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LOCAL GOVERNMENT ACT 1995

CITY OF SWAN

**MEETING PROCEDURES
LOCAL LAW 2015**

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MEETING PROCEDURES LOCAL LAW 2015

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LOCAL GOVERNMENT ACT 1995

CITY OF SWAN

MEETING PROCEDURES LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the City of Swan resolved on 25 November 2015 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Swan Meeting Procedures Local Law 2015*.

1.2 Commencement

This local law commences on the fourteenth day after it is published in the *Government Gazette*.

1.3 Application

All meetings are to be conducted in accordance with the Act, the Regulations, the Rules of Conduct Regulations and this local law.

1.4 Interpretation

(1) In this local law, unless the context requires otherwise—

absolute majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

amendment in relation to a motion, means an amendment motion which does not alter the basic intent of the substantive motion to which the amendment applies;

CEO means the Chief Executive Officer or the Acting Chief Executive Officer acting in their place for the time being of the local government;

committee means a committee of the Council established by Council in accordance with the Act;

Council means the Council of the local government;

councillor has the meaning given to it in the Act;

Department has the meaning given to it in the Act;

Deputy Mayor means the deputy mayor of the local government;

district means the local government district of the City of Swan;

elector has the meaning given to it in the Act;

employee has the meaning given to it in the Act;

local government means the City of Swan;

Mayor means the mayor of the local government and includes the Deputy Mayor when acting as the Mayor in accordance with the Act;

meeting means a meeting of the Council or of a committee, as the context requires;

member in respect of—

(a) the Council, has the meaning given to it under the Act; or

(b) a committee, means a person appointed under section 5.10 of the Act;

Minister means the Minister responsible for administering the Act;

presiding member means—

(a) in respect of the Council, the person presiding under section 5.6 of the Act; or

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

revocation motion means a motion to revoke or change a decision made at a Council or committee meeting under clause 13.3;

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

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

simple majority means more than 50% of the members present and voting;

special majority has the meaning given to it by the Act; and

substantive motion means an original motion, or an original motion as amended, but does not include an amendment or procedural motion.

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

1.5 Repeal

The *City of Swan Standing Orders Local Law 2010*, published in the *Western Australian Government Gazette* on 16 March 2012 is repealed.

PART 2—CALLING AND CONVENING MEETING

2.1 Ordinary and special Council meetings

(1) Ordinary and special Council meetings are dealt with in the Act.

(2) An ordinary meeting of the Council is held three weekly or as otherwise determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.

(3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature or for a particular purpose.

2.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

2.3 Convening Council meetings

The convening of a Council meeting is dealt with in the Act.

2.4 Calling committee meetings

A meeting of a committee is to be held—

- (a) if called for in a written request to the CEO by the presiding member of the committee setting out the time, date, place and purpose of the proposed meeting; or
- (b) if called for in a written request to the CEO by at least 1/3 of the members of the committee setting out the time, date, place and purpose of the proposed meeting; or
- (c) in accordance with a decision of the Council or the committee; or
- (d) if so determined by the CEO.

2.5 Convening committee meetings

(1) The CEO is to convene an ordinary meeting of a committee by giving each member of the committee at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.

(2) The CEO is to convene a special meeting of a committee by giving each member of the committee notice, before the meeting, of the date, time, place and purpose of the meeting.

2.6 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

2.7 Notice of adjournment

When a meeting is adjourned to a day and hour other than the next ordinary meeting date, notice of the adjourned meeting shall, if time permits, be given to each member.

PART 3—PRESIDING MEMBER AND QUORUM

Division 1—Who presides

3.1 Who presides

Who presides at a Council meeting is dealt with in the Act.

3.2 When the Deputy Mayor can act

When the Deputy Mayor can act is dealt with in the Act.

3.3 Who acts if no Mayor or Deputy Mayor

Who acts if there is no Mayor or Deputy Mayor is dealt with in the Act.

3.4 Election of a presiding member of a committee

The election of a presiding member of a committee is dealt with in the Act.

3.5 Election of a deputy presiding member of a committee

The election of a deputy presiding member of a committee is dealt with in the Act.

3.6 Functions of deputy presiding member of a committee

The functions of a deputy presiding member of a committee is dealt with in the Act.

3.7 Who acts if no presiding member or deputy presiding member

Who acts if no presiding member or deputy presiding member is dealt with in the Act.

*Division 2—Quorum***3.8 Quorum for meetings**

The quorum for meetings is dealt with in the Act.

3.9 Reduction of quorum for Council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

3.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

3.11 Procedure when there is no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

3.12 Quorum not present during meeting

(1) If at any time during the course of a meeting a quorum is not present—

- (a) the presiding member is to immediately suspend the proceedings of the meeting for a period not exceeding 30 minutes.
- (b) If a quorum is not present at the expiration of the suspension period in subclause (1)(a), the person presiding may either adjourn the meeting to some future time or date or may extend the suspension period for a further period of 30 minutes.
- (c) if a quorum is not present at the expiry of the extended period of suspension under subclause (1)(b) the presiding member is to adjourn the meeting to a later time on the same day or to another day.

(2) Where the debate on any motion is interrupted due to the adjournment of a meeting under subclause (1), that debate is to be resumed at the next meeting at the point at which it was so interrupted.

