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**Local Government Act 1995**

**City of Joondalup**

**Meeting Procedures Local Law 2013**

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## **SCHEDULE 1**

**Local Government Act 1995**

**City of Joondalup**

**Meeting Procedures Local Law 2013**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Joondalup resolved on 20 August 2013 to make the *City of Joondalup Meeting Procedures Local Law 2013*.

**Part 1 - Preliminary**

**1.1 Citation**

This local law may be cited as the *City of Joondalup Meeting Procedures Local Law 2013*.

**1.2 Commencement**

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

**1.3 Purpose and effect**

- (1) The purpose of this local law is to provide the rules that apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) The effect of this local law is intended to result in -
  - (a) better decision making by the Council and its committees;
  - (b) the orderly conduct of meetings dealing with Council business;
  - (c) better understanding of the process of conducting meetings; and
  - (d) more efficient and effective use of time at meetings.

**1.4 Application**

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

**1.5 Interpretation**

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 primary motion to which the amendment applies;

**CEO** means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the local government;

**committee** means a committee of the Council (established under clause 15.1 of this local law);

**Council** means the Council of the local government;

**Councillor** has the meaning given to it in the Act;

**Deputy Mayor** means the deputy mayor of the local government;

**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 Joondalup;

**Mayor** means the mayor of the local government;

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

**primary motion** means an original motion, or an original motion as amended, but does not include an amendment or a procedural motion;

**revocation motion** means a motion to revoke or change a decision made at a Council or committee meeting under clause 13.2;

**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; and

**special majority** has the meaning given to it in the Act.

## **1.6 Repeal**

The *City of Joondalup Standing Orders Local Law 2005* published in the *Government Gazette* on 20 December 2005, is repealed.

## **Part 2 - Calling and convening meetings**

### **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, held on a monthly basis or otherwise as 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, for a particular purpose or confidential.

### **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, advising the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a written request to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) in accordance with a decision of the Council or the committee.

### **2.5 Convening committee meetings**

- (1) The CEO is to convene an ordinary meeting of a committee by giving each member 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 notice, before the meeting, of the date, time, place and purpose of the meeting.
- (3) The CEO is to give notice of meetings referred to in subclauses (1) and (2) to every member of the Council.

### **2.6 Public notice of meetings**

Public notice of meetings is dealt with in the Regulations.

## **Part 3 - Presiding member and quorum**

### **3.1 Who presides at Council meetings**

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 presiding members of committees**

The election of presiding members of committees is dealt with in the Act.

### **3.5 Election of deputy presiding members of committees**

The election of deputy presiding members of committees is dealt with in the Act.

### **3.6 Functions of deputy presiding members**

The functions of deputy presiding members are 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.

### **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 where 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 Procedure where quorum not present during a meeting**

(1) If at any time during a meeting a quorum is not present –

- (a) the presiding member is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;

- (b) if a quorum is not present at the expiry of the suspension period under subclause (1)(a), the presiding member may either adjourn the meeting to some future time or date or may extend the extension period for a further period of 30 minutes; and
  - (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 debate on any motion is interrupted at a meeting, which has been adjourned due to a lack of a quorum, that debate is to be resumed at the resumption of the meeting at the point where it was 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 to begin the meeting; 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 in agenda**

- (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 4.7 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 agenda 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 be the first business to be considered at that ordinary meeting.
- (4) Despite subclauses (1) to (3), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.
- (5) The CEO may withdraw an item from the agenda of a meeting.

## **4.2 Meeting to proceed to business**

A meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

## **4.3 Order of business**

- (1) Unless otherwise decided by the Council, the order of business at an ordinary meeting of the Council is to be as follows:
  - (a) Declaration of opening /announcement of visitors;
  - (b) Declarations of interests;
  - (c) Public question time;
  - (d) Public statement time;
  - (e) Apologies/leave of absence;
  - (f) Confirmation of minutes;
  - (g) Announcements by the presiding member without discussion;
  - (h) Identification of matters for which the meeting may be closed to the public;
  - (i) Petitions;
  - (j) Reports;
  - (k) Urgent business;
  - (l) Motions of which previous notice has been given;
  - (m) Announcements of notices of motion for the next meeting; and
  - (n) Closure.
  
