the Act)**

7.2 RESOLUTION TO CLOSE DOOR

The Council may by resolution decide to conduct behind closed doors any business of a meeting dealing with any of the matters referred to in the Act. **(Section 5.23 of the Act)**

7.3 PERSONS TO LEAVE CHAMBER

Upon the carrying of a resolution referred to in clause 7.2 the presiding member shall direct all persons other than Councillors, the CEO and any other person nominated in the resolution to leave the Council Chamber and every such person shall comply with the direction.

7.4 REMOVAL OF PERSON BY ORDER

Any person who fails to comply with the direction made under clause 7.3 may, by order of the presiding member be removed from the Council Chamber.

7.5 DURATION OF CLOSURE

(1) After the carrying of a resolution referred to in clause 7.2 at a meeting, the business of that meeting shall be conducted behind closed doors, until the meeting, by resolution, decides to proceed with open doors.

(2) If the resolution was to conduct specified business behind closed doors the meeting shall revert to open doors upon the completion of the specified business unless the meeting resolves to do so earlier.

7.6 NOTICE OF MOTION NOT REQUIRED

Any resolution mentioned in this part may be moved without notice.

PART 8—CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

8.1 OFFICIAL TITLES TO BE USED

Members and employees of the Council are to speak of each other at meetings by their respective titles.

8.2 MEMBERS TO OCCUPY OWN SEATS

At the first meeting held after each ordinary elections day, the CEO is to allot a position at the table to each Councillor and the Councillor is to occupy that position when present at meetings until such time as there is a call by a majority of Councillors for a re-allotment of positions.

8.3 LEAVING MEETINGS

During the course of a meeting no member is to enter or leave the meeting without first advising the presiding member, in order to facilitate the recording in the minutes of the time, and at the specific place of the agenda paper of entry or departure.

8.4 ADVERSE REFLECTION

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

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

Penalty of up to a maximum of \$1,000.

(3) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the presiding member is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.

8.5 RECORDING OF PROCEEDINGS

(1) No person is to use electronic visual or audio recording device to record the proceedings of the Council unless the CEO, or by decision of the Council, has given permission to do so.

(2) If the CEO gives permission under subclause (1), the CEO is to advise the meeting, immediately before the recording is commenced, that such permission has been given and details of the part of the meeting that is to be recorded.

(3) Subclause (1) does not apply if the record is taken by or at the direction of the CEO.

8.6 PREVENTION OF DISTURBANCE

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

Penalty of up to a maximum of \$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 of up to a maximum of \$5,000.

8.7 DISTINGUISHED VISITORS

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

8.8 OBJECTIONABLE BUSINESS

(1) If the presiding member at any meeting is of the opinion, or a Councillor draws to the presiding member's attention, that any motion or business proposed to be made or transacted is of an objectionable character, the presiding member either before or after the matter is brought forward may declare that the matter shall not be considered.

(2) Any member may move dissent from the declaration made from the presiding member, whereupon the motion to dissent shall forthwith be put without debate.

(3) In the event of the dissent being carried by a majority of the members present, the business referred to shall thereupon be entertained but not otherwise.

PART 9—CONDUCT OF MEMBERS DURING DEBATE

9.1 MEMBERS TO INDICATE

(1) Any member wishing to speak shall indicate by raising his or her hand. When invited by the presiding member to speak, the member shall, unless otherwise decided by the Council, stand and address the meeting through the presiding member.

(2) Any member unable to stand conveniently because of sickness or disability shall be permitted to sit while speaking.

9.2 PRIORITY

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

9.3 THE PRESIDING MEMBER TO TAKE PART IN DEBATES

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

9.4 RELEVANCE

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

9.5 LIMITATION OF NUMBER OF SPEECHES

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

A member asking a question prior to speaking is not considered to have spoken.

9.6 LIMITATION OF DURATION OF SPEECHES

All speeches are to be limited to a maximum of five (5) minutes. One five minute extension of time is permissible only with the agreement of a simple majority of members present.

9.7 MEMBERS NOT TO SPEAK AFTER CONCLUSION OF DEBATE

No member is to speak to any question after it has been put by the presiding member.