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

3.13 Names to be recorded

At any meeting—

- (a) at which there is not a quorum present; or
- (b) which is adjourned under clause 3.12,

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

PART 4—BUSINESS OF A MEETING**4.1 Business to be specified**

(1) No business is to be transacted at any ordinary meeting of the Council or committee other than that specified in the agenda, except matters which the Act or clause 4.8 permits to be dealt with.

(2) No business is to be transacted at a special meeting of the Council or a committee other than that specified in the agenda, and to which notice as to the purpose of the meeting has been given.

(3) 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

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

- (a) Opening
- (b) Disclaimer
- (c) Attendance and apologies
- (d) Declarations of interests
- (e) Public question time
 - (i) Answers to questions which were previously taken on notice
 - (ii) Questions relating to reports contained in the agenda
 - (iii) Other questions
- (f) Public statement time
- (g) Petitions
- (h) Deputations
- (i) Announcements by the presiding member
- (j) Members' questions
- (k) Leave of absence

- (l) Confirmation of minutes
- (m) Business left over from previous meeting
- (n) Reports
- (o) Adoption of recommendations contained in items not withdrawn
- (p) Urgent business
- (q) Motions of which previous notice has been given
- (r) Confidential business
- (s) Closure

(2) Unless otherwise decided by Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.

4.3 Leave of absence

The grant of leave of absence is dealt with in the Act.

4.4 Confirmation of minutes

- (1) On considering the minutes of a previous meeting a question of accuracy of those minutes arising under subclause (2) is permitted.
- (2) If a member identifies an inaccuracy in the minutes, then the member is to—
 - (a) state the item or items with which the member is dissatisfied; and
 - (b) identify the inaccuracy with precision; and
 - (c) propose a motion clearly outlining the alternative wording to amend the minutes.

4.5 Announcements by the presiding member

At any meeting of the Council or a committee, the presiding member may announce or raise any matter of interest or relevance to the local government and there is not to be any discussion on the matter, unless the Council or Committee resolves otherwise.

4.6 Members' questions

- (1) A member may request general information from an employee at a Council meeting.
- (2) A question on notice is to be given by a member in writing to the CEO at least 7 clear working days before the meeting at which it is to be raised.
- (3) If the question referred to in subclause (2) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.
- (4) A member may ask questions without notice at a Council meeting.
- (5) Where possible the employee 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 employee may ask that—
 - (a) the question be placed on notice for the next meeting of Council; and
 - (b) the answer and question be given to the member who asked it within 14 days.
- (6) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the presiding member.
- (7) In answering any question, an employee may qualify his or her answer and may at a later time alter, correct, add to or otherwise amend the original answer.

4.7 Adoption of recommendations contained in items not withdrawn

- (1) In this clause *adoption of recommendations contained in items not withdrawn* means—
 - (a) in respect to the Council, a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the committee or CEO's recommendation as the Council resolution; and
 - (b) in respect to a committee, a resolution of a committee that has the effect of adopting, for a number of specifically identified reports, the CEO's recommendation as the committee resolution.
- (2) The Council or a committee may pass an adoption of recommendations contained in items not withdrawn resolution.
- (3) An adoption of recommendations contained in items not withdrawn may not be used for a matter—
 - (a) that requires adoption by an absolute majority or a special majority vote; or
 - (b) in which a financial or proximity interest has been disclosed; or
 - (c) that is a matter on which a member wishes to speak; or
 - (d) that is a matter on which a member wishes to move a motion that is different to the recommendation.

4.8 Urgent Business

- (1) A member, at an ordinary meeting of Council or committee, may move a motion involving business that is not included in the agenda for that meeting if either—
 - (a) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or

- (b) the delay in referring the business to the next meeting could have adverse legal or financial implications for the local government,
- provided that the person who is the presiding member has first consented to the business being raised.
- (2) If at an ordinary meeting of Council or committee a member objects that a motion introduced as urgent business and moved without notice does not deal with urgent ordinary business within the scope of subclause (1) above, the motion shall be of no effect unless it is agreed to at the meeting by an absolute majority of the members.
- (3) Before debate begins on a matter under this clause that is not the subject of a written report from the CEO to the meeting the presiding member is to ask the CEO, or the CEO's nominee, to give a verbal report to the meeting.
- (4) Where urgent business is considered at the meeting under this clause, the minutes of the meeting are to include—
- (a) a summary of the verbal report and any recommendations of the CEO, or the CEO's nominee; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO, or the CEO's nominee.

4.9 Motions of which previous notice has been given

- (1) Unless the Act, the Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 10 clear working days before the meeting at which the notice of motion is to be moved.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) At the time of giving the notice of motion, the member must also provide a reason for the motion.
- (5) The CEO may—
- (a) with the concurrence of the presiding member, exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of these local laws or any other written law;
 - (b) after consultation with the Member where this is practicable make such amendments to the form but not the substance as will bring the notice of motion into due form; and
 - (c) provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (6) If a notice of motion is excluded under subclause (5)(a), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (7) A motion of which notice has been given is to lapse unless—
- (a) the member who gave notice, or another member authorised by him or her in writing, moves the motion when called on; or
 - (b) the Council or committee on a motion agrees to defer consideration of the motion to a later stage or date.
- (8) Where a notice of motion has been given and lapses under subclause (7), any future notice of motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of the lapse.