- (2) Unless otherwise decided by the committee, the order of business at any ordinary meeting of the committee is to be as follows:
  - (a) Declaration of opening;
  - (b) Declarations of interests;
  - (c) Public question time (subject to section 5.24 of the Act);
  - (d) Public statement time (subject to clause 5.8(6));
  - (e) Apologies/leave of absence;
  - (f) Confirmation of minutes;
  - (g) Announcements by the presiding member without discussion;
  - (h) Identification of matters for which the meeting may be closed to the public;

- (i) Petitions and deputations;
  - (j) Reports;
  - (k) Urgent business;
  - (l) Motions of which previous notice has been given;
  - (m) Requests for reports for future consideration; and
  - (n) Closure.
- (3) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or a committee is to be the order in which that business stands in the notice of, or agenda for, the meeting.

#### **4.4 Grant of leave of absence**

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

#### **4.5 Announcements by the presiding member**

At any meeting of the Council or 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.

#### **4.6 Motions of which previous notice has been given**

- (1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business of the local government 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 signed by the member and given to the CEO at least 7 clear days before the meeting at which the motion is to be raised.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) The CEO -
  - (a) with the concurrence of the presiding member, may exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of this local law or any other written law;
  - (b) with the concurrence of the submitting member, may make such amendments to the form, but not the substance, as will bring the notice of motion into due form; and
  - (c) may provide relevant and material facts and circumstances relating to the notice of motion on such matters as policy, budget and law.
- (5) If a notice of motion is excluded under subclause (4)(a), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (6) 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.
- (7) Where a motion of which notice has been given lapses under subclause (6), any future notice of a motion in the same terms or the same effect is not to be given for at least three months from the date of the lapse.
- (8) For the purposes of clarification, where a notice of motion is moved and seconded at a meeting of Council or committee, it is to be treated as a primary motion.

#### **4.7 Urgent business**

- (1) The presiding member, at an ordinary meeting of the Council or committee, may move a motion involving business that is not included in the agenda for that meeting if the presiding member considers that 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.
- (2) Before debate begins on a matter under this clause that is not the subject of a written report from the CEO to the meeting -
- (a) the presiding member is to ask the CEO to give; and
  - (b) the CEO, or the CEO's nominee, is to give,
- a verbal report to the meeting.
- (3) Where urgent business is considered at a 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.

#### **4.8 Adoption by exception resolution**

- (1) In this clause ***adoption by exception resolution*** 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 by exception resolution.

- (3) An adoption by exception resolution may not be used for a matter -
- (a) that requires adoption by an absolute majority or a special majority vote;
  - (b) in which a financial or proximity interest has been disclosed;
  - (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.

#### **4.9 Representation on external bodies**

- (1) In this clause **external body** includes -
- (a) a Regional Council;
  - (b) an incorporated or unincorporated association;
  - (c) a trust;
  - (d) a tribunal;
  - (e) a government agency, instrumentality, board or committee; and
  - (f) any other external body,
- to which the local government is entitled, or has been invited, to provide a representative.
- (2) Correspondence inviting the Council to submit a nomination for appointment to an external body is to be referred by the CEO to the Council or an appropriate committee.

## **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 Procedure to close meetings 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 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 a member or 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 for the public**

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

### **5.7 Other procedures for question time for the public**

- (1) The presiding member is responsible for the conduct of public question time.
- (2) The procedure for the asking of and responding to questions raised by members of the public may be determined by resolution of the Council.
- (3) A member of the public wanting to ask a question during public question time must first state their name and full address.
- (4) Questions asked by the public are to relate to the business of the local government and are not to be in the form of a statement or a personal opinion.
- (5) 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 and where practicable, a written response is to be provided to the person

who asked the question and a copy the response is to be included in the agenda of the next ordinary meeting of the council or committee as the case requires.

- (6) Notwithstanding clause 4.3(2) there is to be no public question time in meetings of committees other than a committee to which the Council has delegated a power or duty.