9.8 MEMBERS NOT TO INTERRUPT

No member is to interrupt another member whilst speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;

- (c) to make a personal explanation under clause 10.16; or
- (d) to move a motion under clause 11(1).

9.9 RE-OPENING OF DISCUSSION ON DECISIONS

No member is to re-open discussion on any decision of the meeting taken at the same meeting, except for the purpose of moving that the decision be revoked or changed.

PART 10—PROCEDURES FOR DEBATE OF MOTIONS

10.1 MOTIONS TO BE STATED

(1) Any member who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it.

(2) Where in the opinion of the presiding member, an amendment or modification of a recommendation is significantly different to and alters the substance or effect of, the recommendation from a Committee or an employee, the presiding member shall, where practicable, require the proposed motion to be in writing and ready to be handed to the CEO, for recording in the minutes of the meeting.

(3) Such written notice shall also contain the reason for the proposed significantly different amendment or modification, as required by the Regulations.

10.2 MOTIONS TO BE SUPPORTED

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

10.3 UNOPPOSED BUSINESS

(1) Upon a motion being moved and seconded, the presiding member may ask the meeting if any member opposes it.

(2) If no member signifies opposition to the motion the presiding member may declare the motion in subclause (1) carried without debate and without taking a vote on it.

(3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the meeting.

(4) If a member signifies opposition to a motion the motion is to be dealt with according to this part of the Standing Orders.

(5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a meeting.

10.4 ONLY ONE SUBSTANTIVE MOTION CONSIDERED

When a substantive motion is under debate at any meeting, no further substantive motion is to be accepted, until the substantive motion has been determined.

10.5 BREAKING DOWN OF COMPLEX QUESTIONS

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

10.6 ORDER OF CALL IN DEBATE

The presiding member is to call speakers to a substantive motion in the following order—

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) A speaker against the motion;
- (e) A speaker for the motion;
- (f) Other speakers against and for the motion, alternating in view, if any; and
- (g) Mover takes right of reply which closes debate.

10.7 LIMIT OF DEBATE

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

10.8 MEMBERS MAY REQUIRE QUESTIONS TO BE READ

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

10.9 CONSENT OF SECONDER REQUIRED TO ACCEPT ALTERATION OF WORDING

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

10.10 ORDER OF AMENDMENTS

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 determined.

10.11 AMENDMENTS MUST NOT NEGATE ORIGINAL MOTION

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

10.12 MOVER OF MOTION MAY SPEAK ON AMENDMENT

If the mover of a substantive motion speaks to an amendment to it, this does not serve to close the debate or to bar the subsequent right of reply to the debate on the motion. This is provided that the mover indicates that he or she intends speaking only to the amendment and that the mover's remarks are confined to the amendment.

10.13 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.

10.14 WITHDRAWAL OF MOTION AND AMENDMENTS

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

10.15 LIMITATION OF WITHDRAWAL

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

10.16 PERSONAL EXPLANATIONS

No member or employee is to speak at any meeting, except upon the matter before the meeting unless it is to make a personal explanation. Any member or employee who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific matter which may have been misunderstood. When a member or employee is invited to speak, no reference is to be made to matters unnecessary for that purpose.

10.17 PERSONAL EXPLANATIONS—WHEN HEARD

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

10.18 RULING ON QUESTIONS OF PERSONAL EXPLANATION

The ruling of the presiding member on the admissibility of a personal explanation is final.

10.19 RIGHT OF REPLY

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

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

10.20 RIGHT OF REPLY PROVISIONS

The right of reply is governed by the following provisions—

- (a) if no amendment is moved and carried 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 debate on any amendments;
- (c) the mover of any amendment does not have a right of reply;
- (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

PART 11—PROCEDURAL MATTERS**11.1 PERMISSIBLE PROCEDURAL MOTIONS**

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions—

- (a) that the question be adjourned;
- (b) that the meeting now adjourn;
- (c) that the question now be put;
- (d) that the meeting 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 the Act;
- (e) that the question be referred back to a Committee or be referred to the CEO;
- (f) that the ruling of the presiding member be disagreed with.