PART 5—PUBLIC PARTICIPATION

5.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

5.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried—
- (a) the presiding member is to—
 - (i) direct all members of the public, other than a person specified in the resolution, to leave the meeting; and
 - (ii) upon consultation with the CEO, request specified employees to leave the meeting; and
 - (b) the meeting is to remain closed to members of the public until at the conclusion of the matter justifying the closure of the meeting to the public the Council or the committee resolves to open the meeting.
- (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) A resolution under this clause may be made without notice of the relevant motion.

(6) Subject to subclause (7) unless the Council or the committee resolves otherwise, once the meeting is reopened to members of the public the presiding member is to ensure that—

- (a) any resolution of the Council or committee made while the meeting was closed is to be read out; and
- (b) the vote of members is recorded in the minutes.

(7) In the event that no member of the public returns to the meeting after it is reopened, the resolution, including the details of any voting, need not be read aloud but be recorded in the minutes of the meeting.

5.3 Question time for the public

Question time for the public at meetings is dealt with in the Act.

5.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

5.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

5.6 Procedures for question time

Procedures for question time for the public is dealt with in the Regulations.

5.7 Other procedures for question time for the public

- (1) A member of the public who raises a question during question time, is to state his or her name and suburb of residence.
- (2) In putting any question, no argument or expression of opinion is to be used or offered nor any facts stated except those necessary to explain the question.
- (3) The presiding member is to endeavour to have every question responded to at the meeting at which it is asked but where this is not possible, the question is to be taken on notice.
- (4) When a question is taken on notice the CEO is to ensure that—
 - (a) a response is given to the member of public in writing within 14 days; and
 - (b) a summary of the response is included in the agenda of the next meeting of Council or Committee as the case requires.

5.8 Public statement time

- (1) The presiding member is responsible for the conduct of public statement time.
- (2) A member of the public wanting to make a public statement is to state his or her name and suburb of residence.
- (3) Public statements made by the public are to relate to the business of the local government.
- (4) A public statement is not to exceed a period of 2 minutes.
- (5) Public statements made by the public at a special meeting are to relate to the business in which the meeting has been called.

5.9 Petitions

- (1) A petition must—
 - (a) be addressed to the Council and forwarded to a member or the CEO; and
 - (b) be made by electors of the district; and
 - (c) state the request on each page of the petition; and
 - (d) contain the names, addresses and signatures of the electors making the request, and the date each elector signed; and
 - (e) contain a summary of the reasons for the request; and
 - (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given; and
 - (g) comply with any form prescribed by the Act or any other written laws such as the *Local Government (Constitution) Regulations 1996* if, for example, it is—
 - (i) a proposal to change the method of filling the office of Mayor; or
 - (ii) a submission about changes to wards, the name of the district, or a ward, or the number of councillors for a district or a ward.
- (2) On the presentation of a petition the member presenting it or the CEO is confined to reading the request contained in the petition.
- (3) The allowed motions in regard to petitions received are that the petition be received and—
 - (a) be referred to the Chief Executive Officer and a report be presented to a future Council meeting; or
 - (b) request it be considered as a submission on the matter; or
 - (c) be considered in conjunction with the relevant item on the agenda.

5.10 Deputations

- (1) In this clause, a *deputation* means a statement to Council on any item on a Council meeting agenda.

- (2) The presiding member is responsible for the conduct of deputation time.
- (3) Any person wishing to be received as a deputation by the Council is to apply, at least 24 hours prior to the commencement of the meeting to the CEO for approval.
- (4) The CEO may either—
 - (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the presiding member.
- (5) The presiding member may either—
 - (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) instruct the CEO to refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (6) A deputation invited to attend a Council meeting—
 - (a) is not to address the Council for a period exceeding 10 minutes in total without the agreement of the Council; and
 - (b) may by decision of the presiding member be restricted to a period of less than 10 minutes if the pressure of business for that meeting so requires.
- (7) Members of the Council may ask a question or questions of members of the deputation and any member of the deputation may respond to any such question.
- (8) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council until the deputation has been completed.

5.11 Participation at committee meetings

- (1) In this clause, **person** means a person who—
 - (a) is entitled to attend a committee meeting; and
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.
- (2) Without the consent of the presiding member, no person is to address a committee meeting.
- (3) A person addressing the committee with the consent of the presiding member must cease that address immediately after being directed to do so by the presiding member.
- (4) A person who fails to comply with a direction of the presiding member under subclause (3) may, by order of the presiding member, be removed from the meeting room.

5.12 Public inspection of agenda material

The right of the public to inspect documents relating to a Council or committee meeting are dealt with in the Regulations.

5.13 Confidentiality of information withheld

- (1) Information withheld by the CEO from members of the public under regulation 14(2) of the Regulations, is to—
 - (a) be identified in the agenda of a Council or committee meeting under the item “Confidential Items”; and
 - (b) be marked “confidential” in the agenda; and
 - (b) state the reason for confidentiality; and
 - (c) be kept confidential by members and employees until the Council or committee resolves otherwise, or in the opinion of the CEO, the reason for the confidentiality no longer exists.
- (2) A member or employee in receipt of confidential information under subclause (1) or information provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than a member or employee to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not prevent a member or employee from disclosing information—
 - (a) at a closed meeting;
 - (b) to the extent specified by the Council and subject to such other conditions as the Council decides;
 - (c) that is already in the public domain;
 - (d) to an officer of the Department;
 - (e) to the Minister;
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

5.14 Media attendance

Media persons are to be permitted to attend meetings of the Council or committees that are open to the public, in such part of the meeting room as may be set aside for their accommodation, but must withdraw during any period when the meeting is closed to the public.

