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LOCAL GOVERNMENT ACT 1995

TOWN OF CLAREMONT

**STANDING ORDERS
LOCAL LAW 2009**

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STANDING ORDERS LOCAL LAW 2009

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LOCAL GOVERNMENT ACT 1995

TOWN OF CLAREMONT

STANDING ORDERS LOCAL LAW 2009

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it the Council of the Town of Claremont resolved on 6 October 2009 to make the following law.

PART 1—PRELIMINARY**1.1 Title**

This local law is the *Town of Claremont Standing Orders Local Law 2009*.

1.2 Commencement

This local law comes into operation 14 days after its publication in the *Government Gazette*.

1.3 Purpose and intent

- (1) The purpose of this local law is to provide a set of procedures to assist in the good conduct of meeting of the Council, of committees and of the electors.
- (2) The local law is intended to result in—
 - (a) better decision-making by the Council;
 - (b) orderly and efficient conduct of meetings dealing with business of the Council;
 - (c) greater community participation and understanding of the business of the Council; and
 - (d) open and accountable local government.

1.4 Repeal

The Town of Claremont Standing Orders Local Law as published in the *Government Gazette* on 8 March 2000 is repealed.

1.5 Terms used in this local law

Unless the contrary intention appears—

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

“**Administration Regulations**” means the *Local Government (Administration) Regulations 1996*;

“**CEO**” means the chief executive officer of the Town;

“**Committee**” means a committee of the Council established under section 5.8 of the Act;

“**Council**” means the council of the Town;

“**meeting**” means a meeting of the Council;

“**member**” means a member of the Council;

“**presiding person**” means—

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act;

“**Rules of Conduct Regulations**” means the *Local Government (Rules of Conduct) Regulations 2007*;

“**Town**” means the Town of Claremont.

PART 2—MEETINGS OF COUNCIL**2.1 Calling of meetings**

The calling of meetings is dealt with in the Act.

2.2 Notice of meeting and notice of adjournment

- (1) The giving of notice of meetings of the Council is dealt with in the Act and the giving of public notice of meetings is dealt with in the Administration Regulations.

(2) How documents can be given to a person is dealt with in the Act and the *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.

2.3 Public access to agendas and supporting information

Public access to agendas and supporting documentation is dealt with in the Administration Regulations.

2.4 Public access to unconfirmed minutes of meetings

Public access to unconfirmed minutes of meetings is dealt with in the Administration Regulations.

2.5 Quorum for meetings

The requirements for a quorum for a meeting are dealt with in the Act.

2.6 Procedure if quorum not present

The procedure where a quorum for a meeting is not present is dealt with in the Administration Regulations.

2.7 Lapse of quorum

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

(2) If a quorum is not present at the expiration of the 15 minutes suspension period then the presiding person is to adjourn the meeting to a future time and date.

(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.

2.8 Voting

(1) Voting at meetings is dealt with in the Act and the Administration Regulations.

(2) In taking the vote on any motion or amendment, the presiding person must put the question first in the affirmative and then in the negative and may do so as often as is necessary, to form and declare an opinion as to whether the affirmative or the negative has the majority.

PART 3—BUSINESS AT MEETINGS

3.1 Order of business

(1) Unless the Council decides otherwise, the order of business at an ordinary meeting of the Council is to be as follows—

- (a) declaration of opening/announcement of visitors;
- (b) record of attendance/apologies;
- (c) disclosure of interests;
- (d) response to previous public questions taken on notice;
- (e) public question time;
- (f) public statement time;
- (g) leave of absence;
- (h) petitions/deputations/presentations;
- (i) confirmation of minutes of previous meetings;
- (j) announcement of confidential matters for which meeting may be closed to the public;
- (k) business not dealt with from a previous meeting;
- (l) reports of the CEO;
- (m) announcements by the presiding person;
- (n) elected members' motions of which previous notice has been given;
- (o) new business of an urgent nature approved by the person presiding or by decision of meeting;
- (p) confidential matters for which the meeting may be closed to the public;
- (q) future meetings of Council;
- (r) declaration of closure of meeting.

(2) The order of business at any special meeting of the Council is to be in the order in which it appears in the agenda.

(3) Unless otherwise decided by the Council, the items of business for a meeting of the Council are to be considered in the sequence that they are listed in the agenda.