11.2 DEBATE ON PROCEDURAL MOTIONS

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

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

(3) Any motion moved as stated in paragraph (e) of clause 11.1 shall be moved according to the following—

- (a) Where the question before the meeting is a recommendation from a Committee or the CEO, a member may at the conclusion of the speech of any other member, move without notice that the question be referred back to a Committee or the CEO.
- (b) On any such motion being moved and seconded, the mover shall speak for no more than five (5) minutes detailing his or her reasons for seeking to refer the question back to a Committee or the CEO.
- (c) The procedures for the conduct of debate on any such motion shall be in accordance with Part 10 of these Standing Orders.

11.3 PROCEDURAL MOTIONS—CLOSING DEBATE—WHO MAY MOVE

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

11.4 PROCEDURAL MOTIONS—RIGHT OF REPLY ON SUBSTANTIVE MOTION

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

PART 12—EFFECT OF PROCEDURAL MOTIONS

12.1 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—

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

12.2 MEETING TO NOW ADJOURN—EFFECT OF MOTION

(1) The motion “that the meeting now adjourn”, if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the presiding member or a simple majority of members upon vote, determine otherwise.

(2) Where debate is to be resumed at the next meeting at the point where it was so interrupted—

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

12.3 QUESTION TO BE PUT—EFFECT OF MOTION

(1) The motion “that the question now be put”, if carried during discussion of a substantive motion with or without amendment, causes the presiding member 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 presiding member to put the amendment to the vote without further debate.

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

12.4 MEETING TO MEET BEHIND CLOSED DOORS—EFFECT OF MOTION

(1) Subject to any decision to meet behind closed doors or other decision of the meeting, this motion, if carried, causes persons to leave the room under clause 7.3. (**Section 5.23 of the Act**)

(2) While a decision made under this clause is in force, the operation of clause 9.5 limiting the number of speeches a member may make is suspended unless the meeting decides otherwise.

(3) Upon the public again being admitted to the meeting the presiding member, unless the meeting decides otherwise, is to cause the motions passed by the meeting 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.

(4) A person who is a 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 of up to a maximum of \$5,000.

12.5 THAT THE QUESTION BE REFERRED BACK TO A COMMITTEE OR REFERRED TO THE CEO—EFFECT OF MOTION

- (1) The motion “that the question be referred back to a Committee or referred to the CEO” if carried during discussion causes the presiding member to refer the matter back to a Committee or the CEO whose report is currently under consideration.
- (2) This motion, if lost, causes debate to continue.

12.6 THAT THE RULING OF THE PRESIDING MEMBER BE DISAGREED WITH—EFFECT OF MOTION

- (1) This motion, having been carried, will cause the ruling of the presiding member about which this motion was moved, to be reversed and for the meeting to proceed accordingly.
- (2) Where the presiding member has given a ruling in strict accordance with the Act, this motion may not be moved.
- (3) Where the presiding member has adjourned the meeting in accordance with clause 15.9 of these Standing Orders, this motion may not be moved.

PART 13—MAKING DECISIONS**13.1 QUESTION—WHEN PUT**

When the debate upon any question is concluded and the right of reply has been exercised the presiding member shall immediately put the question to the meeting, and, if so desired by any member, shall again state it.

13.2 QUESTION—METHOD OF VOTING

If a decision of the meeting is unclear or in doubt, the presiding member shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon by the meeting before declaring the decision.

PART 14—VOTING**14.1 METHOD OF TAKING VOTE**

- (1) The Mayor shall, in taking the vote on any motion or amendment, put the question, first in the affirmative, and then in the negative, and the Mayor may do so as often as is necessary to enable the Mayor to form and declare his or her opinion as to whether the affirmative or the negative has the majority by a show of hands or other method agreed upon by the meeting. **(Sections 5.21 and 5.25 of the Act, and regulation 9 of the Regulations)**
- (2) The result of voting openly is determined on the count of raised hands.
- (3) The dissenting vote of the Mayor and each Councillor is on each occasion to be recorded in the minutes of that particular meeting.

PART 15—PRESERVING ORDER**15.1 THE PRESIDING MEMBER TO PRESERVE ORDER**

The presiding member is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

15.2 DEMAND FOR WITHDRAWAL

A member at a meeting may be required by the presiding member, or by a decision of the meeting, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an employee, and if the member declines or neglects to do so, the presiding member may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

15.3 POINTS OF ORDER—WHEN TO RAISE—PROCEDURE

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member, who is speaking when a point of order is raised, is to immediately stop speaking and be seated while the presiding member listens to the point of order.

