

Local Law relating to **Standing Orders**

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PART 1—PRELIMINARY

1.1 Citation

- (1) This Local Law may be cited as the City of Melville Standing Orders Local Law 2003
- (2) In this Local Law the clauses are referred to as “the Standing Orders.”

1.2 Application

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

1.3 Interpretation

- (1) In these Standing Orders unless the context otherwise requires: -

"Act" means the Local Government Act 1995 (as amended).

"Chief Executive Officer" means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the City.

"Chamber" means the Meeting Room as determined by Policy of the Council. (Council Chamber / Meeting Room / any other chamber serving as a meeting room).

"City" means the City of Melville.

"clause" means a clause of these Standing Orders.

"Code of Conduct" means the City's code of conduct required to be adopted under the Act.

Corporate Policy C8 – Code of Conduct

"Committee" means a committee of the Council appointed in accordance with the Act.

"Committee member" means a member of a Committee whether or not that person is also a Councillor or the Mayor.

"Council" means the Council of the City of Melville.

"Councillor" means a person who holds the office of councillor on the Council.

"document" has the same meaning as in the Interpretation Act 1984.

"employee" means a person employed by the City in accordance with the Act.

"implement", in relation to a decision, includes to –

- (a) communicate notice in writing of the decision to a person affected by or with an interest in, the decision: and
- (b) take other action to give effect to the decision.

"Mayor" includes:

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

"Member" means the Mayor or a Councillor, or in the case of a Committee, a member of the Committee.

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

"Minister" means the Minister responsible for administering the Act.

"minor amendment" in relation to a motion to amend another motion means one that does not alter the primary or basic intent of that motion as determined by the presiding person of the meeting.

"other committee" means a Committee of the Council other than a Standing Committee.

"order" means the proper conduct of, and compliance with the Standing Orders by, a Member, employee or other person in attendance at a meeting so that the meeting is conducted in an orderly and decorous manner.

"ordinary meetings" are those Council and Committee meetings of the City called for the transaction of the ordinary business of the Council or Committee.

"Policy" means any policy adopted by the City.

"Presiding Member" means the person entitled to preside at meetings in accordance with the Act.

"Regulations" means the *Local Government (Administration) Regulations 1996*.

"simple majority" is more than 50% of the Members present and voting.

"special meetings" are those called to consider special business, the nature of which shall be notified in the notice concerning the meeting.

"standing committee" means a Committee with a regular and routine meeting cycle and which reports to the Council.

"section" means a section of the Local Government Act 1995.

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

"without discussion" means without debate.

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

1.4 Repeal

The Local Law Relating to the Conduct of Proceedings and the Business of the Council of the City of Melville published in the Government Gazette on 13 November 1987 is repealed.

PART 2—CALLING MEETINGS

2.1 Calling Council Meetings

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

Section 5.3 Local Government Act 1995 – Ordinary and Special Council Meetings
Clause 12 Admin Regs.Public notice of council or committee meetings - s. 5.25 (g)
Administration Procedure (6) - Committees of the Council - 6.6 Public Notice of Meetings

2.2 Calling Committee Meetings

An ordinary or a special meeting of a Committee is to be held -

- (a) if called for in a verbal or written request to the Chief Executive Officer by the Presiding Member of the Committee, setting out the date and purpose of the proposed meeting.
- (b) if called for by at least 1/3 of the members of the Committee in a notice to the Chief Executive Officer, setting out the date and purpose of the proposed meeting.
- (c) if so decided by the Council, the Committee or the Chief Executive Officer.

2.3 Convening Ordinary and Special Council Meetings

The convening of Ordinary and Special Council Meetings is dealt with in the Act.

Section 5.4 Local Government Act 1995 - Calling Council Meetings
Section 5.5 Local Government Act 1995 - Convening Council Meetings

2.4 Convening Ordinary and Special Committee Meetings

- (1) The Chief Executive Officer 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 Chief Executive Officer is to convene a Special Meeting of a Committee by giving each Committee Member notice, before the meeting, of the date, time, place and purpose of the meeting.
- (3) The Chief Executive Officer is to give notice of meetings referred to in Subclauses (1) and (2) to every Member of the Council

Administration Procedure (7) - Council Members – 7.2 Distribution of Material to the Members of the Council

2.5 Failure to Receive Notice Not to Invalidate Proceedings

Failure to receive notice of meeting shall not affect the validity of any meeting provided

reasonable steps have been taken to serve such notice.

Section 5.23 Local Government Act 1995 - Meetings generally open to the public

2.6 Meetings Open to the Public

Meetings that are to be open to the public and circumstances when such meetings can be closed to the public are dealt with in the Act

Clause 14 Admin Regs - Public inspection of certain documents relating to council or committee meetings s. 5.25 (j)

Clause 29 Admin Regs - Information to be available for public inspection - s. 5.94

2.7 Reports by the Chief Executive Officer

The Chief Executive Officer may prepare for presentation to any meeting a report dealing with any matter which in the opinion of the Chief Executive Officer should be drawn to the attention of the meeting.

2.8 Distribution of Reports to the Members

- (1) Subject to clause 2.9 the Chief Executive Officer is to provide each member of the Council or Committee as the case may be with a copy of any report, which is to be presented to any Council or Committee meeting.
- (2) The report is to be provided to each member at least 24 hours before the commencement of the meeting.

2.9 Late Reports

In cases of urgency or other special circumstances a report by the Chief Executive Officer may, with the consent of the Presiding Member, be read or otherwise given to Members at the meeting if it has not previously been sent to Members in accordance with clause 2.8.

2.10 Who Presides at Council Meetings

The Presiding Member at Council Meetings is dealt with in the Act.

2.11 Who Presides at Committee Meetings

The Presiding Member at Committee Meetings is dealt with in the Act.

