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LOCAL GOVERNMENT ACT 1995

CITY OF ALBANY

**STANDING ORDERS
LOCAL LAW 2014**

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STANDING ORDERS LOCAL LAW 2014

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LOCAL GOVERNMENT ACT 1995

CITY OF ALBANY

STANDING ORDERS LOCAL LAW 2014

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the City of Albany resolved on 25 February 2014 to make the following local law.

PART 1—PRELIMINARY**1.1 Citation**

This local law may be cited as the *City of Albany Standing Orders Local Law 2014*.

1.2 Commencement

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

1.3 Application and intent

(1) This local law contains the rules that apply to the conduct of meetings of the Council of the City of Albany, and its Committees and to meetings of electors.

(2) All Meetings are to be conducted in accordance with the Act, Regulations and this local law.

1.4 Interpretation

Unless otherwise defined in this local law, terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

- **Absolute Majority** has the meaning given to it in the Act.
- **Act** means the *Local Government Act 1995*;
- **CEO** means the Chief Executive Officer of the Local Government;
- **Committee** means a Committee of Council established under section 5.8 of the Act;
- **Council** means the Council of the City;
- **district** means the district of the local government;
- **Deputy Mayor** means the Deputy Mayor of the local government;
- **local government** means the City of Albany;
- **Mayor** means the Mayor of the local government;
- **Meeting** means a meeting of Council or a Committee, or an electors meeting as the context requires;
- **Member** means a member of Council or a Committee, as the context requires;
- **Officer and City Officer** means a person employed by a local government under section 5.36 of the Act or a person appointed as an authorised person under section 9.10 of the Act;
- **Officer** means an Officer of the local government.
- **Presiding Member** means—
 - o in respect of Council, the person presiding under section 5.6 of the Act; and
 - o in respect of a Committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;
- **Motion**. A motion is a form of words proposed by an Elected Member which, if agreed to, become a resolution of the Council;
- **Regulations** means the *Local Government (Administration) Regulations 1996*;
- **simple majority** means more than 50 per cent of the members present and voting;
- **substantive motion** means an original motion or an original motion as amended which is first moved for resolution of Council, of a substantive nature, and does not include a procedural motion. Substantive Motion is also known as a “Main Motion”;
- **Urgent**. Urgent meaning something which is a matter of public or administrative importance that has to be dealt with prior to the next ordinary meeting.

1.5 Repeal

The *City of Albany Standing Orders Local Law 2009* published in the *Government Gazette* on 24 May 2009 is repealed.

PART 2—MEETINGS OF COUNCIL AND COMMITTEES

2.1 Ordinary and special Council Meetings

- (1) An ordinary Meeting of Council is for the purpose of considering and dealing with the ordinary business of Council and may include any matter the CEO considers should be decided at the Meeting.
- (2) A special Meeting of Council is held for the purpose of considering and dealing with Council business that is of an urgent nature and for a particular purpose.

2.2 Committee Meetings

- (1) The CEO is to call a Meeting of any Committee when requested—
 - (a) by the Presiding Member of the Committee; or
 - (b) in writing, by the majority of Members of that Committee.
- (2) In convening a Meeting of a Committee, the CEO is to give each Member at least 72 hours notice of the date, time, place and purpose of the Meeting.
- (3) The Committee Meeting notice may include any matter the CEO considers should be considered at the Meeting.

2.3 Quorum for Meetings

- (1) If at any time during a Meeting a quorum is not present the Presiding Member must immediately suspend the Meeting for 45 minutes.
- (2) If, at the end of the stated period, there is no quorum, the Presiding Member is to adjourn the Meeting or extend the extension period for a further 30 minutes.
- (3) If a quorum is not present at the end of the extended period under subclause (2), the Presiding Member is to adjourn the Meeting to be resumed at some future time and date.
- (4) At any Meeting—
 - (a) at which there is not a quorum present; or
 - (b) which is adjourned for want of a quorum,

the names of the Members then present are to be recorded in the minutes.