5.15 Recording of proceedings

- (1) A person is not to use any electronic, visual or audio recording or transmitting device or instrument to record the proceedings of a meeting unless so resolved by Council.

(2) If the proceedings are to be recorded the presiding member is to advise the meeting, immediately before the recording is commenced and advise the extent of the recording.

5.16 Prevention of disturbance

- (1) A reference in this clause to a *person* is to a person other than a member.
- (2) A person addressing the Council or a committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the presiding member.
- (3) A person present at or observing a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (4) A person must ensure that his or her mobile telephone or other audible electronic device is switched off, on silent or vibrate during any meeting of the Council or a committee.
- (5) A person answering a mobile telephone call must leave the Chamber to do so.
- (6) A person is not to brandish any item that could be used as a weapon or is considered offensive.
- (7) The presiding member may warn a person who fails to comply with any provision of this clause.
- (8) If—
 - (a) after being warned, the person again acts contrary to this clause, or to this local law; or
 - (b) a person refuses or fails to comply with a direction by the presiding member,
 the presiding member may expel the person from the meeting by ordering him or her to leave the meeting room.
- (9) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding member, be removed from the meeting room and, if the presiding member orders, from the premises.

PART 6—DISCLOSURE OF INTERESTS

6.1 Disclosure of members' financial and proximity interests

The disclosure of direct and indirect financial interests and proximity interests by members and employees is dealt with in the Act.

6.2 Meeting to be informed of financial and proximity interests

Procedures for informing the meeting of disclosures in clause 6.1 are dealt with in the Act.

6.3 Disclosing member not to participate

The participation at meetings of a member or employee who has disclosed an interest in clause 6.1 is dealt with in the Act.

6.4 When disclosing members can participate

When disclosing members or employees can participate is dealt with in the Act.

6.5 Substitution of deputy at committee meetings

Where a member discloses an interest on an item under clause 6.1 and withdraws from a meeting of a committee, the presiding member is to invite the disclosing member's deputy, if present, to participate as a member of the committee in place of the disclosing member during the consideration of that item only.

6.6 Disclosure of impartiality interests

The disclosure of impartiality interests at meetings is dealt with in the Rules of Conduct Regulations.

6.7 Disclosure by members who are observers at committee meetings

The obligation to disclose an interest in clauses 6.1 and 6.6 is to apply to a person under clause 5.11.

6.8 Committee members to disclose impartiality interests

- (1) In this clause, a reference to—
 - (a) *person* means a member of a committee appointed under the Act who is not a member of the Council; and
 - (b) *interest* means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.
- (2) A person who has an interest in any matter to be discussed at a meeting attended by the person must disclose the nature of the interest—
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.63 of the Act.
- (4) Subclause (2) does not apply if—
 - (a) a person fails to disclose an interest because the person did not know he or she had an interest in the matter; or
 - (b) a person fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.

(5) If, under subclause (2)(a), a person discloses an interest in a written notice given to the CEO before a meeting then—

- (a) before the meeting the CEO is to cause the notice to be given to the presiding member of the meeting; and
- (b) at the meeting the presiding member is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.

(6) If—

- (a) under subclause (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
- (b) under subclause (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minutes of the meeting.

6.9 On-going disclosure required

The obligation to disclose an interest under this Part applies in regard to each meeting at which the matter the subject of the interest arises.

PART 7—CONDUCT OF MEMBERS

7.1 Members to occupy own seats

At the first meeting held after each election day, the Council is to allot a position at the Council table to each member and each member is to occupy his or her position at each Council meeting.

7.2 Official titles to be used

A speaker when speaking or referring to the Mayor, Deputy Mayor, Councillor or employee is to use the title of that person's office.

7.3 Members to address the presiding member

At a Council or committee meeting a member moving a motion or amendment, or taking part in the discussion, shall at all times address the presiding member.

7.4 Entering, crossing or leaving a meeting

(1) During the course of a meeting of the Council, a member is not to enter or leave the meeting without making the presiding member aware of the fact in order to facilitate the recording in the minutes the facts of the time of entry or departure.

(2) When the presiding member is putting a motion to the vote, no member shall walk out of or across the meeting room.

7.5 Members who wish to speak

A member who wishes to speak is to indicate his or her intention to speak by raising his or her hand or another method agreed by the Council.

7.6 Priority of speaking

(1) If two or more members indicate at the same time, their intention to speak, the presiding member shall decide the order of speaking.

(2) A decision of the presiding member under this clause is not open to discussion or dissent.

7.7 The Presiding Member may take part in debate

(1) Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in this local law, the presiding member may take part in a discussion of any matter before the Council or committee as the case may be.

(2) Upon indicating that he or she would like to take part in the debate, the presiding member is to vacate the chair, and that part of the meeting is to be presided over by the Deputy Mayor in the case of Council or electors meetings, deputy presiding member in the case of a committee meeting, or another member of the Council or committee if the Deputy Mayor or deputy presiding member is unavailable or unwilling to act.

7.8 Relevance

(1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

(2) The presiding member, at any time, may call the attention of the meeting to any irrelevant or repetitious remarks by a member.

7.9 Limitation on members speaking

A member must not address the Council more than once on any motion or amendment except—

- (a) as the mover of a primary motion or amendment, to exercise a right of reply; or
- (b) to raise a point of order; or
- (c) through the presiding member to ask a question concerning and relevant to the subject matter of the motion or amendment or another member or employee present at the meeting; or
- (d) to make a personal explanation under clause 7.14.