(4) At the resumption of an adjourned meeting the only business to be transacted is that which remains outstanding on the agenda of the adjourned meeting.

3.2 Disclosure of financial and proximity interests

The requirements for disclosure of any interest as defined in section 5.60 are dealt with in Part 5 of the Act.

3.3 Disclosure of interest affecting impartiality

The disclosure of interests affecting impartiality is dealt with by the Rules of Conduct Regulations.

3.4 Public question time

- (1) Public question time at meetings is dealt with in the Act and Administration Regulations.
- (2) A member of the public wanting to ask a question during public question time must first state their name and address.
- (3) Questions asked by the public are to relate to the business of the Council and are not to be in the form of a statement or a personal opinion.

3.5 Public statement time

The procedure for the making of statements by members of the public is to be determined—

- (a) by the presiding person; or
- (b) in the case where the council disagrees with the presiding person, by the council.
- (c) a time limit of 5 minutes per public statement is noted within the standard procedure

3.6 Petitions

- (1) A petition received by a member or the CEO is to be presented to the next ordinary Council meeting.
- (2) Any petition to the Council is—
 - (a) to be prepared in the form prescribed in the Schedule;
 - (b) to be addressed to the Council and forwarded to a member or the CEO; and
 - (c) to state the name and address of the person to whom correspondence in respect of the petition may be served.
- (3) Once a petition is presented to the Council, a motion may be moved to receive the petition and refer it to the CEO for action.

3.7 Deputations to meetings

- (1) Any person or persons wishing to be received as a deputation by the Council, must give a request in writing to the CEO setting out in concise terms the matter to be raised by the deputation.
- (2) A request under subclause (1) must be given to the CEO not later than 12 noon on a business day which is not less than 3 clear days prior to the date of the meeting.
- (3) When the CEO receives a request for a deputation to the Council, the request is to be brought to the attention of the presiding person.
- (4) The presiding person is to—
 - (a) decide that a deputation is to be received and when it is to be received; or
 - (b) instruct the CEO to refer the request to the Council to decide whether or not to receive the deputation.
- (5) A deputation is not to exceed 5 persons in number and only 2 of those persons may address the meeting.
- (6) Members of a deputation are collectively to have a maximum of 10 minutes to address the meeting, unless an extension of time is granted by the Council.

3.8 Presentations

- (1) If the CEO determines that it would be beneficial for a presentation to be made, with the agreement of the mayor or presiding person, the presentation may take place under this order of business or at the time of dealing with that particular item of business.
- (2) The time for the presentation and any questions from members is to be determined by the mayor or presiding person according to the particular circumstances.

3.9 Confirmation of minutes

- (1) The requirements for keeping minutes of meetings and the content of minutes are dealt with in the Act and the Administration Regulations.
- (2) When considering the minutes of a previous meeting, the only discussion permitted is that relating to the accuracy of the minutes.

3.10 Identification of matters for which the meeting may sit behind closed doors

For the convenience of members of the public, the Council may by resolution identify those matters on the agenda that are to be discussed behind closed doors and defer those matters to be considered as the last reports at the meeting.

3.11 Reports of the CEO

- (1) The functions of the CEO including to advise the Council and implement decisions are dealt with in the Act.
- (2) The CEO may prepare or cause to be prepared any report that in the CEO's opinion requires consideration by the Council, including any report of a late or urgent nature.

3.12 Announcements by presiding person

At any meeting of the Council the presiding person may announce or raise any matter of interest or affecting the Town.

3.13 Members motions of which previous notice has been given

- (1) A member may raise at a meeting any business that the member considers appropriate, in the form of a motion, of which notice has been given in writing to the Chief Executive Officer.
- (2) Subject to subclause (3) a notice of motion under subclause (1) is to be signed by the member and given to the CEO at least 7 clear business days before the meeting at which it is to be moved.
- (3) The requirement to give notice of a motion under subclause (1) does not apply where the proposed motion is relevant to—
 - (a) a recommendation made by or contained in a report on the agenda; or
 - (b) a notice of motion that appears on the agenda,

and is moved after the motion has been dealt with.

(4) A notice of motion lapses unless the member who gave the notice or some other member authorised in writing by the member who gave the notice, moves the motion at the meeting at which it is to be considered.