PART 3—BUSINESS OF A MEETING

3.1 Business to be specified

- (1) No business is to be transacted at any ordinary Meeting of Council other than that specified in the agenda, without the approval of Council, determined by vote at the meeting.
- (2) No business is to be transacted at a special Meeting of Council other than that specified in the agenda.
- (3) Subject to subclause (4), no business is to be transacted at an adjourned Meeting of Council other than that which remains unresolved and is specified in the agenda of the Meeting which had been adjourned.
- (4) Where a Meeting is adjourned to the next ordinary Meeting of Council then, unless Council resolves otherwise, the business unresolved at the adjourned Meeting is to be dealt with before considering City Officer Reports at that ordinary Meeting.
- (5) The business to be transacted at a Committee Meeting is that specified in the Meeting agenda and any other business approved at the Meeting by the Presiding Member.

3.2 Order of business

- (1) Unless otherwise decided by Council, the order of business at any ordinary Meeting of Council will be—
 1. Declaration of opening
 2. Prayer and Acknowledgement of Traditional Land Owners
 3. Record of apologies and leave of absence
 4. Disclosures of interests
 5. Reports of Members
 6. Response to previous public questions taken on notice
 7. Public question time
 8. Applications for leave of absence
 9. Petitions and Deputations
 10. Confirmation of minutes
 11. Presentations
 12. Unresolved business from previous Meetings
 13. Minutes and recommendations of Committees
 14. New business of an urgent nature introduced by decision of Council

15. Motions of which previous notice has been given
16. Reports of City Officers
17. Meeting closed to public
18. Closure

(2) The order of business at any special Meeting of Council is to be the order in which that business stands in the agenda of the Meeting.

(3) Unless otherwise decided by the Committee, the order of business at any Committee Meeting is to be the order in which that business stands in the agenda of the Meeting.

(4) Notwithstanding subclauses (1), (2) and (3), the Presiding Member or the CEO may include on the agenda of an ordinary Council or Committee Meeting in an appropriate place within the order of business, any matter which the CEO considers must be decided at that Meeting as an urgent item.

3.3 Reports of Members

At any ordinary Meeting of Council, a Member is not to speak to any report under item 5 of clause 3.2(1) for more than two minutes without the consent of Council which, if given, is not subject to debate.

3.4 Presentations

(1) In this clause, a “presentation” includes the acceptance of a gift or an award by Council on behalf of the City or the community.

(2) A presentation may be made to Council or a Committee at a Meeting only with the prior approval of the Presiding Member.

3.5 New business of an urgent nature

(1) In cases of extreme urgency, matters may, on a motion—

- (a) by a Member that the matter should be considered by Council at the Meeting because of its urgency, and
- (b) carried by absolute majority of Council that the matter is urgent,

be raised without notice and decided at the Meeting.

(2) In subclause (1), “cases of extreme urgency” means matters that—

- (a) have arisen after the publication of the agenda that are considered by Council to be of such importance and urgency that they are unable to be dealt with administratively by the CEO; and
- (b) must be considered and dealt with by Council before the next ordinary Council Meeting.

(3) In considering an urgent matter without notice, Council must have available to it sufficient information to make an informed decision, and if Council considers such information is not available, it must adjourn the matter.

(4) Despite subclause (1), exercise of a discretion or a legislative power under a local planning scheme cannot be considered as an urgent matter under clause 3.5.

3.6 Motions of which previous notice has been given

(1) A notice of motion under item 15 of clause 3.2 (1) is to be given no less than ten days before the Meeting at which the motion is moved.

(2) A notice of motion for a special Council Meeting is to be given no less than 48 hours before the Meeting at which the motion is moved.

(3) The CEO—

- (a) may, with the concurrence of the Presiding Member, exclude from the Council papers any notice of motion which is, or is likely to involve, a breach this local law or any other law;
- (b) will inform the Member making the motion and Council the reasons for any such exclusion;
- (c) may provide to Council relevant facts, information and circumstances pertaining to the notice of motion.