7.10 Duration of speeches

A member may speak on a motion or an amendment, or reply, for a period of only 5 minutes, unless an extension of time is granted by the Council without debate, but a member's total speaking time must not exceed 10 minutes.

7.11 Questions during debate

(1) At any time during the debate on a motion before the motion is put, a member may ask a question and, with the consent of the presiding member, may ask one or more further questions.

(2) Questions asked by a member, and responses given by a member or an employee—

(a) are to be brief and concise, and

(b) are not to be accompanied by—

(i) expression of opinion, statement of fact or other comment, except where necessary to explain the question or answer; or

(ii) any discussion or further question, except with the consent of the presiding member.

(3) In answering any question, a member or an employee may qualify his or her answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend his or her original answer.

7.12 No speaking after conclusion of debate

A member must not speak on any motion or amendment—

(a) after the mover has replied; or

(b) after the motion has been put.

7.13 No interruption

A member must not interrupt another member who is speaking unless—

(a) to raise a point of order; or

(b) to call attention to the absence of a quorum; or

(c) to make a personal explanation under clause 7.14; or

7.14 Personal explanation

(1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must indicate to the presiding member his or her 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) The presiding member is to decide on the duration of a personal explanation, but the time period is to be no longer than 5 minutes.

(4) A member making a personal explanation must confine his or her observations to a succinct statement relating to the specific part of the speech at which he or she may have been misunderstood.

7.15 No reopening of discussion

A member must not reopen a discussion on any decision of the Council or committee, except for the purposes on moving a revocation motion.

7.16 Adverse reflection

(1) A member must not reflect adversely on a decision of the Council or a committee except on a motion that the decision be revoked or changed.

(2) A member must not, in a meeting open to the public—

(a) reflect adversely on the character or actions of another member or employee; or

(b) impute any improper motive to a member or employee.

7.17 Withdrawal of adverse reflection or offensive language

A member who, in the opinion of the presiding member—

(a) reflects adversely on the character or actions of another member or employee; or

(b) imputes any motive to a member or employee; or

(c) uses an expression that is offensive or objectionable,

must, when directed by the presiding member, withdraw the reflection, imputation or expression and make a satisfactory apology.

PART 8—PRESERVING ORDER**8.1 Presiding member to preserve order**

(1) The presiding member is to preserve order, and, whenever he or she considers it necessary, may call any member to order.

(2) When the presiding member speaks under subclause (1), any member then speaking, or indicating that he or she wishes to speak is to immediately sit down and every member present to be silent so that the presiding member may be heard without interruption.

8.2 Point of Order

- (1) The following are to be recognised as valid points of order—
 - (a) the violation of any written law, including this local law; or
 - (b) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 7.8); or
 - (c) a speaker's use of offensive or objectionable expressions (see clause 7.16).
- (2) A member rising to express a difference of opinion, or to contradict a speaker, shall not be recognised as raising a point of order.
- (3) Despite anything in this local law to the contrary, a point of order—
 - (a) takes precedence over any discussion; and
 - (b) until determined by the presiding member, suspends the consideration or discussion of any matter.

8.3 Procedures on a point of order

- (1) A member who is addressing the presiding member shall not be interrupted except on a point of order.
- (2) A member interrupted on a point of order is to resume his or her seat until the member raising the point of order has been heard.
- (3) A member raising a point of order shall specify one of the grounds in subclause 8.2(1) and in the case of item (a) must state the provision of this local law, the other written law or the Code of Conduct believed to be breached.

8.4 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order is to be final unless the majority of members then present and voting, on a procedural motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that—
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

8.5 Continued breach of order

If a member—

- (a) persists in any conduct the presiding member has ruled is out of order; 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 the matter under discussion on that item, other than by voting, and the member must comply with that direction.

8.6 Right of the presiding member to adjourn

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period not exceeding 30 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 a later time on the same day or to another day.

PART 9—MOTIONS AND AMENDMENTS**9.1 Motions to be stated and in writing**

Any 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) is to put the motion or amendment in writing if required by the presiding member.

9.2 Motions to be seconded

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council or a committee meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations (see clause 13.3).

9.3 Unopposed business

- (1) Immediately after a substantive motion or amendment has been moved and seconded, the presiding member may ask the meeting if any member opposes it.

(2) If no member opposes the motion, the presiding member may declare the motion carried without debate and without taking a vote.

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

(4) If a member opposes a motion, the motion is to be dealt with under this Part.

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

9.4 Only one substantive motion at a time

The Council or committee—

- (a) is not to accept a substantive motion while another substantive motion is being debated, and
- (b) is not to consider more than one substantive motion at a time.

9.5 Division of complicated motions

The presiding member may require that a complex substantive motion, or a complex amendment to a substantive motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

9.6 Order of call in debate

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

9.7 Limit of debate

The presiding member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place and where no other member has given an indication to speak to the motion.

9.8 Member may require motion to be read

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

9.9 Consent of seconder required for alteration

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

9.10 Amendments

(1) A member may move an amendment to a substantive motion at any time during debate on the motion, except—

- (a) if the mover has been called by the presiding member to exercise the right of reply; or
- (b) if the member has already spoken to the substantive motion; or
- (c) if another amendment is being debated, or has not been withdrawn, carried or lost; or
- (d) during debate on a procedural motion.