(5) Where a notice of motion is given and lapses in circumstances referred to under subclause (4), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of the lapse.

(6) A motion of which previous notice has been given is to relate to the good government of persons in the district of the Town.

(7) A notice of motion of which the subject matter is does not relate to the good government of persons in the district of the Town, may be ruled out of order by the presiding person.

(8) Where a notice of motion under subclause (1) contains any word or words which—

- (a) reflect adversely on the character or actions of a member, officer or other person; or
- (b) impute any motive to any member or officer; or
- (c) are offensive or insulting,

then the CEO—

- (i) after consultation with the presiding person, may reject the motion; or
- (ii) after consultation with the member who submitted the motion, may amend the form but not the substance of the motion so as to delete the relevant word or words.

(9) Where, prior to a meeting, a member has given notice of motion in accordance with this clause or a member has given notice of a revocation motion in accordance with clause 6.4;

- (a) the member is present at the meeting, the member must read the motion or revocation motion to the meeting; or
- (b) the member is not present at the meeting, the CEO must read the motion or revocation motion to the meeting.

3.14 Urgent business

The presiding person may dispense with the requirement to give notice under clause 3.13 where the presiding person is satisfied that—

- (a) the motion is a matter of urgency and the motion could not reasonably be dealt with at the next ordinary meeting of the Council; and
- (b) it was not reasonable for the notice to be given.

3.15 Meeting closure

At the conclusion of all business or when otherwise determined by the meeting, the presiding person is to declare the meeting closed and state the closing time.

3.16 Questions by members of which due notice has been given

- (1) A question on notice is to be given by a member in writing to the CEO at least 4 clear working days before the meeting at which it is raised.
- (2) If a question referred to in subclause (1) is in order, the answer is to, so far as is practicable, to be included in written form in the agenda of the meeting or otherwise tabled at the meeting.
- (3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed unless with the consent of the presiding person.

PART 4—CONDUCT OF MEETINGS**4.1 Official titles to be used**

Members, when referring to others, must refer to them by their titles of mayor, deputy mayor, councillor, or in the case of an employee, by the employee's title.

4.2 Seating

(1) At the first meeting following each ordinary election, the CEO is to allocate a seat in the Council chamber to each member on the basis of a random draw.

(2) Each member must occupy his or her allocated position when present at a meeting of the Council until the Council decides to reallocate positions.

(3) The CEO is to sit next to the presiding person.

4.3 Distinguished visitor seating

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

4.4 Media attendance and seating

Media representatives are permitted to attend meetings of the Council and be seated in that part of the Council chamber or meeting room that may be set aside for their use, but must leave the meeting during any period when the meeting is closed to the public.

4.5 Order of speakers

When 2 or more members indicate their desire to speak at the same time the presiding person is to decide who is entitled to priority.

4.6 Members not to interrupt during debate

A member must not—

- (a) make any noise or disturbance or converse in a loud manner whilst any other member is addressing a meeting; or
- (b) cause any interruption or speak out of turn during a meeting, unless to—
 - (i) raise a point of order under 4.12 (1)
 - (ii) call attention to the absence of a quorum;
 - (iii) make a personal explanation under clause 4.10; or
 - (iv) move a motion under clause 7.1.

4.7 No member to cross the floor

When the presiding person is putting any motion, a member must not cross the floor, and whilst any other member is speaking, must not pass between the speaker and the presiding person or pass behind the presiding person.

4.8 Presiding person may participate in discussion

(1) The voting entitlement of a presiding person at a meeting is dealt with in the Act.

(2) The presiding person may participate in the discussion of any motion before the meeting provided that the presiding person addresses the meeting before the right of reply is exercised.

(3) The presiding person may move a motion provided that the presiding person vacates the chair before moving the motion and that the deputy chairman or another member presides over the meeting during the time that the motion is debated and voted upon.

4.9 Relevance to debate

When addressing a meeting on any motion or other business, members must confine their remarks to the motion or other business and not digress.

4.10 Personal explanation

(1) A member must not speak at any meeting, except on the matter then before the Council, unless it is to make a personal explanation.

(2) A member wishing to make a personal explanation of matters referred to by any other member then speaking, is entitled to be heard—

- (a) immediately if the member then speaking consents at the time; or
- (b) at the conclusion of the speech if the member then speaking declines to give way.