Section 5.6 Local Government Act 1995 - Who Presides at Council Meetings

Corporate Policy C21 – Public Relations

Corporate Policy C25 – Terms of Office

Guidelines for Presiding at Committee Meetings

PART 3—BUSINESS OF THE MEETING

3.1 Business to be Specified on Notice Paper

- (1) No business is to be transacted at any ordinary meeting of the Council or a Committee other than that specified in the agenda, without the approval of the Council or the Committee.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at a Committee meeting other than that specified in the agenda except matters which the Act or these Standing Orders permit to be dealt with without notice.
- (4) No business is to be transacted at an adjourned meeting of the Council or a Committee other than that:
 - (a) specified in the Notice of the meeting which had been adjourned; and
 - (b) which remains unresolved,except in the case of an adjournment to the next ordinary meeting of the Council or the Committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

3.2 Order of Business at Ordinary Meeting

- (1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows: -
 - (a) Present
 - (b) In Attendance
 - (c) Apologies and Approved Leave of Absence
 - (d) Public Question Time
 - (e) Awards and Presentations
 - (f) Confirmation of Minutes
 - (g) Disclosures of Interest
 - (h) Applications for New Leaves of Absence
 - (i) Identification of Matters for Which Meeting May Be Closed
 - (j) Petitions
 - (k) Reports of Committees
 - (l) Reports of the Chief Executive Officer
 - (m) Motions of Which Previous Notice Has Been Given
 - (n) Motions Without Notice by Absolute Majority of the Council
 - (o) Closure
- (2) Unless otherwise decided by the Members present, the order of business at any special meeting of the Council or at a special or Ordinary Committee meeting is to be the order in which that business stands in the agenda of the meeting.

- (3) Notwithstanding subclauses (1) and (2) in the order of business for any meeting of the Council or a Committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.
- (4) Notwithstanding subclause (1), the Chief Executive Officer may include on the agenda of a Council or Committee meeting in an appropriate place within the order of business any matter that must be decided, or which the Chief Executive Officer considers is appropriate to be decided, by that meeting.

3.3 Order of Business at Special Meeting

The order of business at any special meeting of the Council is that prescribed in the notice of the meeting.

3.4 Public Question Time

- (1) Question time for the public is dealt with in the Act and Regulations.
- (2) The procedure for the asking of and responding to questions raised by members of the public at a meeting shall be as determined by Policy of the Council.

Section 5.24 Local Government Act 1995 - Question time for the public

Clause 5 Admin Regs - Question time for the public at certain meetings s. 5.24 (1)(b)

Clause 6 Admin Regs - Minimum question time for the public s. 5.24 (2)

Clause 7 Admin Regs - Procedures for question time for the public s. 5.24 (2)

Corporate Policy C23 - Question Time at Committee and Council Meetings

Managing Public Question Time Local Govt Operations Guidelines No 3 - 8 August 2002

3.5 Petitions

- (1) A petition, in order to be effective, is to:-
 - (a) be addressed to the Council of the City of Melville and be in the form "We, the undersigned, all being Electors of the City of Melville, do humbly pray that..."
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the names, addresses and signatures of the electors making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
 - (g) not contain any language that is disrespectful to the Council or likely to be defamatory to any person.
- (2) A Petition must be in the form prescribed by the Act and Local Government (Constitution) Regulations 1996 if it is:-
 - (a) a proposal to change the method of filling the office of Mayor;
 - (b) a proposal to create a new district or the boundaries of the City;

- (c) a request for a poll on a recommended amalgamation;
 - (d) a submission about changes to wards the name of a district or ward or the number of councillors for a district or ward.
- (3) A member of the Council presenting a petition shall be limited to a statement of the parties from whom it comes, the number of the signatures attached to it, the material issues contained in it, and to the reading of the preamble to the petition. It shall be incumbent on the member of the Council presenting the petition to be familiar with the nature and contents of the petition, and to ascertain that it is in the form prescribed by clause 3.5(1)
- (4) The only question that shall be considered by the Council on the presentation of any petition shall be:
- (a) that the petition shall be acknowledged; or
 - (b) that the petition be acknowledged and referred to a Committee for consideration and report; or
 - (c) that the petition be acknowledged and be dealt with by the Council in conjunction with an item on the same agenda.

3.6 Leave of Absence

Leave of absence is dealt with in the Act.

Section 2.25 Local Government Act 1995 - Disqualification for failing to attend meetings

3.7 Confirmation of Minutes

- (1) The Confirmation of Minutes is dealt with in the Act.
- (2) When minutes of a meeting are submitted to an ordinary meeting of the Council or Committee for confirmation, if a Member is dissatisfied with the accuracy of the minutes, then he or she is to:
- (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a notice of motion in writing clearly outlining the alternative wording to amend the minutes.
- (3) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

Section 5.22 Local Government Act 1995 - Minutes of council and committee meetings Clause 13 Admin Regs - Public inspection of unconfirmed minutes of council or committee meetings - s. 5.25 (i)

3.8 Matters for Which Meeting May be Closed

For the convenience of members of the public, the Council or Committee may identify by decision, early in the meeting, any matter on the agenda of the meeting to be discussed

behind closed doors, and that matter may be deferred for consideration as the last item of the meeting.