(2) An amendment must be relevant to the substantive motion to which it is moved and must not have the effect of negating the substantive motion.

(3) An amendment to a substantive motion is to take only one of the following forms—

- (a) that certain words be omitted; or
- (b) that certain parts be omitted and others substituted or added; or
- (c) that certain words be added.

(4) Only one amendment is to be debated at a time, but as often as an amendment is withdrawn, carried or lost, another amendment may be moved before the substantive motion is put to the vote.

(5) Where an amendment is carried, the substantive motion as amended is, for all purposes of subsequent debate, to be treated as the substantive motion.

(6) The mover of an amendment has the right of reply at the conclusion of the discussion on the amendment and the right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

9.11 Withdrawal of motion and amendments

(1) The Council or a committee may, without debate, grant leave to withdraw a substantive motion or amendment on the request of the mover of the motion or amendment if—

- (a) it has the approval of the seconder; and
- (b) there is no voice expressed to the contrary by any member.

(2) If either paragraph (a) or (b) of subclause (1) do not apply, the discussion on the motion or amendment is to continue.

(3) 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.

9.12 Right of reply

(1) The mover of a substantive motion has the right of reply.

(2) The right of reply may be exercised only—

(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 the reply—

(a) no other member is to speak on the motion; and

(b) there is to be no further discussion on, or any further amendment to, the motion.

(4) The right of 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.

PART 10—PROCEDURAL MOTIONS

10.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion, a member may move any of the following procedural motions—

(a) that the item be deferred;

(b) that the item be referred back to a committee (or the CEO);

(c) that the debate be adjourned;

(d) that the motion be now put;

(e) that the meeting be closed to members of the public (see clause 5.2);

(f) that the ruling of the presiding member be disagreed with;

(g) that the meeting now adjourn; and

(h) that the meeting be now closed.

10.2 No debate

(1) The mover of a motion stated in paragraphs (a), (b), (c), (e), (f), (g) or (h) of clause 10.1 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 stated in paragraph (d) of clause 10.1 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.

10.3 Who may move

With the exception of subclause 10.1(f), a member who has moved, seconded or spoken for or against the substantive motion, or any amendment to the substantive motion, cannot move a procedural motion which, if carried, would close the debate on the substantive motion or amendment.

10.4 Right of reply on 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 motion or amendment.

10.5 Motion be deferred—when moved, how dealt with and effect

(1) A member may—

(a) at the conclusion of the mover's opening speech to the substantive motion or amendment; or

(b) if the mover elects not to speak on the substantive motion or amendment, prior to any debate on the motion;

move a motion without notice, that the matter be deferred to a specified time or date.

(2) Should the motion to defer be carried there shall be no further debate on the substantive motion until the time and date specified in the motion.

(3) A motion "that the motion be deferred" must not be moved in respect of the election of a presiding member, Mayor or Deputy Mayor.

10.6 That the item be referred back to a committee (or CEO)—when moved and how dealt with and effect

(1) Where the matter before Council is a recommendation from a committee of the Council, any member may at the conclusion of the speech of any other member, move without notice that the matter be referred back to the committee.

(2) In addition to permissions to speak in 10.2(1), the presiding member of the committee or in the absence of the presiding member, a member thereof, may speak for not more than 3 minutes, but no other debate shall be allowed.

(3) In the case of a committee of which no member of Council present at the meeting is a member of the committee whose recommendation is the matter before Council, the motion shall be put to the vote after the mover has spoken.

(4) If a motion “that the item be referred back to a committee (or the CEO)” is carried, debate on the substantive motion and any amendment is to cease and the substantive motion, excluding any amendment, is to be referred back to the appropriate committee or the CEO for further consideration.

(5) If the motion “that the item be referred back to a committee (or the CEO)” is lost, debate on the substantive motion or amendment is to continue.

10.7 Debate be adjourned—when moved, how dealt with and effect

(1) A member may, at the conclusion of a speech of any other member move, without notice, that the debate be adjourned to a later hour on the same day or to any other day.

(2) If the matter then before the meeting is a recommendation from a committee, the presiding member of the committee concerned, or in the absence of the presiding member a member thereof, may speak for not more than 3 minutes.

(3) On a motion for the adjournment of a debate being carried—

(a) the debate is to cease and is to be resumed at the date and time specified as required in subclause (1) and at the point where it was 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 7.9 apply when the debate is resumed.

(4) At the same meeting no member shall move or second more than one motion for adjournment of the same debate.

(5) A motion “that the debate be adjourned” must not be moved in respect of the election of a presiding member, Mayor or Deputy Mayor.

10.8 Motion be now put—when moved, how dealt with and effect

(1) A member may, at the conclusion of the speech of any other member, move without notice, that the substantive motion or amendment be now put and upon the motion being seconded, it shall immediately be voted upon without debate.

(2) A motion that the substantive motion or amendment be now put shall not be carried unless it is supported by a 75% majority (rounded up to the nearest whole number) of the members present.

(3) If the motion “that the motion be now put” is carried during debate on a substantive motion without amendment, the presiding member is to offer the right of reply to the mover who is permitted to speak in reply for no more than 3 minutes and then immediately put the motion without further debate.

(4) If the motion “that the motion be now put” is carried during debate of an amendment, the presiding member is to put the amendment to the vote without further debate.