(3) A member of the Council permitted to make a personal explanation must confine comments to a succinct statement relating to a specific part of the former speech that may have been misunderstood and the member is not to refer to matters not strictly necessary for that purpose and is not to seek to strengthen his or her former argument by new matter or by replying to other members.

4.11 Ruling on questions of personal explanation

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

4.12 Point of order

(1) A member may direct the presiding person's attention to a breach of this local law by any other member and is to specify the grounds of the breach.

(2) A member expressing a difference of opinion with, or contradicting, a speaker is not to be recognised as raising a point of order.

(3) The presiding person is to decide all points of order and the decision of the presiding person is final unless in any particular case, the Council then resolves that a different ruling is to be substituted for the ruling given by the presiding person.

(4) A motion, amendment or other business ruled to be out of order, is to be no longer discussed and requires no resolution.

(5) Where anything said or done by a member is ruled out of order, the presiding person may require the member to make an explanation, retraction or apology as the case may be.

4.13 Preservation of order—Council members

(1) The presiding person is to preserve order at all times and may call any member to order whenever in the presiding person's opinion, there is cause to do so.

(2) Any member who acts in breach of this clause may be ruled by the presiding person to be out of order.

(3) Where a member persists in any conduct which the presiding person deems is out of order, then the presiding person may direct the member to refrain from taking any further part in that item under discussion, other than by recording the member's vote and the member must comply with that direction.

(4) The presiding person may direct a member to apologise and to unreservedly withdraw any expression which is considered to reflect offensively on another member or an employee and if the member refuses or fails to do so, the person presiding may refuse to hear the member further on the matter under debate and call upon the next speaker.

4.14 Preservation of order—members of the public

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

(2) A person observing a meeting, must not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

(3) Where a person is considered by the presiding person or the Council to be in breach of sub-clauses (1) or (2) the presiding person or the Council may direct the offending person to leave the meeting room and the person must immediately comply with that direction.

(4) A person failing to comply with a direction given under sub-clauses (1) or (3) may, by order of the presiding person, be removed by the police from the meeting room.

(5) A person who fails to comply with a direction given under subclause (3) commits an offence.

Penalty: \$1000.

4.15 Serious disorder

(1) If the presiding person is of the opinion that by reason of serious disorder or otherwise, the business of the meeting cannot effectively be continued, the presiding person may adjourn the meeting for a period of not less than 5 minutes but no more than 15 minutes.

(2) If, having once adjourned the meeting, the presiding person is again of the opinion that the business of the meeting cannot effectively be continued the presiding person may adjourn the meeting to another date.

PART 5—MOTIONS AND AMENDMENTS

5.1 Recommendations in reports

(1) Where a motion, if carried, would be significantly different from the relevant written recommendation of an employee (but not a motion to only note the matter or to return the recommendation for further consideration), the motion is to include the reasons for the motion.

(2) The requirements for recording in the minutes of a meeting, written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee are dealt with in the Administration Regulations.

(3) A recommendation made by or contained in a report may, but need not be, moved.

(4) A motion may be moved that a recommendation made by or contained in a report be referred back for further consideration.

5.2 Adoption of recommendations en bloc

A member may move a motion to adopt by one resolution, all the recommendations or a group of recommendations or several reports, without amendment or qualification after having first identified those recommendations, if any—

- (a) which require adoption by absolute or special majority vote,
- (b) in respect of which there is a disclosure of interest;
- (c) which any member has indicated the member wishes to debate; and
- (d) in respect of which any member has indicated the wish to ask a question or to raise a point of clarification,

and, each of those recommendations referred to in paragraphs (a), (b), (c) and (d) are to be considered separately.

5.3 Motions

- (1) A member proposing a primary motion or amendment must state its substance before addressing the meeting and if so required by the presiding person must put the motion or amendment in writing.
- (2) The presiding person or the meeting by resolution, may require a complicated motion to be divided into 2 or more motions.

5.4 No opposition to motions

- (1) On a motion being moved and seconded, the presiding person may then ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the presiding person may then take the vote without debate.
- (3) If a member signifies opposition to a motion, the motion is to be dealt with according to this local law.

5.5 Motions to be seconded

- (1) Subject to subclause (2) a motion or amendment is not to be discussed or put to the vote unless seconded.
- (2) A nomination to any position is not required to be seconded.
- (3) A member seconding a motion is to be taken to have reserved the right to speak on the motion later in the debate.