15.4 POINTS OF ORDER—WHEN VALID

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

- (a) that the discussion is of a matter not before the meeting;
- (b) that offensive or insulting language is being used;
- (c) drawing attention to the violation of any written law, or policy of the Council provided that the member making the point of order states the written law or policy believed to be breached.

15.5 POINTS OF ORDER—RULING

The presiding member is to give a decision on any point of order which is raised by either upholding or rejecting the point of order.

15.6 POINTS OF ORDER—RULING CONCLUSIVE UNLESS DISSENT MOTION IS MOVED

The ruling of the presiding member upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

15.7 POINTS OF ORDER TAKE PRECEDENCE

Notwithstanding anything contained in these Standing Orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

15.8 PRECEDENCE OF PRESIDING MEMBER

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

Penalty \$500.

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

15.9 RIGHT OF THE PRESIDING MEMBER TO ADJOURN WITHOUT EXPLANATION TO REGAIN ORDER

(1) If a meeting ceases to operate in an orderly manner, the presiding member may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If, at any one meeting, the presiding member has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

(2) Where debate of a motion is interrupted by an adjournment under sub-clause (1), in the case of a Council meeting—

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

PART 16—MOTION FOR REVOCATION**16.1 “SUBSTANTIVE RESOLUTION” DEFINED**

In this Part the term “substantive resolution” refers to a resolution which is the subject of a motion of revocation or change.

16.2 REVOCATION OR CHANGE AT SAME MEETING

The Council may, at the same meeting at which it is passed, revoke or change a resolution if all Councillors who were present in the Council Chamber at the time the resolution was passed are also present in the Council Chamber at the time the revocation or change is proposed and that number of persons who are, in accordance with Clause 16.4 required to support the motion, indicate their support by a show of hands. **(S5.25, R10)**

16.3 REVOCATION OR CHANGE AT SUBSEQUENT MEETING

(1) If a revocation or change is to be moved at a subsequent meeting, notice of the motion to revoke or change must be given to the CEO at least 7 working days before the meeting, and must be signed by the number of persons who are by the next succeeding subsection required to support the motion. **(Section 5.25 of the Act, and regulation 10 of the Regulations)**

(2) This subsection does not apply to the change of a substantive resolution unless the effect of the change would be that the substantive resolution would be revoked or would become substantially different.

16.4 SUPPORT FOR REVOCATION OR CHANGE

(1) If a substantive resolution has been passed at a meeting then any motion to revoke or change the substantive resolution must be supported—

- (a) in the case where an attempt to revoke or change the substantive resolution has been made within the previous three (3) months but has failed, by an absolute majority; or
- (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of Councillor inclusive of the mover. Otherwise the motion shall not be entertained. **(Section 5.25 of the Act, and regulation 10 of the Regulations)**

(2) If a substantive resolution has been passed at a meeting then any resolution to revoke or change the substantive resolution must be passed—

- (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special (75%) majority, by that kind of majority; or
- (b) in any other case, by an absolute majority. **(Regulation 10 of the Regulations)**

(3) This subsection does not apply to the change of a substantive resolution unless the effect of the change would be that the substantive resolution would be revoked or would become substantially different.

16.5 TERMS OF AND REASONS FOR REVOCATION OR CHANGE AT THE SAME MEETING TO BE STATED

When moving a motion of revocation or change at the same meeting at which the substantive resolution was passed or at a subsequent meeting without notice, the member moving the revocation or change shall state in clear terms—

- (a) the terms of the motion of revocation or change identifying the substantive resolution proposed to be revoked or changed; and
- (b) the reason or reasons for seeking revocation or change,

and the presiding member shall not accept a motion for revocation or change which does not comply with those requirements.

16.6 TERMS AND REASONS FOR REVOCATION AT SUBSEQUENT MEETING TO BE STATED IN NOTICE

When giving notice of motion of revocation or change the member giving notice shall record in writing in clear terms—

- (a) the terms of the motion of revocation or change identifying the substantive resolution proposed to be revoked or changed; and
- (b) the reason or reasons for seeking the revocation or change.