### **5.8 Public statement time**

- (1) The presiding member is responsible for the conduct of public statement time.
- (2) The procedure for the making of statements by members of the public may be determined by resolution of the Council.
- (3) A member of the public wanting to make a public statement must first state their name and full address.
- (4) Public statements made by the public at an ordinary meeting are to relate to the business of the local government.
- (5) Public statements made by the public at a special meeting are to relate to the business in which the meeting has been called.
- (6) Notwithstanding clause 4.3(2) there is to be no public statement time in meetings of committees other than a committee to which the Council has delegated a power or duty.

### **5.9 Distinguished visitor and guest**

If a distinguished visitor or guest is present at a meeting of the Council or a committee, the presiding member may -

- (a) invite the distinguished visitor or guest to sit beside the presiding member or at the meeting table;
- (b) acknowledge the presence of the distinguished visitor or guest at an appropriate time during the meeting; and
- (c) direct that the presence of the distinguished visitor or guest be recorded in the minutes.

### **5.10 Deputations to a committee**

- (1) A person or a group not exceeding 5 people who wish to be received as a deputation by a committee must –
  - (a) apply in writing to the CEO; and
  - (b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the deputation.
- (2) The CEO is to refer to the presiding member a copy or summary of the application and the presiding member is to decide if the deputation is to be received by the committee.
- (3) Unless the committee resolves otherwise -

- (a) a deputation that complies with subclause (1) and approved by the presiding member under subclause (2) may address the committee for up to 15 minutes; and
  - (b) the presiding member may allow that period of 15 minutes to be shared between two or three members of the deputation and, in the absence of agreement by members of the deputation, the presiding member is to determine which members of the deputation are to address the committee and for how long (within the total period of 15 minutes).
- (4) Any matter which is the subject of a deputation to the committee is not to be decided by the committee until the deputation has completed its presentation.
- (5) Where a deputation is to be received by the committee, the person or group comprising of the deputation is to address the meeting at the relevant part in the order of business as detailed in clause 4.3(2).
- (6) Any item of business to be discussed at a committee meeting that is subject of a received deputation, may be brought forward in the order of business for the meeting as the next item of business after the deputation has been received.

#### **5.11 Petitions**

- (1) A petition must -
- (a) be prepared, as far as practicable, in the form prescribed in Schedule 1;
  - (b) be addressed to the Council and forwarded to a member or the CEO;
  - (c) be made by at least 25 electors of the district;
  - (d) state the request on each page;
  - (e) contain a summary of the reasons for the request;
  - (f) contain the legible names, addresses and signatures of the electors making the request, and the date each elector signed;
  - (g) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
  - (h) be respectful and temperate in its language; and
  - (i) comply with any form prescribed by the Act or any other written law, such as the *Local Government (Constitution) Regulations 1998* 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 a district or ward or the number of councillors for a district or ward.
- (2) On the presentation of a petition -
- (a) the member presenting it or the CEO is confined to reading the petition; and

- (b) the only motion that is in order is that the petition be received and, if necessary, that it be referred to the CEO for action.
- (3) At any meeting, the Council or committee 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) the Council or committee has considered the issues raised in the petition.

#### **5.12 Participation at committee meetings**

- (1) In this clause, **person** means the Mayor or a Councillor who is not a member of the relevant committee.
- (2) A person may attend, as an observer, any meeting of a committee and is to sit in an area set aside for observers separated from the committee members.
- (3) Without the consent of the presiding member, no person is to address a committee meeting.
- (4) 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.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the meeting room.

#### **5.13 Public inspection of agenda material**

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

#### **5.14 Confidentiality of information withheld**

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be -
  - (a) identified in the agenda of a Council or committee meeting under the item "Identification of matters for which the meeting may be closed to the public";
  - (b) marked "Confidential" in the agenda; and
  - (c) kept confidential by members and employees until the Council or committee resolves otherwise, or in the opinion of the CEO, the reason for confidentiality ceases to exist.
- (2) A member or an employee who has -
  - (a) confidential information under subclause (1); or
  - (b) information that is provided or disclosed for the purposes of or during a meeting or part of a meeting that is closed to the public,

must not disclose any of that information to any person other than another member or an 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.