10.9 The meeting be closed to members of the public—when moved, how dealt with and effect

(1) A member may, at the conclusion of the speech of any other member, move without notice, that the meeting be closed to members of the public.

(2) If a motion “that the meeting be closed to members of the public” is carried then the presiding member is to close the meeting in accordance with clause 5.2.

10.10 Ruling of the presiding member be disagreed with—when moved, how dealt with and effect

(1) A member may, provided it is done immediately, move that a ruling of the presiding member be disagreed with.

(2) On a motion that the ruling of the presiding member be disagreed with, the mover may speak for not more than 3 minutes and the seconder shall not speak other than to formally second the motion.

(3) If a motion under subclause (1) is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

10.11 Meeting now adjourned—when moved, how dealt with and effect

(1) A member may, at the conclusion of the speech of any other member or on the conclusion of any business, move without notice that the meeting be adjourned and that motion shall state a time and date to which the adjournment is to be made.

(2) On a motion to adjourn, the mover may speak for not more than 3 minutes, the seconder shall not speak other than to formally second and the mover of a substantive motion or amendment (if any) which is then under debate, may speak for not more than 3 minutes, but no other debate shall be allowed.

(3) Where debate on a motion is interrupted by an adjournment—

(a) the debate is to cease and is to be resumed at the date and time specified as required in subclause (1) and at the point where it was 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 7.9 apply when the debate is resumed.
- (4) If a motion “that the meeting now adjourn” is lost, no similar motion is to be moved until—
- (a) after the conclusion of the business under discussion at the time the motion was moved; or
 - (b) if the motion was moved on the conclusion of an item of business, after the conclusion of the next item of business, or
 - (c) after the conclusion of any other business allowed precedence by the meeting.
- (5) A member must not, at the same meeting, move or second more than one motion for the adjournment of the meeting.

10.12 The meeting be now closed—when moved, how dealt with and effect

- (1) A member may, at the conclusion of a speech of any other member or the conclusion of any business move, without notice, that the meeting be now closed.
- (2) If a motion “that the meeting be now closed”, is carried, then—
- (a) the presiding member is to close the meeting, and no further business may be transacted; and
 - (b) any business outstanding on the agenda for that meeting shall be carried forward to the agenda for the next ordinary meeting.
- (3) 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 7.9 apply when the outstanding business is resumed.

PART 11—VOTING

11.1 Motion—when put

- (1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member—
- (a) is to put the motion to the meeting; and
 - (b) if requested by a member, is again to state the terms of the motion.
- (2) When the presiding member is putting a motion to the vote, no member shall walk out of or across the meeting room.

11.2 Voting

Voting is dealt with in the Act and the Regulations.

11.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

11.4 Method of taking vote

- (1) In taking the vote on any substantive motion or amendment, the presiding member—
- (a) is to put the motion, first in the affirmative, and then in the negative; and
 - (b) may put the motion in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes; and
 - (c) is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member’s vote; and
 - (d) subject to this clause, is to declare the result.

PART 12—MINUTES

12.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

12.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by the Regulations, the minutes of a meeting are to include—
- (a) where an application for approval is refused or the authorisation of a licence, permit or certificate is otherwise withheld or cancelled, the reasons for the decision; and
 - (b) the names of members voting in the affirmative and the names of the members voting in the negative.

12.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

12.4 Confirmation of minutes

- (1) Confirmation of minutes is dealt with in the Act and clause 4.4.
- (2) When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.

PART 13—IMPLEMENTING DECISIONS AND REVOCATION MOTIONS**13.1 Meaning of terms**

In this Part—

authorisation means a licence, permit, approval or other means of authorising a person to do anything;

implement, in relation to a decision, includes—

- (a) written notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) take any other action to give effect to the decision; and

valid notice of revocation motion means a notice of a revocation motion that—

- (a) complies with the requirements of the Act, Regulations and this local law and may be considered, but has not yet been considered, by the Council or a committee as the case may be; and
- (b) if carried and implemented, would result in the decision being revoked or being substantially different.

13.2 Implementing a decision

(1) Subject to subclause (3), and unless a resolution is made under subclause (2), a decision made at a meeting is not to be implemented by the CEO or any other person before the close of business on the first clear working day after the close of the meeting at which the decision was made.

(2) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, request the CEO to take immediate action to implement the decision.

(3) 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.

13.3 Requirements to revoke or change decisions

The requirements for revoking or changing decisions made at a meeting are dealt with in regulation 10 of the Regulations.

13.4 Limitations on powers to revoke or change decisions

(1) Subject to subclause (2), the Council or a committee is not to consider a revocation motion—

- (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 13.2 to implement the decision; or
- (b) where the decision is procedural in its form or effect.

(2) The Council or a committee may consider a revocation motion of the kind described in subclause (1)(a) if the motion is accompanied by a written statement, by or on behalf of the CEO, of the legal and financial consequences of the motion being carried.

13.5 Revocation motion at the same meeting—procedure

(1) A member who wishes to move a revocation motion at the same meeting where the decision is made must—

- (a) clearly identify the decision to be revoked or changed; and
- (b) clearly state the reason for the decision to be revoked or changed.

(2) If the CEO receives a notice of a revocation motion to revoke a decision made at a meeting before the close of that meeting, the CEO must immediately advise the presiding member of the substance of the revocation motion and raise it as an item of urgent business under clause 4.8.