(4) A motion of which notice has been given will lapse unless the Member who gave notice of it moves the motion when called on.

PART 4—PUBLIC PARTICIPATION

4.1 Meetings closed to the public

(1) A motion to close a Meeting to members of the public may be made without notice.

(2) The CEO may, at any time, recommend that a Meeting or part of a Meeting be closed to members of the public.

(3) If a Meeting is to be closed to members of the public—

- (a) the Presiding Member is to direct everyone to leave the Meeting except—
 - (i) the Members;
 - (ii) the CEO;
 - (iii) any officer specified by the CEO;

and

- (b) the Meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the Meeting to the public, Council or the Committee decides otherwise.

(4) A person who fails to comply with a direction under subclause (3) may, by order of the Presiding Member, be removed from the Meeting.

(5) Once the Meeting is reopened to members of the public, the Presiding Member is to ensure—

- (a) any resolution made while the Meeting was closed to the public is read out;
- (b) the vote of Members is included in the minutes.

4.2 Procedures for public question time

(1) A member of the public who raises a question or makes a statement during question time must—

- (a) first state their name and address;
- (b) direct the question or statement to the Presiding Member;
- (c) ask the question or make the statement briefly and concisely; and
- (d) limit any preamble to matters directly relevant to the question or statement.

(2) A question may be taken on notice by the Presiding Member or CEO for a response no later than 7 days after the Meeting.

(3) When a question is taken on notice, the CEO is to ensure that—

- (a) the response is given to the member of the public in writing; and
- (b) The response is included in the papers of the next Meeting.

(4) A response to a question—

- (a) is to be brief and concise; and
- (b) is not to be the subject of any discussion except that, if in the opinion of a Member or the CEO, false information or adverse reflection is contained in any question asked or statements made by a member of the public, then the Member or CEO may correct or clarify the matter.

(5) The Presiding Member may decide that a public question shall not be responded to where—

- (a) the same or similar question was asked at a previous Meeting, a response was provided and the member of the public is directed to the minutes of the Meeting at which the response was provided;
- (b) the member of the public asks a question or makes a statement that is offensive, unlawful or defamatory in nature, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the question or statement in a manner that is not offensive, unlawful or defamatory.

(6) The total time allowed for public question time will be no more than 30 minutes.

(7) Each member of the public shall have up to 4 minutes in total to ask questions or make statements.

(8) Council may agree to extend public question time.

(9) Where a public question is asked or a statement given at a Meeting, a summary of the question or statement and any answer is to be included in the minutes.

4.3 Distinguished visitors

If a distinguished visitor is present at a Meeting, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the Meeting, and the presence of that visitor shall be recorded in the minutes.

4.4 Deputations

(1) Any person or group wishing to be received as a deputation by Council or a Committee is to apply in writing to the Presiding Member for approval at least 24 hours prior to the Meeting.

(2) The Presiding Member may either—

- (a) approve the request and invite the deputation to attend the Meeting; or
- (b) refer the request to Council or the Committee to decide whether or not to receive the deputation.

(3) Unless Council or the Committee resolves otherwise, a deputation invited to attend a Meeting—

- (a) is not to exceed 5 persons, only 2 of whom may address the Meeting, although all 5 may respond to specific questions from Members;
- (b) is not to address the Meeting for a period exceeding 8 minutes without the agreement of Council or the Committee; and
- (c) may only address the Meeting on matters included in the agenda.

(4) Any matter which is the subject of a deputation to Council is not to be decided by Council until the deputation has completed its presentation.