#### **5.15 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.

#### **5.16 Recording of proceedings**

- (1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting, without the 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.

#### **5.17 Prevention of disturbance**

- (1) A reference in this clause to a “person” is to a person other than a member.
- (2) A person must ensure that his or her mobile telephone or other audible electronic device is not switched on or used during any meeting of the Council or a committee.
- (3) 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.
- (4) 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.
- (5) The presiding member may warn a person who fails to comply with this clause.
- (6) 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.

- (7) 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 that has disclosed an interest in clause 6.1 is dealt with in the Act.

### **6.4 When disclosing members can participate**

When disclosing members 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 5.12.

### **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 either the Mayor or a Councillor; 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 5.60 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 Council meetings, members must be seated in the order as determined by the CEO following each ordinary election.

## **7.2 Official titles to be used**

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

### **7.3 Entering or leaving a meeting**

During the course of a meeting, a member must not enter or leave the meeting without first giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

### **7.4 Members who wish to speak**

A member who wishes to speak -

- (a) is to indicate his or her intention to speak by the method determined by the presiding member; and
- (b) when invited by the presiding member to speak, must address the meeting through the presiding member.

### **7.5 Priority of speaking**

- (1) If 2 or more members of the Council or a committee indicate, at the same time, their intention to speak, the presiding member is to decide which member is to be heard first.
- (2) A decision of the presiding member under this clause is not open to discussion or dissent.

### **7.6 Presiding member may take part in debate**

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 meeting.

### **7.7 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 -
  - (a) call the attention of the meeting to any irrelevant or repetitious remarks by a member; or
  - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member must comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

### **7.8 Limitation on members speaking**

- (1) 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;
  - (b) to raise a point of order; or
  - (c) to make a personal explanation.



- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.

### **7.9 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.

### **7.10 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.

### **7.11 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.

### **7.12 No interruption**

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

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 7.16; or
- (d) to move a procedural motion that the member be no longer heard (see clause 10.1(g)).

### **7.13 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 (see Part 13).

#### **7.14 Adverse reflection and offensive language**

- (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 (see Part 13).
- (2) A member must not -
  - (a) reflect adversely on the character or actions of another member or employee;
  - (b) impute any motive to a member or employee; or
  - (c) use an expression that is offensive or objectionable in reference to any other member, employee or other person.

#### **7.15 Withdrawal of offensive language or adverse reflection**

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

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

#### **7.16 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) 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.

## **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, during the progress of a debate, is to raise or rule on a point of order, any member or person then speaking, or offering to speak, is to be silent so that the presiding member may be heard without interruption.

### **8.2 Points of order**

- (1) Any of the following acts may be considered to constitute a point of order for the purposes of this local law:

- (a) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 7.7);
  - (b) a speaker's use of offensive or objectionable expressions (see clause 7.14); or
  - (c) the violation of any written law, including this local law, provided that the member making the point of order states the written law believed to be breached.
- (2) A member who is expressing a difference of opinion or contradicting a speaker is not to be taken 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 other matter.

### **8.3 Procedures on a point of order**

- (1) Upon a matter of order arising during the progress of a debate, any member may raise a point of order with the presiding member including interrupting the speaker.
- (2) Any member who is speaking when a point of order is raised in subclause (1) is to immediately stop speaking while the presiding member listens to the point of order.
- (3) A member raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.

### **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 -
- (a) is not to be the subject of debate or comment; and
  - (b) 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 that the presiding member had 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 debate on that item, other than by voting, and the member must comply with that direction.

#### **8.6 Presiding member may adjourn meeting**

- (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 a later time on the same day or to another day.
- (4) If there is an adjournment under this clause, the names of the members who have spoken on the motion or amendment before the adjournment are to be recorded in the minutes and those members are not to speak to the motion when the meeting is resumed.