The CEO shall not accept a notice of motion of revocation or change which does not comply with the above mentioned requirements and is not supported in accordance with Clause 16.4(1).

16.7 WRITTEN NOTICES RECEIVED DURING SAME MEETING

(1) If the CEO receives a written notice of motion to revoke or change a substantive resolution before the close of the meeting at which the substantive resolution was passed, then provided the notice complies with the preceding subsections, the CEO shall forthwith deliver the notice to the presiding member who shall at the earliest opportunity notify the meeting of the notice, and thereafter at the first available opportunity the presiding member shall bring on the motion before the close of the meeting.

(2) If the CEO receives a written notice of motion to revoke or change a substantive resolution after the closure of the meeting at which the substantive resolution was passed, then provided the notice complies with the preceding subsections the CEO shall do all things necessary to ensure that the motion is considered at a Special or Ordinary Meeting of the Council held at the earliest opportunity after the meeting at which the substantive resolution was passed.

16.8 DELAY IN IMPLEMENTING SUBSTANTIVE RESOLUTION

Neither the CEO nor any member or employee of the Council shall take any step to implement or give effect to a substantive resolution until midday on the following working day after the close of the meeting at which the substantive resolution was passed.

If a notice of motion to revoke or change is received by the CEO before any step has been taken thereafter to implement the substantive resolution, then no step shall be taken to implement or give effect to the substantive resolution until the motion to revoke or change has been dealt with.

16.9 RESTRAINTS ON NOTICES OF REVOCATION OR CHANGE

The CEO shall not receive a notice of motion to revoke or change a substantive resolution if any step has been taken in accordance with these Standing Orders to implement or give effect to the substantive resolution.

16.10 RESTRAINTS ON MOTIONS FOR REVOCATION OR CHANGE

Without affecting the generality of the preceding subsection, the Council shall not entertain a motion for revocation or change of a substantive resolution if—

- (a) at the time the motion is moved any step has been taken in accordance with these Standing Orders by the CEO or any other employee of the Council to implement the substantive resolution; or
- (b) the substantive resolution concerns an application for planning consent or a building licence or for any consent approval or licence of a similar nature, where notification of the resolution to grant the consent approval or licence has been sent to the applicant by the Council in writing, or has been communicated orally to the applicant or the applicant's representative by an employee of the Council having authority to give such notification in ordinary circumstances.

16.11 MULTIPLE NOTICES TO REVOKE OR CHANGE

The CEO may receive more than one notice of motion to revoke or change the same substantive resolution.

16.12 ABSENCE OF MOVER OR SECONDER

If a motion to revoke or change a substantive resolution fails to be considered by the Council by reason that at the time the motion is called on—

- (a) the Councillor who gave notice of the motion is not present or is not willing to move the motion; and
- (b) there is no other Councillor present willing to move the motion; or
- (c) if the motion is not supported by the number of Councillors required by the preceding provisions of this Part,

then the motion shall lapse.

16.13 NO REVOCATION OF PROCEDURAL RESOLUTION OR A RESOLUTION TO REVOKE

The Council shall not entertain a motion to revoke a substantive resolution which is merely procedural in its form and effect, or a resolution to revoke another resolution.

16.14 MOTION TO CHANGE HAVING EFFECT OF REVOCATION

If a motion to change a substantive resolution in its form or effect would amount to a motion to revoke the substantive resolution then it shall be treated as if it was a motion to revoke the substantive resolution.

PART 17—COMMITTEES**17.1 STANDING ORDERS APPLY TO COMMITTEES**

Where not otherwise specifically provided, these Standing Orders apply generally to meetings of Committees, except that the following Standing Orders do not apply to the meeting of a Committee—

- (a) Clause 8.2, in regard to seating;
- (b) Clause 9.1, in respect of the requirement to rise;
- (c) Clause 9.5, in respect to the limitation on the number of speeches.