5.6 Withdrawing motions

A motion or amendment may be withdrawn by the mover, with the consent of the Council, and no member is to speak on it after it has been withdrawn.

5.7 One motion at a time

Only one motion is to be debated at any one time.

5.8 Limitation on members speaking

- (1) Only the mover of a motion or an amendment may speak twice on the same motion or the same amendment.
- (2) The mover of a motion or an amendment—
 - (a) is to speak to that motion or amendment first, after it has been seconded; and
 - (b) has the right of reply and in exercising that right is to confine the reply to previous speakers' comments and not introduce any new matters.
- (3) A member must not speak on any motion or an amendment after the mover has replied.
- (4) A member may only speak on a motion or an amendment, or reply, for a period of 5 minutes, unless an extension of time is granted by the Council by simple majority without debate, but is not to exceed 10 minutes in total.
- (5) The Council may suspend the operation of this clause during debate on a motion.

5.9 Questions during debate

- (1) Subject to clause 5.8 (Limitation on members speaking) a member may ask a question at any time during the debate on a motion or an amendment before the mover of the motion or amendment has replied.
- (2) A member who asks one or more questions will not be taken to have spoken on the matter.

5.10 Amendments

- (1) A member may move an amendment to a primary motion, at any time during debate on the motion, except—
 - (a) when the mover has been called by the presiding person to exercise the right of reply; or
 - (b) during debate on a procedural motion.
- (2) Every amendment is to be relevant and not negate the motion in respect of which it is moved.
- (3) An amendment to a motion is to take only one of the following forms—
 - (a) that certain words be omitted;
 - (b) that certain words be omitted and others substituted or added; or
 - (c) that certain words be added.
- (4)
 - (a) Only one amendment is to be discussed at a time, but as often as an amendment is lost, another amendment may be moved before the primary motion is put to the vote.
 - (b) Where an amendment is carried, one further successful amendment to the primary motion, as amended, and no more, may be carried.
- (5) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate and subject only to subclause (4), to be treated as a primary motion.

PART 6—REVOCATION MOTIONS**6.1 In this Part—**

- (a) **“relevant meeting”**, where used in relation to a revocation motion, means—
- (i) the ordinary or special meeting specified in the notice of the revocation motion; or
 - (ii) if that meeting is adjourned before the motion is announced by the presiding person, then at the resumption of the adjourned meeting; or
 - (iii) if that meeting is closed before the motion is announced by the presiding person, then at the next ordinary meeting or a special meeting convened to consider those matters not considered prior to the closure of the meeting; or
 - (iv) if the motion is deferred by the council to another meeting of the council, then at that other meeting,
- as the case may be;
- (b) **“revocation motion”** means a motion to revoke or change a decision made at a council meeting.

6.2 Revocation motions

(1) The conditions, where procedural support must be met and conducted for a motion for revocation or change of a Council decision to be carried, are provided in the Act and Administration Regulations.

6.3 Effect of change of Council decision

Where the effect of a change of a Council decision would not be—

- (a) a revocation; or
- (b) substantially different,

the conditions requiring procedural support do not apply.

6.4 Procedures for moving revocation motions

(1) A member wishing to move a revocation motion at a meeting of the council must give to the CEO notice of the revocation motion, which is to—

- (a) be in writing;
- (b) specify the decision proposed to be revoked or changed;
- (c) include a reason or reasons for the revocation motion;
- (d) be signed by the number of members required by law to support the motion to revoke or change the decision referred to in the revocation motion;
- (e) specify the date of the ordinary or special meeting of the council, as the case may be, which next follows the expiry of 7 clear days after the notice is given to the CEO; and
- (f) be given to the CEO not less than 7 clear days prior to the date of the ordinary or special meeting specified in the notice.

(2) The member who gave the notice of the revocation motion—

- (a) if present, the presiding person is to call on that member to move the revocation motion.
- (b) If not present or, being present, does not move the revocation motion when called upon to do so by the presiding person, then notwithstanding clause 3.13 any member of the Council may move the revocation motion.