### **Part 9 - Motions and amendments**

#### **9.1 Recommendations in reports**

- (1) Where the Council or a committee adopts a recommendation contained in a report, either with or without amendment, the recommendation so adopted is taken to be a decision of the Council or the committee (as the case may be).
- (2) Where a motion, if carried, would be significantly different from the relevant written recommendation of an employee or committee, the reason for the decision is to be recorded in the minutes of the meeting in accordance with the Regulations.
- (3) A committee may make a recommendation to the Council which -
  - (a) is relevant to the purpose for which the committee is established by the Council; and
  - (b) the committee considers requires consideration by the Council.
- (4) Where a committee makes a recommendation for consideration by the Council, the CEO must prepare or cause to be prepared a report to the Council with respect to the recommendation.

#### **9.2 Presentation of committee reports**

The proposed adoption by the Council of recommendations of a committee is to be moved –

- (a) if the presiding member of the committee is a Council member and is in attendance – by the presiding member;
- (b) if the presiding member of the committee is not a Council member or is absent – by a member of the committee who is also a Council member; or
- (c) otherwise – by a Council member who is not a member of the committee.

### **9.3 Permissible motions on recommendations**

A recommendation made by a committee or contained in a report from the CEO may be -

- (a) adopted by the Council without amendment;
- (b) replaced by an alternative motion and adopted by the Council;
- (c) amended, and adopted as amended, by the Council;
- (d) referred back to the committee for further consideration; or
- (e) referred back to the CEO.

### **9.4 Motions to be stated and in writing**

(1) A member who wishes to move a primary motion, or an amendment to a primary 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 -
  - (i) in the opinion of the presiding member, the motion or amendment is significantly different to the relevant written recommendation of a committee or an employee; or
  - (ii) he or she is otherwise required to do so by the presiding member.

(2) The written terms of the motion or amendment are to be given to the CEO who is to ensure that they are recorded in the minutes.

### **9.5 Motions to be seconded**

(1) A primary motion or an amendment to a primary 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 13.1).

(3) A member seconding a motion has the right to speak on the motion later in the debate.

(4) A motion is not to be amended by the mover without the consent of the seconder.

(5) A nomination for any appointment under clause 4.9 is not required to be seconded.

### **9.6 Unopposed business**

(1) Immediately after a primary 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 put the motion to the vote without debate.

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

### **9.7 Only one primary motion at a time**

The Council or committee -

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

### **9.8 Complex motions**

The presiding member may require that a complex primary motion, or a complex amendment to a primary 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.

### **9.9 Order of call in debate**

The presiding member is to call speakers to a primary 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) other speakers for or against the motion; and
- (f) mover takes right of reply which closes debate.

### **9.10 Limit of debate**

The presiding member may offer the right of reply and put a primary 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.

### **9.11 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.

### **9.12 Amendments**

- (1) A member may move an amendment to a primary 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;
  - (b) if the member has already spoken to the primary motion;
  - (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 primary motion to which it is moved and must not have the effect of negating the primary motion.
- (3) An amendment to a primary motion is to take only one of the following forms:
  - (a) that certain words be omitted;
  - (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 primary motion is put to the vote.
- (5) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate, to be treated as the primary 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.

### **9.13 Withdrawal of motion and amendments**

- (1) The Council or a committee may, without debate, grant leave to withdraw a primary 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 primary motion, the primary motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

### **9.14 Right of reply**

- (1) The mover of a primary motion has the right of reply.
- (2) The right of the reply may be exercised only -
  - (a) where no amendment is moved to the primary motion – at the conclusion of the discussion on the motion; or
  - (b) where one or more amendments have been moved to the primary motion – at the conclusion of the discussion on the primary motion and any amendments.
- (3) After the mover of the primary 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 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 primary motion, or the primary 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 primary motion (under Part 9), a member may move any of the following procedural motions:

- (a) that the motion be deferred;
- (b) that the motion be now put;
- (c) that the item be referred back to a committee (or the CEO);
- (d) that the meeting now adjourn;
- (e) that the meeting be closed to members of the public (see clause 5.2);
- (f) that the meeting be now closed;
- (g) that the member be no longer heard;
- (h) that the ruling of the presiding member be disagreed with; and
- (i) that the debate be adjourned.