17.2 ESTABLISHMENT AND APPOINTMENT OF COMMITTEES

(1) A Committee is not to be established except on a motion setting out the proposed functions, including terms of reference specifying duties, powers and reporting requirements of the Committee and either—

- (a) the names of the members, employees and other suitably qualified persons to be appointed to the Committee; or
- (b) the number of members, employees and other suitably qualified persons to be appointed to the Committee and a provision that they be appointed by a separate motion. (**Sections 5.8 to 5.18 of the Act**)

(2) Whenever possible Committees should be established at the first meeting of the Council held after the ordinary election day.

17.3 APPOINTMENT OF DEPUTY MEMBERS

(1) The Council may appoint one or more members to be the deputy or deputies, as the case may be, to act on behalf of a member whenever that member is unable to be present at a meeting and where two or more deputies are so appointed they are to have seniority in the order determined by the Council.

(2) If a member does not attend a meeting, during the member's absence any deputy of that member is entitled to attend the meeting in place of the member and act for the member at the meeting, and while so acting has all the powers of that member. For all purposes under the Standing Orders a deputy acting for a member shall be treated as and included in any reference to the members or a member of the Committee as if the deputy was the ordinary member and the deputy member's vote shall have effect accordingly.

(3) If a deputy has commenced to act in place of a member at a Committee meeting and the member attends the meeting, the member takes precedence and assumes the seat and the deputy shall thereupon cease to act as a member at that meeting.

(4) A deputy who is one of two or more deputies of a member of a Committee is not entitled to attend a meeting of the Committee in place of that member if the meeting is attended by another deputy of that member who has precedence over that deputy in the order of seniority determined by the Council.

(5) A person who is a member of a Committee is not eligible to be appointed a deputy for another member of that Committee.

17.4 MEMBER ATTENDING COMMITTEE AS OBSERVER

(1) A member may attend as an observer at meetings of a Committee notwithstanding that the Councillor is not a member of that Committee. A member attending a Committee meeting as an observer may speak on nominated issues by resolution of the Committee, but shall not vote on any question before the Committee unless the Member is a deputy of a member excluded from a meeting pursuant to clause 19 or he or she is invited by the Committee to participate pursuant to clause 19.2.

(2) Subject to the preceding subsection a Member attending a Committee as an observer shall sit in an area set aside by the CEO for observers separated from the Committee members.

17.5 CALLING MEETING OF COMMITTEE

(1) A meeting of a Committee is to be held—

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

(2) The CEO shall give notice of the meeting to every member of the Committee and to any member who is not a member.

(3) Agenda papers for Committee Meeting to be distributed to all members of Council. When a meeting of any Committee is called the agenda paper for the meeting together with copies of all employee's reports relating to matters on the agenda paper for that meeting shall be forwarded to all members and not just to the members on the Committee.

17.6 UNFINISHED BUSINESS OF FORMER COMMITTEES

It shall be competent for every Committee to take up matters referred by the Council to the preceding Committee which may not have been entered upon or fully discharged at the time such Committee went out of office.

17.7 CONFERENCE OF COMMITTEES

Any two or more Committees may confer together by mutual agreement on any matter of joint interest.

17.8 COMMITTEES TO REPORT

(1) Obligation to Report

A Committee is answerable to the Council and shall, as and when required by the Council to do so, report fully on its activities to the Council.

(2) Preparation of Report

When it has reached a decision on each matter referred to it by the Council the Committee shall as soon as possible prepare a report containing recommendations and submit it to the Council.

17.9 REPORTS OF COMMITTEES

(1) Minutes to be Report

Subject to Clause 4.8 the CEO shall enter the minutes of all Committees in the Minute Book. The minutes of each Committee shall be deemed to be the report of the Committee to Council, where issues contained in such minutes require a resolution of Council to be effective.

(2) Committee Minutes to be Sent to Councillors

All minutes of Committee meetings to be presented at any meeting of the Council shall be sent to each Councillor at least 24 hours before the commencement of the meeting at which they are to be presented.

(3) Presentation of Reports

- (a) Minutes of a Committee shall be presented to the Council by the CEO or an employee so authorised by the CEO.
- (b) The Mayor shall—
 - (i) call for requests by any member or the CEO to withdraw any recommendation contained in the report, and where such a request is made the subject recommendation shall be withdrawn;
 - (ii) put the question that the recommendations be adopted with the exception of any recommendations withdrawn pursuant to item (i) of this paragraph;
and in relation to a recommendation or those recommendations in the report which are the subject of a request by a Councillor under item (i), those recommendations shall be individually dealt with in accordance with this Local Law.
- (c) Any member may direct questions on the report through the Mayor. All questions and answers shall be given as briefly and concisely as possible, and no discussion shall be allowed thereon.