Section 5.23 Local Government Act 1995 - Meetings generally open to the public

3.9 Production of Documents

The production of documents is dealt with in the Act and Regulations

Sections .5.91-5.97 Local Government Act 1995

Clause 14 and 29 Admin Regs - Public inspection of certain documents relating to council or committee meetings s. 5.25 (j)

Clause 29 Admin Regs - Information to be available for public inspection - s. 5.94

3.10 Motions on Notice

- (1) Unless the Act, Regulations or these Standing Orders otherwise provide, a Member may raise at a meeting such business as the Member considers appropriate, in the form of a motion, of which notice has been given in writing to the Chief Executive Officer.
- (2) Notice of motion shall be given either: -
 - (a) at a Council Meeting with the intention that it be brought forward at the next ordinary meeting, or
 - (b) otherwise at least five business days before the meeting at which it is to be brought forward.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) The Chief Executive Officer: -
 - (a) may exclude from the notice paper any notice of motion deemed to be out of order; or
 - (b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
 - (c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as Policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless: -
 - (a) the Member who gave notice thereof, or some other Member authorised by him or her in writing, moves the motion when called on; or
 - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lapses in the circumstances referred to in Subclause (5), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse, except by approval of an absolute majority of the Council.

3.11 Amendments on Notice

- (1) Where written notice of an amendment to a notice of motion is received by the Chief Executive Officer at least five (5) business days before the meeting at which such motion is to be brought forward, the notice of amendment shall be entered on the agenda immediately after such notice of motion.
- (2) A Motion on Notice shall be subject to amendment as provided in Part 10 of these Standing Orders.

3.12 Urgent Business Approved By the Presiding Member or by Discussion

In cases of extreme urgency or other special circumstance, matters may, by absolute majority decision of the Members present, be raised without notice and decided by the meeting.

3.13 Questions by Members of Which Due Notice Has Not Been Given

A question requesting general information from the Chief Executive Officer may be asked without notice but the Chief Executive Officer shall have the right to ask that: -

- (a) the question be placed on notice for the next meeting of the Council, or
- (b) the answer to the question be given to the Member of the Council who asked it, within five (5) business days.

3.14 Motions Without Notice by Absolute Majority of Council

A motion moved without notice, shall be worded so as to refer to a particular matter for investigation and report to a Committee for consideration of the Council at a later date, except where the Council is satisfied that sufficient information has been provided and that the urgency of the matter is such as to warrant an immediate decision by the Council

3.15 Deputations

A deputation wishing to be received by the Council or a Committee is to apply in writing to the Chief Executive Officer who shall deal with the request in accordance with Council policy.

Administration Procedure (6) – Committees of the Council - 6.4 Guidelines For Deputations

NB: This Procedure to be developed into Policy

PART 4—PUBLIC ACCESS TO AGENDA MATERIAL

4.1 Inspection Entitlement

Members of the public have access to meeting agendas, agenda material and documents in the terms set out in the Regulations.

Clause 13 Admin Regs - Public inspection of unconfirmed minutes of council or committee meetings - s. 5.25 (i)

Clause 14 Admin Regs - Public inspection of certain documents relating to council or committee meetings - s. 5.25 (j)

Administration Procedure (2) - 2.17 Preparation of Agenda / Minutes For Council / Committees

4.2 Confidentiality of Information Withheld

- (1) Information withheld by the Chief Executive Officer from members of the public under the Regulations, is to be:
 - (a) identified in the agenda of a Council or Committee meeting under the item “Matters for which Meeting may be Closed”; and
 - (b) marked “Confidential” in the agenda.
- (2) A Member of the Council or a Committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a Member of the Council or the Committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties, and subject to the declarations of interest provisions, Council Policy and the Code of Conduct.

Corporate Policy C8 – Code of Conduct

Corporate Policy C10 – Confidential Items



PART 5—DISCLOSURE OF INTERESTS

5.1 Disclosure of Members' interests

The disclosure of interests by Members is dealt with in the Act.

Corporate Policy C8 – Code of Conduct

Sections.5.59 to 5.73 Local Government Act 1995

Clause 20 Adin Regs - Shareholders who are “closely associated persons” - s. 5.62 (d) (ii)

Clause 21 Adin Regs - Interests that need not be disclosed - s. 5.63 (1) (h)

Administration Procedure (6) Committees of the Council - 6.1 Financial Interest

5.2 Meeting to be Informed of Disclosures

Procedures for informing the meeting of disclosures is dealt with in the Act.

5.3 Disclosure of Interest in Matter Raised Without Notice

If a Member has an interest in a matter raised by way of amendment to a motion or an interest in a matter raised otherwise without notice, the Member is to declare that interest at the earliest possible time and before commencement of any consideration, discussion or voting on the matter takes place.

5.4 Disclosure by Members who are Observers at Committee Meetings

The obligation to declare an interest is to apply to all Members present at Committee meetings including a Member attending a Committee meeting in the capacity of an observer.

5.5 On going Disclosure Required

The obligation to declare an interest applies in regard to each meeting at which the matter the subject of the interest arises.

5.6 Disclosing Member not to Participate in Meetings

The participation of a disclosing Member in meetings is dealt with in the Act.

5.7 Permission for Disclosing Member to Participate

The procedures for allowing disclosing Members to participate in meetings is dealt with in the Act.

5.8 Invitation to Return to Provide Information

- (1) Where a Member has declared an interest in a matter, and has departed from the chamber or meeting room, the meeting may resolve to invite the Member to return to provide information in respect of the matter or in respect of the Member's interest in the matter.

- (2) A Member invited to return under subclause (1) shall withdraw after providing the information.

5.9 Substitution of Deputy at Committee

Where a disclosing Member withdraws from a meeting of a Committee during the consideration of a matter a Member who is a deputy of the disclosing Member for that Committee, may participate as a member of the Committee in place of the disclosing Member during the consideration of that matter.

5.10 Separation of Committee Recommendations

Where at a Committee meeting a Member of the Council has disclosed an interest in a matter and the matter is contained in the recommendations of the Committee to an ordinary or special meeting of Council or to another Committee meeting that will be attended by the Member, the recommendation concerned is to be separated on the agenda of that ordinary meeting or other Committee meeting, from other recommendations of the Committee, to enable the Member concerned to declare the interest and leave the room prior to consideration of that matter only.