4.5 Petitions

(1) A petition is to—

- (a) be addressed to the CEO or the Presiding Member;
- (b) be made by at least two electors of the City;
- (c) state the request and contain a summary of the reasons for the request on each page of the petition;
- (d) contain the name, address and signature of each elector making the request, and the date each elector signed; and

- (e) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the CEO is to submit the petition to the next ordinary Meeting of Council.
- (3) The CEO may provide to Council relevant facts, information and circumstances pertaining to the petition.
- (4) At any Meeting, Council is not to vote on any matter that is the subject of a petition presented to that Meeting, unless—
 - (a) the matter is the subject of a Report included in the agenda; and
 - (b) Council has considered the issues raised in the petition.

4.6 Participation at Committee Meetings

- (1) Without the consent of the Presiding Member, a person who is not a member of that Committee, cannot address a Committee Meeting.
- (2) The Presiding Member of a Committee will determine the length of time any person addressing the Committee will be given to speak.
- (3) A person who fails to comply with any reasonable direction of the Presiding Member may, by order of the Presiding Member, be removed from the Committee room.

4.7 Council may meet to hear public submissions

- (1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) The CEO and the Mayor shall set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall—
 - (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
 - (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 4.4(1) to make a deputation on the issue; and
 - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
- (4) A meeting held under subclause (1) shall be conducted only to hear submissions. The council shall not make resolutions at a meeting to provide the opportunity to be heard.
- (5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.
- (6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.
- (7) Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.
- (8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
- (9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

4.8 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public is to be—
 - (a) identified in the agenda of a Meeting under the item "Matters for which Meeting may be closed";
 - (b) marked "Confidential" in the agenda; and
 - (c) kept confidential by City Officers and Members until Council resolves otherwise.
- (2) A Member or a City Officer who has—
 - (a) confidential information under subclause (1);
 - (b) information that is provided or disclosed during a Meeting or part of a Meeting that is closed to the public,

must not to disclose that information to any person other than another Member or the CEO to the extent necessary for the purpose of carrying out their duties.

- (3) Subclause (2) does not prevent a Member or City Officer from disclosing information—
 - (a) at a Meeting closed to the public;
 - (b) to the extent specified by Council and subject to such other conditions as Council decides;
 - (c) that is already in the public domain;
 - (d) to the Minister;
 - (e) to a legal practitioner for the purpose of obtaining legal advice; or
 - (f) if the disclosure is required or permitted by law.

4.9 Recording of Meetings

- (1) No person is to use any visual or audio recording device or instrument to record Meetings without the written permission of the Presiding Member.
- (2) If the Presiding Member gives permission under subclause (1), the Presiding Member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.
- (3) When a Meeting is closed to the public, the recording of the Meeting will cease.
- (4) Subject to the approval of the CEO, Members and City Officers may have reasonable access to listen to the recordings of Meetings for purposes relevant to the performance of their role.
- (5) If the CEO does not grant approval, to a member's request, the matter shall be referred to Council for resolution.
- (6) All recordings are to be retained as part of the City's records in accordance with the *State Records Act 2000* and other archival legislation.

4.10 Prevention of disturbance

- (1) A person addressing Council or a Committee shall extend due courtesy and respect to Council or the Committee, and its Members, and the processes under which it operates, and shall comply with any direction by the Presiding Member.
- (2) A person shall not create a disturbance at a Meeting.
- (3) In this clause, "create a disturbance" includes—
 - (a) using insulting, offensive or threatening language;
 - (b) behaving in an insulting, offensive or threatening manner;
 - (c) behaving in a disorderly way;
 - (d) acting in a manner that brings the Council or Committee into disrepute; or
 - (e) disrupting, disturbing, interfering with, or interrupting the Meeting.
- (4) A person shall ensure that their mobile telephone and audible pager cannot be heard during any Meeting.
- (5) If a person who fails to comply with this clause, the Presiding Member may warn that person to so comply.
- (6) If, after being warned by the Presiding Member under subclause (5), a person—
 - (a) again acts contrary to this clause, or to these Meeting Procedures; or
 - (b) refuses or fails to comply with a direction by the Presiding Member,
 the Presiding Member may order the person to leave the room.
- (7) A person who is ordered to leave the Meeting room under subclause (5) and fails to do so may, by order of the Presiding Member, be removed from the Meeting and from the premises.