(3) Where notice of a revocation motion is given in accordance with the requirements of this clause, then the CEO must not implement or continue to implement, the decision the subject of the revocation motion until—

- (a) the revocation motion is not supported by the number of members of the council required by law to support the motion;
- (b) no member of the council moves the revocation motion;
- (c) the motion is moved but not seconded; or
- (d) the motion is moved and seconded but is not made by the kind of majority required by law,

at the relevant meeting.

(4) A notice of revocation motion given in accordance with the requirements of this clause is to lapse when—

- (a) the revocation motion is not supported by the number of members of the council required by law to support the motion;
- (b) no member of the council moves the revocation motion;
- (c) the motion is moved but not seconded; or
- (d) the motion is moved and seconded but is not made by the kind of majority required by law,

at the relevant meeting.

6.5 Application of revocation of motion

(1) Subclauses (1), (2), (3), (4), (5) and (6) of clause 3.13 do not apply where the motion is a revocation motion.

(2) Subclauses (7), (8) and (9) of clause 3.13 are applicable only where the motion is a revocation motion.

(3) A motion that a revocation motion be deferred is only to be carried by the decision of an absolute majority.

PART 7—PROCEDURAL MOTIONS

7.1 Permissible procedural motions

In addition to proposing a properly worded amendment to a primary motion, a member may, at the conclusion of a speech of any other member or on the conclusion of any business, move any of the following procedural motions without notice, and if seconded, the procedural motion is to be dealt with immediately—

- (a) that the motion be deferred;
- (b) that the meeting do now adjourn;
- (c) that the motion be now put;
- (d) that the meeting be now closed;
- (e) that the Council sit behind closed doors;
- (f) that the limitation taken on members speaking be suspended or that the limitation be resumed;
- (g) that the ruling by the presiding person be disagreed with.

7.2 No debate on procedural motions

(1) The mover of a motion referred to in each of paragraphs (a), (b), (d), (e), (f) and (g) of clause 7.1 may speak to the motion for not more than 5 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 referred to in paragraph (c) of clause 7.1 must not speak to the motion, the seconder must not speak other than to formally second the motion, and there is to be no debate on the motion.

7.3 Procedural motions—closing debate—who may move

(1) No person who has moved, seconded, or spoken for or against the primary motion, or any amendment may move any procedural motion which, if carried, would close the debate on the primary motion or amendment.

(2) At the same meeting, a member must not move more than one procedural motion, except a motion referred to in paragraph (a), (e), (f) or (g) of clause 7.1.

7.4 Procedural motions—right of reply on primary motion

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

7.5 The motion be deferred—effect of motion

(1) If a motion “that the motion be deferred”, is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.

(2) A member who moves “that the motion be deferred” must briefly state the reasons for the deferral when moving.

(3) A motion that the motion be deferred is not to be moved in respect of the election of a presiding person.

7.6 The meeting do now adjourn—effect of motion

(1) If a motion “that the meeting do now adjourn”, is carried then the meeting is to stand adjourned to a time and date specified in the motion, or where no time and date is specified, to such time and date as the presiding person declares.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1)—

- (a) the debate is to be resumed at the date and time specified as required in subclause (1) and at the point where it was so interrupted; and
- (b) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
- (c) the provisions of clause 5.8 apply when the debate is resumed.

7.7 The motion be now put—effect of motion

(1) If a motion “that the motion be now put”, is carried during discussion of a primary motion or amendment then, subject to clause 7.4 the presiding person is to immediately put the matter under consideration without further debate.

(2) If the motion “that the motion be now put” is lost then debate is to continue.

7.8 Meeting be now closed—effect of motion

(1) If a motion “that the meeting be now closed”, is carried, then—

- (a) the presiding person is to forthwith close the meeting, and no further business may be transacted; and
- (b) any business outstanding on the agenda for that meeting is to be carried forward to the agenda for the next ordinary meeting of the Council.

- (2) If the motion “that the meeting be now closed” 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 5.8 apply when the outstanding business is resumed.

7.9 Council sit behind closed doors—effect of motion

- (1) The requirements for meetings to be open to the public and the reason that meetings may be closed are dealt with in the Act.
- (2) Notwithstanding clause 7.1, a member may move at any time during a meeting, that the meeting sit behind closed doors.
- (3) If a motion “that the Council sit behind closed doors”, is carried then the presiding person is to direct all persons, other than members, employees and other persons, as specified in the motion, to leave the meeting room and every person must immediately comply with that direction.
- (4) Subject to subclause (3), the meeting is to be closed to the public until the Council resolves to open the meeting to members of the public.
- (5) Upon the public again being admitted to the meeting the presiding person is to cause the motions passed by the Council whilst it was proceeding behind closed doors to be read out including the details of any voting recorded.
- (6) A person failing to comply with a direction made under subclause (3) may, by order of the presiding person, be removed by the police from the meeting room.