PART 6—QUORUM

6.1 Quorum to be Present

- (1) The quorum for meetings is dealt with in the Act.
- (2) The Council or a Committee is not to transact business at a meeting unless a quorum is present.

Sections 5.7 Local Government Act 1995

Sections 5.15 Local Government Act 1995

Sections 5.19 Local Government Act 1995

6.2 When no Quorum is Present or Loss of Quorum During a Meeting

- (1) If at any time during the course of a meeting of the Council or a Committee a quorum is not present: -
 - (a) in relation to a particular matter because of a Member or Members leaving the meeting after disclosing an interest, the matter is adjourned until either:-
 - (i) a quorum is present to decide the matter; or
 - (ii) the Minister allows a disclosing Member or Members to participate in the meeting under section 5.69 of the Act and a quorum, including the Member or Members, is present to decide the matter; or
 - (b) because of a Member or Members leaving the meeting for reasons other than disclosure of an interest, the Presiding Member is to suspend the proceedings of the meeting for a period of up to fifteen (15) minutes, and if a quorum is not present at the end of that time, for a further period up to thirty (30) minutes, after which the meeting is deemed to have been adjourned and the Chief Executive Officer is to reschedule it to some future time or date having regard to the requirements for calling meetings, the period of notice which needs to be given under the Act, Regulations, or the Standing Orders when calling a meeting of that type.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) (b):-
 - (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) in the case of a Council or Committee meeting
 - (i) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 9.5 apply when the debate is resumed.

Clause 8 Admin Regs - Procedure where no quorum at council or committee meetings - s. 5.25(c)

PART 7—KEEPING OF MINUTES

7.1 Content of Minutes

In addition to the matters contained in Regulation 11, the content of minutes of a meeting of the Council or a Committee is to include where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled, the reasons for the decision.

Clause 11 Admin Regs - Content of minutes of council or committee meetings - s. 5.25 (f)
Administration Procedure (6) – Ordinary and Special Meetings of Committees–6.3 Committee’s of Council - Minutes

7.2 Preservation of Minutes

Minutes including the agenda of each Council and Committee meeting are to be kept as a permanent record of the activities of the City and are to be dealt with in accordance with other relevant statutes.

Administration Procedure (2) - 2.14 Minute Book Procedures - 2.14.1. Report Preparation
Administration Procedure (2) - 2.15 Confidential Minute Book Procedure

PART 8—CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

8.1 Official Titles to be Used

Members of the Council are to speak of each other in the Council or Committee by their respective titles of Mayor or Councillor. Members of the Council, in speaking of or addressing employees, are to designate them by their respective official titles.

8.2 Respect to the Presiding Member

After a meeting of the Council has been formally constituted and the business thereof commenced, a Member shall not enter, leave or withdraw from such meeting without first paying due respect to the office of Presiding Member.

8.3 Adverse Reflection

- (1) No Member of the Council or a Committee is to reflect adversely upon a decision of the Council or Committee except on a motion that the decision be revoked or changed.
- (2) No Member of the Council or a Committee is to use offensive or objectionable expressions in reference to any Member, employee of the Council, or any other person.
- (3) If a Member of the Council or Committee specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes, the Presiding Member is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.
- (4) A Member at a meeting of the Council or a Committee may be required by the Presiding Member, or by a decision of the Council or Committee, to apologise and unreservedly withdraw any expression which is considered to cause offence on another Member or an employee, and if the Member declines or neglects to do so, the Presiding Member may refuse to hear the Member further upon the matter then under discussion and call upon the next speaker.

8.4 If a Member Feels Aggrieved

Notwithstanding anything contained in the Standing Orders, any Member aggrieved by anything which has transpired between the termination of one meeting of the Council and the commencement of another, may raise the question of privilege; provided that before raising a question of privilege the Member shall first obtain the consent and approval of the Council thereto.

8.5 Procedure on Privilege

In the event of a question of privilege being raised by a Member such question shall thereupon take precedence over all other business before the Council and be raised immediately after the confirmation of the minutes of the preceding meeting or meetings.

8.6 Recording of Proceedings

- (1) Unless the Council or the Committee, as the case may be, resolves to allow the recording of a particular meeting:
 - (a) The recording of the proceedings of meetings of the Council or of any Committee by any mechanical means whatsoever is prohibited; and
 - (b) A person shall not attend a meeting with any mechanical recording equipment, and if a person does so, the Mayor or the Presiding Member, as the case may be may require that person to leave the meeting in accordance with sub-clauses 8.8(3) and (4).
- (2) Subclause (1) does not apply if the record is taken by or at the direction of the Chief Executive Officer.

8.7 Visual Recording of Meeting Prohibited

- (1) No person is to use electronic visual recording device to record the proceedings of the Council unless the Chief Executive Officer, or by decision of the Members present, has given permission to do so.
- (2) If the Chief Executive Officer gives permission under subclause (1), the Chief Executive Officer is to advise the meeting, immediately before the recording is commenced, that such permission has been given and details of the part of the meeting that is to be recorded.

8.8 Prevention of Disturbance by Members of the Public

- (1) Any member of the public addressing the Council or a Committee is to extend due courtesy and respect to the Council or Committee and the processes under which they operate and must take direction from the Presiding Member whenever called upon to do so.
- (2) No person observing a meeting is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (3) In the event of any such interruption, including contravention of clause 8.6 and 8.7, the Presiding Member may use discretion and without a vote, require the person or persons interrupting to immediately leave the Council Chamber. This direction may not be challenged by moving dissent with the ruling, and the Presiding Member's ruling is final.
- (4) Any person who being ordered to leave the meeting room fails to do so may, by order of the Presiding Member, be removed from the Council Chamber or meeting room.