PART 18—ELECTORS' MEETINGS

18.1 STANDING ORDERS APPLY

The Standing Orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of these Standing Orders and the provisions of the Act and Regulations, the provisions of the Act and the Regulations prevail. **(Sections 5.26 to 5.33 of the Act)**

18.2 RESTRICTION ON VOTING AND SPEAKING

A person who is not an elector as that term is defined in the Act (including ratepayers) is not entitled to vote at a meeting of electors, and he or she may not take any part in any discussion at that meeting, unless the meeting, by a resolution, allows the person to do so.

PART 19—DISCLOSURE OF MEMBERS' AND EMPLOYEES INTERESTS

19.1 DISCLOSURE OF FINANCIAL, INDIRECT FINANCIAL, PROXIMITY and IMPARTIALITY INTERESTS

The requirements for disclosure of any interest are as defined in the Act. **(Sections 5.59 to 5.87 of the Act, and regulations 20 to 28 of the Regulations)**

19.2 SUBSTITUTION OF DEPUTY AT COMMITTEE

Where a member withdraws from a meeting of a Committee in respect of a matter under consideration by that Committee in accordance with the provisions of this Part, the meeting may resolve to invite another member present at the meeting who is a deputy of the excluded member for that Committee to participate as a member of the Committee in the absence of the excluded member.

19.3 EXEMPTION BY MINISTER

(1) Where the Minister allows a member who has disclosed an interest to participate in a meeting in any capacity, in the case of any inconsistency between the provisions of this Part and the Minister's determination, the Minister's determination shall prevail. **(Sections 5.69 and 5.69A of the Act)**

(2) The terms of any determination by the Minister shall be recorded in the minutes in the same manner as a disclosure of interest.

19.4 RECORDING DETAILS OF INTEREST IN MINUTES

The minutes of a meeting shall record the details of the interest disclosed by a Councillor or employee as defined in the Act.

19.5 DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

The disclosure of interests affecting impartiality is dealt with by the Code of Conduct adopted by the Council. **(Regulation 34C of the Regulations)**

PART 20—ADMINISTRATIVE MATTERS**20.1 SUSPENSION OF STANDING ORDERS**

(1) The meeting may decide, by simple majority vote, to temporarily suspend one or more of these Standing Orders.

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

20.2 CASES NOT PROVIDED FOR IN STANDING ORDERS

Where there is no provision made in these Standing Orders, or the Act or Regulations, the presiding member shall determine the procedure to be observed.

20.3 NEGATIVED MOTION NOT TO BE ENTERTAINED WITHIN THREE MONTHS

A motion to the same effect as any motion (other than a motion moved in pursuance of a report of a Committee of the Council) which has been decided in the negative by the Council shall not again be entertained within a period of three (3) months unless an absolute majority of the members signify to the CEO in writing before a meeting their consent to the motion being entertained at that meeting.

20.4 DEPUTATIONS BY COUNCIL

(1) In the event that the Council resolves to seek a meeting with any Federal or State Minister or government department or agency, another local government or any other body or person the request for the meeting should be made in writing within five (5) working days after the date of the resolution.

(2) The CEO shall report to the next Council meeting the measures taken to arrange the requested meeting and should present a report on the requested meeting to the next Council meeting occurring after the requested meeting has been held.

20.5 COUNCIL'S COMMON SEAL

(1) The CEO is to have charge of the Common Seal of the Town, and is responsible for the safe custody and proper use of it. **(Section 9.49 of the Act)**

(2) The Common Seal of the Town 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 to do so.

(3) The Common Seal of the Town is to be affixed to any Local Law which is made by the Town.

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

Penalty of up to a maximum of \$1,000.

Dated 31 July 2007.

The Common Seal of the Town of Claremont was affixed by authority of a resolution of the Council in the presence of—

PETER OLSON, Mayor.
ARTHUR KYRON, Chief Executive Officer.