### **10.2 No debate**

- (1) The mover of a motion stated in paragraphs (a), (c), (d), (e), (f), (g) or (i) 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 (b) or (h) 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(h), a member who has moved, seconded, or spoken for or against the primary motion, or any amendment to the primary motion, cannot move any procedural motion which, if carried, would close the debate on the primary motion or amendment.

### **10.4 Right of reply on motion**

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



### **10.5 Motion be deferred – effect of motion**

- (1) If a motion “that the motion be deferred”, is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.
- (2) A 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 Motion be now put – effect of motion**

- (1) If a motion “that the motion be now put”, is carried during discussion on a primary motion without amendment, the presiding member is to offer the right of reply and then immediately put the motion to the vote without further debate.
- (2) If the motion “that the motion be now put” is carried during debate of the amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) If the motion “that the motion be now put”, is lost, debate is to continue.

### **10.7 The item be referred back to a committee (or the CEO) – effect of motion**

- (1) If a motion “that the item be referred back to a committee (or the CEO)” is carried, debate on the primary motion and any amendment is to cease and the primary motion, excluding any amendment, is to be referred back to the appropriate committee or the CEO for further consideration.
- (2) If the motion in subclause (1) is lost, debate on the primary motion or amendment is to continue.

### **10.8 Meeting now adjourn – effect of motion**

- (1) If a motion “that the meeting now adjourn”, is carried then the meeting is to be adjourned to a time and date specified in the motion, or where no time and date is specified, to such time and date as the presiding member declares, or to the next ordinary meeting.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) -
  - (a) the debate is to be resumed at the date and time specified as required in subclause (1) and at the point where it was so interrupted;
  - (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 7.8 apply when the debate is resumed.
- (3) 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;
  - (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.
- (4) A member must not, at the same meeting, move or second more than one motion for the adjournment of the meeting.

#### **10.9 The meeting be closed to members of the public – effect of motion**

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 The meeting be now closed – effect of motion**

- (1) 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.
- (2) If the motion “that the meeting be now closed” is carried at a meeting of the Council -
  - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
  - (b) the provisions of clause 7.8 apply when the outstanding business is resumed.

#### **10.11 Member to be no longer heard – effect of motion**

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 primary motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the primary motion or amendment.

#### **10.12 Ruling of the presiding member be disagreed with – effect of motion**

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.

#### **10.13 Debate be adjourned – effect of motion**

- (1) If a motion “that the debate be adjourned”, is carried –
  - (a) all debate on the primary motion or amendment is to cease and is to continue at a time and date specified in the motion;
  - (b) the names of members who have spoken on the matter are to be recorded in the minutes; and
  - (c) the provisions of clause 7.8 apply when the debate is resumed.
- (2) A motion “that the debate be adjourned” must not be moved in respect of the election of a presiding member, Mayor or Deputy Mayor.
- (3) A member must not, at the same meeting, move or second more than one motion “that the debate be adjourned” in respect of the same item.

## **Part 11 - Voting**

### **11.1 Motion - when put**

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.

### **11.2 Crossing the floor of meeting room**

- (1) When the presiding member is putting any motion to the vote, a member must not leave or cross the meeting room.
- (2) A member must not, while any other member is speaking, pass between the speaker and the presiding member or pass behind the presiding member.

### **11.3 Voting**

Voting is dealt with in the Act and the Regulations.

### **11.4 Majorities required for decisions**

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

### **11.5 Method of taking vote**

In taking the vote on any motion, the presiding member -

- (a) is to put the motion, first in the affirmative, and then in the negative;
- (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;
- (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.
- (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) communicate 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 Requirements to revoke or change decisions**

The requirements to revoke or change a decision made at a meeting are dealt with in the Regulations.

### **13.3 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 4.7.
- (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;
  - (b) state the substance of the revocation motion;
  - (c) determine whether there is sufficient support under clause 13.2; and
  - (d) if there is sufficient support, deal with the revocation motion.