Penalty \$1,000

8.9 Prevention of Disturbance Generally

No electronic or other device shall be used in a manner that creates a disturbance or leads to a disturbance at the meeting.

8.10 Distinguished Visitors



If a distinguished visitor is present at a meeting of the Council or a Committee, the Presiding Member or the Chief Executive Officer may invite such person to sit beside the Presiding Member or at the Council table.

PART 9—CONDUCT OF MEMBERS DURING DEBATE

9.1 Members to Indicate Desire to Speak

Every Member of the Council or Committee wishing to speak is to indicate by show of hands or other method agreed upon by the Council. When invited, Members are to address the Council through the Presiding Member.

9.2 Priority

In the event of two or more Members of the Council or a Committee wishing to speak at the same time, the Presiding Member is to decide which Member is entitled to be heard first. The decision is not open to discussion or dissent.

9.3 The Presiding Member to Take Part in Debates

Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in these Standing Orders, the Presiding Member may take part in a discussion of any matter before the Council or Committee as the case may be.

9.4 Relevance

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

9.5 Limitation of Number of Speeches

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

A Member asking a question is not considered to have spoken.

9.6 Limitation of Duration of Speeches

All addresses are to be limited to a maximum of five (5) minutes. Extension of time is permissible only with the agreement of a simple majority of Members present.

9.7 Members Not to Speak After Conclusion of Debate

No Member of the Council or a Committee is to speak to any question after it has been put by the Presiding Member.

9.8 Members Not to Interrupt

No Member of the Council or a Committee is to interrupt another Member of the Council or Committee whilst speaking unless: -

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 10.18; or
- (d) to move a motion under clause 11(1)(e).

9.9 Crossing Council Chambers or Meeting Room

- (1) When the Presiding Member is putting any motion to take the vote, a Member is not to leave or cross the chamber or meeting room.
- (2) A Member or employee is not, whilst any other Member is speaking, to pass between the speaker and the Presiding Member.

9.10 Re-Opening Discussion on Decisions

No Member of the Council or a Committee is to re-open discussion on any decision of the Council or Committee, except for the purpose of moving that the decision be revoked or changed.

9.11 Tabling of Documents

- (1) Where a member, during debate, tables any document relevant to the motion, that document shall become a part of the records of the City of Melville and a copy thereof shall be made available to any member of the Council upon request.
- (2) The content of the document tabled under 9.11(1) shall be included in the minutes of the meeting only if so decided by an absolute majority of the Council. The motion to adopt shall be moved and seconded after the document has been described or read and then voted on without further debate or amendment.
- (3) No documents are to be tabled except during debate.

PART 10—PROCEDURES FOR DEBATE OF MOTIONS

10.1 Motions to be Stated

Any Member wishing to propose an original motion or amendment shall state its substance before addressing the other Members thereon, and if so required by the Presiding Member or the Council or Committee shall put the motion or amendment in writing.

10.2 Motion and Amendment to be Supported

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

Clause 10 Admin Regs - Revoking or changing decisions made at council or committee meetings - s. 5.25 (e)

10.3 Point of Order and Nomination

- (1) A point of order is not required to be seconded.
- (2) A nomination for appointment to a position of representation on behalf of the Council to another organisation is not required to be seconded.

Section 5.10 (5) Local Government Act 1995 – Appointment of Committee Members
Corporate Policy C17 – Nomination on WALGA Committees

10.4 Notice of Further Amendments

In speaking to an amendment a Member may give notice of his intention to move a further amendment.

10.5 Only One Substantive Motion Considered

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

10.6 Breaking Down of Complex Questions

The Presiding Member or the Council may order a complex question to be broken down and put in the form of several motions, which are to be put in sequence.

10.7 Questions Not to Involve Argument or Opinion

In submitting any question, no argument or expression of opinion shall be used or offered, nor any facts stated except so far as may be necessary to explain such question

10.8 Unopposed Business

- (1) Upon a motion being moved and seconded, the Presiding Member may ask the meeting if any Member is opposed to it.
- (2) If no Member signifies opposition to the motion the Presiding Member may declare the motion in subclause (1) carried without debate and without taking a vote on it.
- (3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or Committee.
- (4) If a Member signifies opposition to a motion the motion is to be dealt with according to this Part of the Standing Order.
- (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.

10.9 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 in view, if any;
 - (h) Mover takes right of reply which closes debate.
- (2) A Member seconding a motion is to be taken to have spoken on the motion unless at the time seconding it the Member reserves the right to speak on the motion later in the debate.

10.10 Limit of Debate

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

10.11 Member May Require Questions to be Read

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

10.12 Consent of Secunder Required to Accept Alteration of Wording

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

10.13 Order of Amendments

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

10.14 Amendments Must Not Negate Original Motion

- (1) No amendment to a motion can be moved which negates the original motion or the intent of the original motion.
- (2) An amendment shall be relevant to the motion on which it is moved.

Clause 10 Admin Regs - Revoking or changing decisions made at council or committee meetings - s. 5.25 (e)

10.15 Substantive Motion

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion.

10.16 Withdrawal of Motion and Amendments

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

10.17 Limitation of Withdrawal

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

10.18 Personal Explanation

No Member is to speak at any meeting of the Council or a Committee, except upon the matter before the Council or Committee, unless it is to make a personal explanation. Any Member of the Council or Committee who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech that may have been misunderstood. When a Member of the Council or Committee is making an explanation, no reference is to be made to matters unnecessary for that purpose.