PART 5—QUESTIONS BY MEMBERS

5.1 Questions by Members

- (1) Members may ask questions relating to an item on the agenda or on matters related to the good governance of persons in the district.
- (2) At any time during the debate on a motion before the motion is put to the vote, a member may ask a question and, with the consent of the Presiding Member, may ask one or more further questions.
- (3) A member requesting general information from an Officer at a Council meeting may ask a question without notice and with the consent of the Presiding Member, may ask one or more further questions of that Officer or another Officer present at the meeting.
- (4) Where possible the Officer shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the Officer may ask that the answer to the question be given to the member who asked it within 5 days.
- (5) Every Member question and answer—
 - (a) is to be brief and concise; and
 - (b) is not to be accompanied by argument or expression of opinion except to the extent necessary to explain the question or answer.
- (6) In answering any question, the CEO and any City Officer may qualify their answer and may at a later time in the Meeting, or at a subsequent Meeting, alter, correct, add to or otherwise amend the original answer.
- (7) In accordance with clause 6.10 the Mover of a Motion is reserved the right to speak last (close debate).

PART 6—CONDUCT OF MEMBERS

6.1 Seating Position of Members

- (1) At the first meeting held after each Election Day, the CEO is to allot a position at the Council table to each member.
- (2) Each Member is to occupy their allotted position at each Council Meeting.

6.2 Titles to be used

A speaker, when referring to the City of Albany Mayor or Deputy Mayor, Presiding Member, a Member or City Officer, is to use the title of that person's office.

6.3 Advice of entry or departure

During the course of a Meeting, a Member is not to enter or leave the Meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

6.4 Members to indicate their intention to speak

A Member who wishes to speak is to indicate their intention by raising their hand or by another method agreed by the Presiding Member.

6.5 Priority of speaking

- (1) Where 2 or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.
- (2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.
- (3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

6.6 Presiding Member may take part in debates

The Presiding Member may take part in the discussion of any matter at a Meeting, subject to compliance with this local law.

6.7 Relevance

A Member is to restrict their remarks to the motion or any amendment of it under discussion, or to a personal explanation or point of order.

6.8 Speaking twice

- (1) A Member is not to address a Council Meeting more than once on any motion or amendment except—
 - (a) as the mover of a substantive motion, to exercise a right of reply; or
 - (b) to raise a point of order.
- (2) A Member who asks a question under Part 5 has not addressed the Meeting for the purposes of this clause.

6.9 Duration of speeches

- (1) A Member is not to speak on any matter at a Council Meeting for more than 4 minutes without the consent of Council which, if given, is not subject to debate.
- (2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 8 minutes.

6.10 No speaking after conclusion of debate

A Member is not to speak on, or ask questions in respect of, any motion or amendment after the mover has replied.

6.11 No interruption

- (1) A Member is not to interrupt another Member who is speaking except to—
 - (a) raise a point of order;
 - (b) call attention to the absence of a quorum;
 - (c) make a personal explanation under clause 6.13; or
 - (d) move a procedural motion that the Member be no longer heard under clause 7.1(1)(e).
- (2) call attention to irrelevant or repetitious statements by the speaker.
- (2) The Presiding Member may direct the Member who was speaking, to discontinue speaking, and the Presiding Member will address the matter raised under subclause (1).
- (3) A Member is to comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

6.12 Personal explanations

- (1) A Member who wishes to make a personal explanation relating to a matter raised by another Member who is then speaking, is to indicate to the Presiding Member their intention to make a personal explanation.
- (2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.
- (3) A Member making a personal explanation is to confine their observations to a succinct statement relating to a specific part of the speech at which they may have been misunderstood.

6.13 No reopening of discussion

A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked.