#### **13.4 Revocation motion after meeting – procedures**

- (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;
  - (b) specify the decision proposed to be revoked or changed;
  - (c) include a reason or reasons for the revocation motion;
  - (d) be supported by the number of members required under the Regulations;
  - (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
  - (f) be given to the CEO in accordance with the notice of motion provisions in clause 4.6.
- (2) Any notice of revocation motion given to the CEO must be dealt with in accordance with 4.6.

#### **13.5 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 13.6 to implement the decision;
  - (b) where the decision concerns the grant of an authorisation, and where that authorisation has been communicated in writing by the local government to the applicant; or
  - (c) 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) or (b) 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.

### **13.6 Implementing a decision**

- (1) Subject to subclause (4), 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 until after 12 noon of the first clear working day after the commencement 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.
- (4) The CEO is to ensure that members of the public attending a 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.

## **Part 14 - Suspension and non-application of local law**

### **14.1 Suspension of this local law**

- (1) A member may, at any time, move that the operation of one or more of the clauses 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.

### **14.2 When this local law does not apply**

- (1) In situations where -
- (a) this local law has 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 10.1(h).

## **Part 15 - Committees**

### **15.1 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 5.8 of the Act is to include -
- (a) the terms of reference or functions of the committee;
  - (b) either -
    - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
    - (ii) the number of members, officers and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
  - (c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

### **15.2 Types of committees**

The types of committees are dealt with in the Act.

### **15.3 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.

### **15.4 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.

### **15.5 Appointment of committee members**

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

### **15.6 Tenure of committee membership**

Tenure of committee membership is dealt with in the Act.

### **15.7 Appointment of deputies**

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

### **15.8 Resignation of committee members**

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

### **15.9 Register of delegations to committees**

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

### **15.10 Local law to apply**

This local law applies generally to committee meetings except for clause 7.1, in respect of members seating and clause 7.8 in respect of limitation on member's speaking.

## **Part 16 - Meeting of electors**

### **16.1 Term used: electors**

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

### **16.2 Electors' general meetings**

Electors' general meetings are dealt with in the Act.

### **16.3 Matters for discussion at general electors' meeting**

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

### **16.4 Electors' special meetings**

Electors' special meetings are dealt with in the Act.

### **16.5 Requests for electors' special meetings**

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

### **16.6 Convening electors' meetings**

Convening electors' meetings is dealt with in the Act.

### **16.7 Who presides at electors' meetings**

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

### **16.8 Procedure for electors' meetings**

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.
- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to this local law.

### **16.9 Participation of non-electors**

A person who is not an elector must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits him or her to do so.

### **16.10 Voting at electors' meetings**

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



#### **16.11 Minutes of electors' meetings**

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

#### **16.12 Decisions made at electors' meetings**

Decisions made at electors' meetings are dealt with in the Act.

### **Part 17 - Breach of this local law**

#### **17.1 Breach of this local law by Mayor or Councillors**

A breach of a provision of this local law by the Mayor or Councillors is dealt with in the Rules of Conduct Regulations and the Act.

#### **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**

Who can prosecute is dealt with in the Act.

**Local Government Act 1995**

**City of Joondalup**

**Meeting Procedures Local Law 2013**

**SCHEDULE 1**

**PETITION OF ELECTORS OF THE CITY OF JOONDALUP**

To the Mayor and Councillors of the City of Joondalup,

We, the undersigned, all being electors of the City of Joondalup do respectfully request that Council:

*(Set out concise statement of facts and the action sought)*

Correspondence in respect of this petition should be addressed to:

*(State the name and full address of the relevant person)*


The names and addresses of the petitioners are as follows:

DATE	FULL NAME	ADDRESS	SIGNATURE
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Dated 24<sup>th</sup> of September 2013.

The Common Seal of the City of Joondalup  
was affixed by authority of a resolution  
of the Council in the presence of:



  
.....  
TROY PICKARD  
MAYOR

  
.....  
GARRY HUNT  
CHIEF EXECUTIVE OFFICER