10.19 Personal Explanation – When Heard

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

10.20 Ruling on Questions of Personal Explanation

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

10.21 Right of Reply

- (1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other Member is to speak on the question.
- (2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

10.22 Right of Reply Provisions

The right of reply is governed by the following provisions: -

- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;
- (c) If there be an amendment the mover of such amendment shall have the right of reply to discussion of the amendment and in so doing shall be bound by the requirements of the Standing Orders.
- (d) once the right of reply has been taken, there shall be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

10.23 Person Presiding

If the Presiding Member at a Council meeting wishes to participate in the debate at a Council meeting then the Presiding Member cease presiding during participation in the debate.

PART 11—PROCEDURAL MOTIONS

11.1 Permissible Procedural Motions

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

- (a) that the Council (or Committee) proceed to the next business;
- (b) that the question be adjourned;
- (c) that the Council (or Committee) now adjourn;
- (d) that the question be now put;
- (e) that the Member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with;
- (g) that the Council (or Committee) meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under the Act;
- (h) that a Committee recommendation be referred back to the originating Committee, or any other Committee or a later Council meeting.

11.2 No Debate on Procedural Motion

- (1) The mover of a motion stated in each of paragraphs (a), (b), (c), (f) and (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion stated in each of paragraphs (d) and (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (3) The mover of a motion stated in paragraph (h) of clause 11.1 may speak to the motion for not more than five minutes; and
 - the seconder shall not speak other than to formally second the motion; and
 - the Presiding Member of the Committee concerned or in his or her absence a member thereof, may speak for not more than five minutes; and
 - the mover of the amendment to the Committee recommendation (if any) then before the Presiding Member of the Committee may speak for not more than five minutes; and
 - in the event that no Member has moved an amendment to the Committee recommendation the Presiding Member may, in his or her absolute discretion, allow one other Member to speak against the recommendal motion for not more than five minutes:
 - but no other debate shall be allowed.

11.3 Procedural Motions - Closing Debate - Who May Move

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

11.4 Procedural Motions - Right of Reply on Substantive Motion

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

PART 12—EFFECT OF PROCEDURAL MOTIONS

12.1 Council (or Committee) to Proceed to the Next Business - Effect of Motion

The motion “that the Council (or Committee) proceed to the next business”, if carried, causes the debate to cease immediately and for the Council (or Committee) to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

12.2 Question to be Adjourned - Effect of Motion

- (1) The motion “that the question be adjourned”, if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.
- (2) If the motion is carried at a meeting 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 9.5 apply when the debate is resumed.

12.3 Council (or Committee) to Now Adjourn - Effect of Motion

- (1) The motion “that the Council (or Committee) now adjourn”, if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the Presiding Member or a simple majority of Members upon vote, determine otherwise.
- (2) Where debate on a motion is interrupted by an adjournment under sub-clause (1) –
 - (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) in the case of a Council Meeting
 - (i) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
 - (ii) the provisions of clause 9.5 apply when the debate is resumed.
- (3) No Member is to move or second more than one motion of adjournment during the same sitting of the Council or Committee.
- (4) The mover, with the consent of the seconder may withdraw a motion or an amendment relating to the adjournment of the Council or a Committee, except that if any Member objects to the withdrawal, the motion is to continue.
- (5) On a motion for the adjournment of the Council or Committee, the Presiding Member, before putting the motion, may seek leave of the Council or Committee to proceed to the transaction of unopposed business.

- (6) At an adjourned meeting of the Council no additional business shall be discussed other than that which was on the original notice paper and remains outstanding, except in the case of an adjournment to the next ordinary meeting of the Council when the business outstanding at the adjourned meeting shall have precedence.

The time to which a meeting is adjourned for:-

- (a) want of a quorum;
- (b) by the Presiding Member to regain order;
- (c) or by decision of the Council or Committee;

may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

12.4 Question to be Put - Effect of Motion

- (1) The motion “that the question be now put”, if carried during discussion of a substantive motion without amendment, causes the Presiding Member to offer the right of reply and then immediately put the matter under consideration to the vote without further debate.
- (2) This motion, if carried during discussion of an amendment, causes the Presiding Member to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.
- (4) The Presiding Member may refuse to accept the motion that the question be now put and shall so refuse if in his or her opinion the closure will have the effect of unfairly limiting debate before the principal arguments for or against the question have been presented. The decision of the Presiding Member shall be binding unless there is dissent but shall not preclude the acceptance of a motion that at a later time the question be now put.

12.5 Member to be No Longer Heard - Effect of Motion

The motion “that the Member be no longer heard”, if carried, causes the Presiding Member to not allow the speaker against whom the motion has been moved to continue to speak to the current issue, except to exercise the right of reply if the person is the mover of a substantive motion currently before Council.

12.6 Ruling of the Presiding Member Disagreed With - Effect of Motion

The motion “that the ruling of the Presiding Member be disagreed with”, if carried, causes the ruling of the Presiding Member about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

12.7 Council (or Committee) to Meet Behind Closed Doors - Effect of Motion

- (1) Subject to any deferral under clause 3.8 or other decision of the Council or Committee, this motion, if carried, causes the general public and any officer or employee the Council or Committee determines, to leave the room. At least one officer to be present unless otherwise agreed by the Chief Executive Officer, or in the absence of the Chief Executive Officer, by the City's most senior employee present.

- (2) While a decision made under this clause is in force the operation of clause 9.5 limiting the number of speeches a Member of the Council may make, is suspended unless the Council decides otherwise.
- (3) Upon the public again being admitted to the meeting the Presiding Member, unless the Council or Committee decides otherwise, is to cause the motions passed by the Council or Committee whilst it was proceeding behind closed doors to be read out and recorded in the minutes under Section 5.21 of the Act.
- (4) Unless required by law to do so a person who is a Council Member, a Committee Member, or an employee is not to publish, or make public any of the discussion or information on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

12.8 Objectionable Business

If the Presiding Member at any meeting of the Council (or Committee) shall be of the opinion that any motion or business proposed to be made or transacted thereat is of an objectionable character, it shall be competent for the Presiding Member either before or after the same is brought forward, to declare that the same shall not be entertained. Providing always that any Member may move that the ruling of the Presiding Member be disagreed with.