6.14 Presiding Member to preserve order

- (1) The Presiding Member is to preserve order, and whenever they consider necessary, may call any Member to order.
- (2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that they wish to speak, is to preserve strict silence so that the Presiding Member may be heard without interruption.
- (3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 6.6, but to preserve order.

6.15 Point of order

- (1) A Member may object, by way of a point of order, only to a breach of any of this local law or any other law.
- (2) Despite anything in this local law to the contrary, a point of order—
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

6.16 Procedures on a point of order

- (1) A Member interrupted on a point of order is to cease speaking until—
 - (a) the Member raising the point of order has been heard; and
 - (b) the Presiding Member has ruled on the point of order and, if permitted, the Member who has been interrupted may then proceed.
- (2) The Presiding Member is to rule on any point of order which is raised, by either upholding or rejecting the point of order.
- (3) A ruling by the Presiding Member on a point of order—
 - (a) is not to be the subject of debate or comment; and
 - (b) is to be final unless by an absolute majority vote, on a motion moved immediately after the ruling, to dissent from the ruling.
- (4) Subject to a motion of dissent being carried under subclause (3), if the Presiding Member rules that—
 - (a) any motion, amendment or other matter before the Council or Committee is out of order, it is not to be considered further;
 - (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.
- (5) If a Member—
 - (a) persists in any conduct that the Presiding Member had ruled is out of order under subclause (4); or
 - (b) fails or refuses to comply with a direction from the Presiding Member the Presiding Member may direct the Member to refrain from taking any further part in that Meeting, other than by voting, and the Member is to comply with that direction.

6.17 Right of Presiding Member to adjourn

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the Meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the Meeting was adjourned.
- (3) If, at any one Meeting, the Presiding Member adjourns the Meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to another time on the same day or to another day.

6.18 Substantive motions

- (1) A Member who wishes to move a substantive motion or an amendment to a substantive motion—
 - (a) is to state the substance of the motion before speaking to it; and
 - (b) if required by the Presiding Member, is to put the motion or amendment in writing.
- (2) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.

6.19 Only one substantive motion to be considered at a time

When a substantive motion is under debate at a Meeting, no further substantive motion is to be accepted.

6.20 Order of call in debate

Subject to clause 6.19, 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) the seconder to speak to the motion;
- (e) a speaker against the motion;

- (f) other speakers for and against the motion, alternating where possible; and
- (g) the mover for a right of reply which closes debate.

6.21 Limit of debate

The Presiding Member may offer the right of reply and put a substantive motion to the vote at any time if they believe that sufficient discussion has taken place on an item, even though all Members may not have spoken.

6.22 Consent of seconder required for alteration

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

6.23 Order of amendments

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

6.24 Amendment to motions

- (1) Form of an amendment. An amendment must add, delete, or substitute words to the substantive motion.
- (2) Amendment must not negate original motion. An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.
- (3) Relevance of amendments. Each amendment is to be relevant to the motion in respect of which it is moved.
- (4) Mover of motion may speak on amendment. Any member may speak during debate on an amendment.
- (5) Effect of an amendment. 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.

6.25 Withdrawal of motion or amendment

- (1) Subject to subclause (2), Council may, without debate, approve the withdrawal of a motion or amendment, on the request of the mover of the motion or amendment, and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by agreement of Council, until the amendment proposed has been withdrawn or lost.