(3) Where the presiding member is advised of a revocation motion under subclause (2), he or she is to—

- (a) advise the meeting of the notice; and
- (b) state the substance of the revocation motion; and
- (c) determine whether there is sufficient support under clause 13.3; and
- (d) if there is sufficient support, deal with the revocation motion.

13.6 Revocation motion after the meeting—procedure

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

- (a) be in writing; and
- (b) specify the decision proposed to be revoked or changed; and
- (c) include a reason or reasons for the revocation motion; and
- (d) be supported by the number of members required under the Regulations (refer to clause 13.3); and
- (e) specify the date of the ordinary or special meeting of the Council or the committee where it is to be presented, as the case may be; and

(2) If a notice of motion to revoke or change a decision of the Council or a committee is received after the closure of the meeting at which the decision was made, implementation of the decision under clause 13.2(1) is not to be withheld unless the notice of motion has the support in writing of the number of members required to support the motion under regulation 10 of the Regulations (refer to clause 13.3).

PART 14—COMMITTEES

14.1 Establishment and appointment of committees

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

(2) A Council resolution to establish a committee under section 5.9 of the Act is to include—

- (a) the terms of reference of the committee; and
- (b) the number of Council members, employees and other persons to be appointed to the committee; and
- (c) the names or titles of the Council members or employees to be appointed to the committee; and
- (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
- (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

(3) These local laws are to apply to the conduct of committee meetings.

14.2 Types of Committees

The types of committees are dealt with in the Act.

14.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

14.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

14.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

14.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

14.7 Appointment of deputies

The appointment of a person to be a deputy member of a committee is dealt with in the Act.

14.8 Resignation of committee members

The resignation of committee members is dealt with in the Regulations.

14.9 Register of delegations to committees

The register of delegations to committees is dealt with in the Act

14.10 Committee 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 15—MEETINGS OF ELECTORS

15.1 Terms used: electors

For the purpose of this Part of this local law the term *electors* has additional meaning as given to it under the Act.

15.2 Electors' general meetings

Electors' general meetings are dealt with in the Act.

15.3 Matters for discussion at electors' general meetings

The matters to be discussed at electors' general meetings are dealt with in the Regulations.

15.4 Electors' special meetings

Electors' special meetings are dealt with in the Act.

15.5 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

15.6 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

15.7 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

15.8 Procedure for electors' meetings

(1) The procedure for electors' meetings is dealt with in the Act and Regulations.

(2) In exercising his or her discretion to determine the procedure to be followed at an electors' meetings, the presiding member is to have regard to these local laws.

15.9 Participation of non-electors

A person who is not an elector of the local government shall not take part in any discussion at an electors' meeting.

15.10 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

15.11 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

15.12 Decisions made at electors meetings

Decisions of electors' meetings are dealt with in the Act.

PART 16—SUSPENSION OF LOCAL LAW**16.1 Suspension of this local law**

(1) A member may, at any time, move that the operation of one or more of the provisions of this local law be suspended.

(2) A member moving a motion under subclause (1) is to identify the clause or clauses to be suspended, and state the reasons for the motion, but no other discussion is to take place.

(3) A motion under subclause (1) which is seconded and carried is to suspend the operation of the clause or clauses to which the motion relates for the duration of the discussion on any matter, unless the meeting resolves otherwise.

16.2 When this local law does not apply

(1) In situations where—

(a) one or more provisions of this local law have been suspended, or

(b) a matter is not regulated by the Act, the Regulations or this local law,

the presiding member is to decide questions relating to the conduct of the meeting.

(2) The decision of the presiding member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 10.10.

(3) Notwithstanding the provisions of subclause (1), the presiding member may call for a vote on a ruling open to him or her under subclause (1).

(4) The vote is to be taken without a motion and without debate and the presiding member shall be bound by the outcome of the vote.

PART 17—ENFORCEMENT**17.1 Breach of this local law**

(1) The presiding member at a meeting shall be responsible for ensuring that this local law is complied with during the course of the meeting.

(2) A person who breaches a provision of this local law commits an offence.

(3) A breach of a provision of this local law by members is dealt with in the Act and the Rules of Conduct Regulations.

17.2 Who can complain

Who can complain in respect of a breach of this local law is dealt with in the Act.

17.3 Penalty for breach

A person who breaches a provision of this local law commits an offence.

Penalty: \$1,000, and daily penalty of \$100.

17.4 Who can prosecute

(1) Who can prosecute is dealt with in the Act.

(2) The provisions of this local law may be enforced by proceedings in accordance with the Act but only following the specific direction of the Council or committee by resolution carried by an absolute majority.

(3) Unless the Council directs otherwise a prosecution for an offence against this local law is to be commenced by the CEO.

(4) The taking of prosecution proceedings for an offence under this local law, or the possibility of prosecution proceedings being taken does not in any way preclude or limit the making of a complaint under the Act.

(5) Notwithstanding subclause (4), neither the presiding member nor the CEO should undertake prosecution proceedings for an offence under this local law if the presiding member or CEO has made a complaint in respect of the same matter under the Act and that complaint has not been determined by the Standards Panel, or if the complaint has been determined and the member complained about has been dealt with by the imposition of any of the sanctions.

Dated 5 January 2016.

The Common Seal of the City of Swan was affixed in the presence of—

MICHAEL WAINWRIGHT, Mayor.
COLIN LINDSAY CAMERON, A/Chief Executive Officer.