Section 5.21 Voting

Section 5.23(1) Local Government Act 1995 - Meetings generally open to the public
Corporate Policy C10 – Confidential Items

PART 13—MAKING DECISIONS

13.1 Question - When Put

When the debate upon any question is concluded and the right of reply has been exercised the Presiding Member shall immediately put the question to the Council or the Committee for the vote, and, if so desired by any Member of the Council or Committee, shall again state it.

13.2 Question – Decision Unclear

If a decision of the Council or a Committee is unclear or in doubt, the Presiding Member shall put the motion or amendment as often as necessary to determine the decision, before declaring the decision.

Section 5.20 & 5.21 Local Government Act 1995

Clause 9 Admin Regs. - Voting at council or committee meetings - s. 5.25 (d)

13.3 Method of Voting

A question put to the vote of the Council or Committee shall be determined from a show of hands or other method agreed upon so that no voter's vote is secret.

PART 14—IMPLEMENTING DECISIONS

14.1 Implementation of a Decision

- (1) If a valid notice of motion to revoke or change a decision of the Council or a Committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that:-
 - (a) if a notice of motion to revoke or change a decision of the Council or a Committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of Members required to support the motion under Regulation 10 indicate their support for the notice of motion at that meeting; and
 - (b) 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 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.
- (2) Implementation of a decision is only to be withheld under sub-clause (1) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.
- (3) The Council or a Committee shall not vote on a motion to revoke or change a decision of the Council or Committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given:-
 - (a) action has been taken to implement the decision; or
 - (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put into effect in writing to the applicant or the applicant's agent by an employee of the Council authorised by the Chief Executive Officer to do so;

without having considered a statement of impact prepared by or at the direction of the Chief Executive Officer of the legal and financial consequences of the proposed revocation or change.

14.2 Rescission of a Decision

Rescission of a decision is dealt with in the Act.

Admin Regs. 10 - Revoking or changing decisions made at council or committee meetings - s. 5.25 (e)

PART 15—PRESERVING ORDER

15.1 The Presiding Member to Preserve Order

- (1) The Presiding Member is to preserve order, and may call any Member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.
- (2) The Presiding Member may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Member and may direct that Member, if speaking, to discontinue and thereupon the Member shall cease speaking.
- (3) Every Member shall be entitled to direct the attention of the Presiding Member to any infraction of these Standing Orders by any other Member.

15.2 Points of Order - When to Raise - Procedure

Upon a matter of order arising during the progress of a debate, any Member may raise a point of order including interrupting the speaker. Any Member who is speaking when a point of order is raised, is to immediately stop speaking while the Presiding Member determines the point of order.

15.3 Points of Order - When Valid

- (1) A Member expressing a difference of opinion or contradicting a speaker shall not be recognised as raising a point of order.
- (2) The following are to be recognised as valid points of order:-
 - (a) that the discussion is of a matter not before the Council or Committee;
 - (b) that offensive or insulting language is being used;
 - (c) drawing attention to the violation of any written law, or any Policy or local law of the City, provided that the Member making the point of order states the written law, Policy or local law believed to be breached;
 - (d) the presentation of false or misleading information.

15.4 Points of Order - Ruling

The Presiding Member is to give a decision on any point of order that is raised by either upholding or rejecting the point of order.

15.5 Points of Order – Ruling Conclusive, Unless Dissent Motion is Moved

The ruling of the Presiding Member upon any question of order is final, unless a majority of the Members support a motion of dissent with the ruling.

15.6 Points of Order Take Precedence

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

15.7 Precedence of Presiding Member When Preserving Order

- (1) When the Presiding Member indicates his or her wish to speak to preserve order, any Member of the Council or Committee then speaking, or offering to speak, is to immediately cease and every Member of the Council or Committee present shall allow the Presiding Member to be heard without interruption.
- (2) Subclause (1) shall not be used by the Presiding Member to exercise the right provided in clause 9.3, but to preserve order.

15.8 Right of the Presiding Member to Adjourn Without Explanation to Regain Order

- (1) If a meeting ceases to operate in an orderly manner, the Presiding Member may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If, at any one meeting, the Presiding Member has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.
- (2) Where debate of a motion is interrupted by an adjournment under sub-clause (1), in the case of a Council meeting—
 - (a) the names of Members who have spoken in the matter prior to the adjournment are to be recorded; and
 - (b) the provisions of clause 9.5 apply when the debate is resumed.

PART 16—COMMITTEES OF THE COUNCIL

16.1 Establishment and Appointment of Committees

- (1) A Committee is not to be established except on a motion setting out the proposed functions of the Committee and either:-
 - (a) the names of the Council Members, employees and other persons to be appointed to the Committee; or
 - (b) the number of Council Members, employees and other persons to be appointed to the Committee and a provision that they be appointed by a separate motion.
- (2) Members of a Committee shall, in default of agreement, be elected by ballot.

Section 5.2 Local Government Act 1995

Section 5.8 to 5.14 Local Government Act 1995

Section 5.15 to 5.18 Local Government Act and

Schedule 2.3 Local Government Act 1995

Clause 4 Admin Regs - Resignation of committee members

Clause 11 - Content of minutes of council or committee meetings - s. 5.25 (f)

Clause 13 Admin Regs - Public inspection of unconfirmed minutes of council or committee meetings - s. 5.25 (i)

Clause 14 Admin Regs - Public inspection of certain documents relating to council or committee meetings s. 5.25 (j)

Corporate Policy C17 – Nomination on WALGA Committees

16.2 Resignation of Seat on Committee

Any Member of a Committee may resign his or her seat on the Committee by notice in writing signed by him or her and addressed to the Chief Executive Officer and when delivered to the Chief Executive Officer, his or her seat on the Committee shall become vacant. Council may from time to time fill a vacancy on a Committee in the manner provided for the election of appointment of the Members thereof.