6.26 Right of reply

- (1) The mover of a substantive motion or any amendment to a substantive motion has the right of reply.
- (2) The right of the reply may only be exercised—
 - (a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.
- (3) After the mover of the substantive motion has commenced their reply, there is to be no further discussion on, or any further amendment to, the motion.
- (4) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (5) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

6.27 Appropriate Member Behaviour

- (1) After a motion is decided, a Member is not to adversely comment on the decision either during the Meeting or at any other time, except at a Meeting considering a motion that the decision be revoked.
- (2) A Member is not during debate to—
 - (a) adversely comment on the character of another Member or City Officer;
 - (b) impute any improper motive to a Member or City Officer;
 - (c) use offensive or objectionable expressions in reference to any Member, City Officer or other person.
- (3) A Member who, in the opinion of the Presiding Member, uses an expression or language, or makes a statement, which—
 - (a) reflects adversely on the character of another Member or City Officer;
 - (b) imputes any improper motive to a Member or City Officer; or
 - (c) could reasonably be considered—
 - (i) irrelevant, repetitious, offensive or insulting;
 - (ii) disrespectful to another Member, including the Presiding Member;
 - (iii) a breach of order or decorum by a Member;

must, when directed by the Presiding Member, withdraw the expression, language or statement, and make an apology satisfactory to the other Member or City Officer.

(4) If a Member fails to comply with a direction of the Presiding Member under subclause (4) the Presiding Member may refuse to hear the Member further and call on the next speaker.

(5) Unless the meeting resolves, without debate, that the matter before the meeting cannot otherwise be adequately considered.

PART 7—PROCEDURAL MOTIONS

7.1 Procedural Motions

(1) A Member may move the following procedural motions—

- (a) that the Meeting proceed to the next item of business;
- (b) that the item be referred or adjourned;
- (c) that the Meeting now be adjourned;
- (d) that the motion be now put;
- (e) that the Member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with; or
- (g) that the Meeting be closed to the public.

(2) **No debate.** The mover of a motion specified in paragraph (a), (b), (c), (f) or (g) of subclause (1) may speak to the motion for not more than one minute. The seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(3) The mover of a motion specified in paragraph (d) or (e) of subclause (1) is not to 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.

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

(5) **Procedural motions—right of reply on substantive motion.** Subject to subclauses (6) and (7) the carrying of a procedural motion which closes debate on a substantive motion or an amendment to the motion, and forces a decision on the substantive motion or amendment, does not deny the right of reply to the mover of the substantive motion.

(6) **Meeting to proceed to the next business.** The motion “that the Meeting proceed to the next item of business”, if carried, has the effect that—

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) The Meeting moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

(7) **Item to be referred or adjourned.** A motion “that the item be adjourned”—

- (a) is to state a time and date to which the debate is to be adjourned; and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time and date stated in the motion.

(8) **Meeting now adjourn.** A Member is not to move or second more than one motion “that the Meeting be adjourned” during the same Meeting, but if a Member’s motion that “the Meeting be adjourned” is carried, the Meeting is adjourned to a time and date specified by the Presiding Member.

(9) A Meeting adjourned under subclause (8) is to continue from the point at which it was adjourned, unless the Presiding Member determines otherwise.

(10) If a motion “that the motion be now put”—

- (a) is carried during debate of a substantive motion or an amendment, the Presiding Member is to put the motion or amendment to the vote without further debate; or
- (b) is lost, debate is to continue.

(11) **Motion to be put.** If the motion “that the Member be no longer heard” is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if they are the mover of the substantive motion.

(12) **Member to be no longer heard.** If the motion “that the ruling of the Presiding Member be disagreed with” is carried, that ruling is to have no effect and the Meeting is to proceed accordingly.

7.2 Method of taking vote

(1) In taking the vote on any motion or amendment the Presiding Member—

- (a) is to ask for a show of hands, first in the affirmative, and then in the negative;
- (b) may ask for a show of hands as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
- (c) is to count and determine the votes of Members in any way that enables a record of Members’ votes;
- (d) the result of the vote is to be determined on the count of raised hands; and

- (e) is, subject to this clause, to declare the result including the names of those Members who voted in the minority.