7.10 Limitation on members speaking be suspended or be resumed—effect of motion

- (1) If a motion “that the limitation on members speaking be suspended” is carried then the operation of clause 5.8 is suspended.
- (2) If a motion “that the limitation on members speaking be resumed” is carried then the operation of clause 5.8 is no longer suspended.

7.11 Ruling by the presiding person be disagreed with—effect of motion

If a motion “that the ruling by the presiding person be disagreed”, is carried then the ruling of the presiding person about which this motion was moved, is to have no effect and the meeting is to proceed accordingly.

PART 8—CONDUCT OF MEMBERS

8.1 No adverse reflection

- (1) A member must not reflect adversely upon a decision of the Council except on a motion that the decision be revoked or changed.
- (2) A member must not use an objectionable expression in reference to any member of the Council.
- (3) A member may request that any words used by a member, be recorded in the minutes immediately after their use.

8.2 Withdrawal of offensive language

- (1) A member who uses an expression which, in the opinion of the presiding person—
- (a) reflects adversely on the character or actions of a member, officer or other person; or
 - (b) imputes any motive to any member or officer; or
 - (c) is offensive or insulting,

must, when directed by the presiding person, unreservedly withdraw the expression and make an unconditional apology.

- (2) Where a member fails to comply with a direction of the presiding person under subclause (1), the presiding person may refuse to hear the member further on the matter then under discussion and call on the next speaker.

8.3 No participation as a public member

- (1) A member who participates in the role of a councillor during a Council meeting may not participate as a member of the public without leave of absence granted by Council
- (2) A member who wishes to participate, not in the role of councillor but as a member of the public and sit in the public gallery, during a Council meeting, may do so only after obtaining the requisite leave from the Council.

PART 9—MISCELLANEOUS

9.1 Representation on public bodies

When the Council is required to appoint or nominate a member or a person to a public body, written notice of the vacancy or justification for the appointment or nomination is to be given to all members and the Council is by resolution to determine the appointment or nomination.

9.2 Improper use of information

The improper use of information is dealt with in the Act.

9.3 Committees

(1) Unless otherwise provided in this local law, the provisions of this local law are to apply to meetings of committees with the exception of—

- (a) clause 4.2 (Seating); and
- (b) clause 5.8 (Limitation on members speaking).

(2) Notwithstanding subclause (1) there is to be no public question time and no public statement time in meetings of committees other than a committee to which the Council has delegated a power or duty.

(3) All meetings of committees not required to be open to the public under the Act are to be closed to the public unless the Council decides otherwise.

9.4 Recording of proceedings

(1) A person who uses any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the written permission of the Council commits an offence.

Penalty: \$5,000.

(2) Subclause (1) does not apply if the record is taken by or at the direction of the CEO with the permission of the Council.

9.5 Cases not provided for in the standing orders

Where there is no provision or insufficient provision is made in this local law, the presiding person is to determine the procedure to be observed.

9.6 Enforcement

The right to prosecute for any offence committed under this local law is dealt with in the Act.

Schedule—Petition of electors of the Town of Claremont

[cl. 3.6(2)(a)]

To the Mayor and members of the Council of the Town of Claremont.

We, the undersigned, all being electors of the district of the Town of Claremont do respectfully request that the Council—

[Here set out a concise statement of facts and the action sought]

Correspondence in respect of this petition should be addressed to—

[Here insert the nominated person's contact details]

The names and addresses of your petitioners are as follows—

DATE	FULL NAME	ADDRESS	SIGNATURE
AGREE/DISAGREE/NO OPINION			

Note: Petitioners may contact CEO of the Town of Claremont if they wish to withdraw from this petition or change their comment.

Passed at an ordinary meeting of the Council of the Town of Claremont held on the 6th day of October 2009.

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.
ATHANASIOS KYRON, Chief Executive Officer.

On this 7th day of October 2009.