7.3 Confirmation of minutes

- (1) The CEO is to distribute to each Member—
- (a) The unconfirmed minutes of each Council Meeting within 14 days after the Meeting; and
 - (b) The unconfirmed minutes of a Committee Meeting within seven days after the Meeting.
- (2) When minutes of an ordinary Meeting of Council are distributed and a Member is dissatisfied with the accuracy of those unconfirmed minutes, the Member shall provide the CEO with a written copy of alternative wording to amend the minutes no later than 10 days before the next ordinary Meeting of Council.
- (3) At the next ordinary Meeting of Council, any Member who provided alternative wording to amend the minutes shall, at the time for confirmation of minutes—
- (a) state the item or items with which they are dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (4) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of Meetings.

7.4 Meeting may be adjourned

Any Meeting may be adjourned—

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another Meeting or event.

7.5 Effect of adjournment

Where any matter, motion, debate or Meeting is adjourned under these Meeting Procedures—

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next Meeting at the point where it was interrupted; and
- (c) the provisions of clause 6.8 apply when the debate is resumed.

PART 8—LIMITATIONS ON POWERS TO REVOKE OR CHANGE DECISIONS

8.1 Implementing a Decision

- (1) In this clause—
- (a) **authorisation** means a licence, permit, approval or other means of authorising a person to do anything;
 - (b) **implement**, in relation to a decision, includes—
 - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
 - (ii) take any other action to give effect to the decision.
- (2) **valid notice of revocation motion** means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the local law and may be considered, but has not yet been considered, by the Council or a committee as the case may be.
- (3) Subject to subclause (4), and unless a resolution is made under subclause (4), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
- (4) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
- (5) A decision made at a meeting is not to be implemented by the CEO or any other person—
- (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (6) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation—
- (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

8.2 Suspension of this local law

- (1) A Member may at any time during a Meeting move that the operation of one or more clauses of this local law be suspended.
- (2) A Member moving a motion under subclause (1) is to reference the specific clause(s) and state the reason for the motion but no other discussion is to take place.

(3) A motion under subclause (1) which if carried by an absolute majority, suspends the operation of clauses of this local law to which the motion relates, for the duration of the Meeting, unless Council or the Committee earlier resolves otherwise.

8.3 Where this local law does not apply or is silent

(1) In situations where—

- (a) clauses of this local law have been suspended;
- (b) a matter is not regulated by the Act, Regulations or this local law;
- (c) this local law is silent as to procedure, the Presiding Member is to decide questions relating to the conduct of a Meeting;
- (d) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 7.1(1)(f).

(2) The decision of the Presiding Member under subclause (1) is final.

8.4 Establishment of Committees

(1) The establishment of Committees is dealt with in the Act.

(2) A Council resolution to establish a Committee under section 5.8 of the Act is to include—

- (a) the terms of reference of the Committee;
- (b) the names or titles of Council Members and City Officers to be appointed to the Committee;
- (c) the names and titles of other persons to be appointed to the Committee or an explanation of the procedure to be followed to determine the appointment of such other persons;
- (d) details of the delegation of any powers or duties to the Committee under section 5.16 of the Act.

(3) This local law is to apply to the conduct of Committee Meetings.

8.5 Electronic endorsement of Committee minutes

Where a Committee is unlikely to meet for 2 months or more since the date of the last Committee Meeting—

- (a) the confirmation of the minutes of that Committee Meeting may be done by electronic means, sending an electronic copy of the draft minutes to all Members; and
- (b) Members may reply by electronic means; and
- (c) if the majority of Members reply in the affirmative for endorsement,

the Minutes will be accepted as confirmed.

8.6 Committees to report

A Committee—

- (a) is answerable to the Council; and
- (b) is to report on its activities when, and to the extent, required by Council.

PART 9—PENALTY FOR BREACH

9.1 Penalty for breach

A person who breaches a provision of this local law commits an offence. Penalty: \$1000 and a daily penalty of \$100 if the offence continues.

Dated: 5 March 2014.

The Common Seal of the City of Albany was affixed by the authority of the resolution of Council in the presence of—

DENNIS WELLINGTON, Mayor.
GRAHAM FOSTER, Chief Executive Officer.