16.3 Council May Change Membership

The Council may, by resolution carried pursuant to a notice of motion, by a simple majority or on a motion moved without notice by an absolute majority; change the membership of any Committee or appoint a substitute for a Member absent pursuant to leave granted by the Council. The Council may resolve that a Standing Committee be reconstituted; and upon such reconstitution the new Committee shall elect its Presiding Member.

Corporate Policy C1 – Advisory and Management Committees

Administration Procedure (6) - Committees of the Council - 6.2 Function of Committees

16.4 Appointment of Deputy Committee Members

- (1) The Council may appoint one or more persons to be the deputy or deputies, as the case may be, to act on behalf of a Member of a Committee whenever that Member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council.
- (2) Where a Member of a Committee does not attend a meeting thereof a deputy of that Member, unless agreement is reached then according to seniority, is entitled to attend that meeting in place of the Member and act for the Member, and while so acting has all the powers and duties (if any) of that Member.
- (3) A deputy who is one of two or more deputies of a Member of a Committee is not entitled to vote at a meeting of the Committee in place of that Member if the meeting is attended by another deputy of that Member who has precedence over that deputy in the order of seniority determined under subsection (1).
- (4) A person who is a Member of a Committee is not eligible to be appointed a deputy for a Member of that committee.

16.5 Presentation of Committee Reports

When the report or recommendations of a Committee are placed before the Council, the adoption of recommendations of the Committee may be moved by:-

- (a) the Presiding Member of the Committee if the Presiding Member is a Council Member and is in attendance; or
- (b) a Council Member who is a Member of the Committee, if the Presiding Member of the Committee is not a Council Member, or is absent; or
- (c) otherwise by a Council Member who is not a Member of the Committee.

16.6 Reports of Committees - Questions

When a recommendation of any Committee is submitted for adoption by the Council, any Member of the Council may direct questions directly relating to the recommendation through the person presiding to the Presiding Member or to any Member of the Committee in attendance, or the Chief Executive Officer.

16.7 Permissible Motions on Recommendation from Committee

- (1) A recommendation made by or contained in the report of a Committee may be adopted by the Council without amendment or modification, failing which, it may be:-
 - (a) rejected by the Council and replaced by an alternative decision; or
 - (b) amended or modified and adopted with such amendment or modification; or
 - (c) referred back to the Committee for further consideration.
- (2) If the Council adopts a recommendation contained in the report of a Committee either with or without amendment or modification the recommendation so adopted shall be deemed to be a resolution of the Council.

16.8 Standing Orders Apply to Committees

Where not otherwise specifically provided, these Standing Orders apply generally to the proceedings of Committees, and any Members of those committees.

PART 17—ADMINISTRATIVE MATTERS

17.1 Suspension of Standing Orders

- (1) The Council or a Committee may decide, by simple majority vote, to suspend temporarily one or more of the provisions of these Standing Orders.
- (2) The mover of a motion to suspend temporarily any one or more of the Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.

17.2 Cases not Provided for in Standing Orders

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders and the Act and Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.1(f).

PART 18 — ELECTION OF DEPUTY MAYOR

The election of Deputy Mayor is dealt with in the Act

Section .2.15 Local Government Act 1995

Schedule 2.3 Division 2 Local Government Act 1995

Corporate Policy C25 – Terms of Office

PART 19 — MEETINGS OF ELECTORS

19.1 Electors Meeting – Standing Orders Apply

The Standing Orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of the Standing Orders and the provisions of the Act, the latter shall prevail.

19.2 Restriction on Voting and Speaking at Electors Meetings

A person who is not an elector –

- (a) is not entitled to vote at a meeting of electors; and
- (b) may not take any part in any discussion at that meeting, unless the meeting, by resolution of at least 75 per cent of the persons present, allows that person to do so.

Section 5.26 to 5.33 Local Government Act 1995

Clause 15 Admin Regs - Matters for discussion at general electors' meetings - s. 5.27 (3)

Clause 16 Admin Regs - Requests for electors' special meetings - s. 5.28 (2)

Clause 17 Admin Regs - Voting at electors' meetings - s. 5.31

Clause 18 Admin Regs - Procedures at electors' meetings - s. 5.31

Corporate Policy C2 – Annual Meeting of Electors

Administration Procedure (2) - 2.18 Preparation of General and Special Meetings of Electors

PART 20 — MISCELLANEOUS

20.1 Inconsistency with the Local Government Act

If there is any inconsistency between any provision of these Standing Orders and any provision in the Act or associated Regulations then the provision of the Act or Regulations shall prevail.

20.2 The Council Common Seal

- (1) The Chief Executive Officer is to have charge of the Common Seal of the City, and is responsible for the safe custody and proper use of it.
- (2) The Common Seal of the City may only be used on the authority of the Chief Executive Officer given either generally by delegated authority or specifically and every document to which the seal is affixed must be signed by the Mayor and the Chief Executive Officer or a senior employee duly authorised by the Chief Executive Officer to do so.
- (3) The common seal of the City is to be affixed to any local law which is made by the City.
- (4) The Chief Executive Officer is to record in a register each date on which the common seal of the City was affixed to a document, the nature of the document, and any parties to any agreement to which the common seal was affixed.
- (5) Any person who uses the common seal of the City or a replica thereof without authority commits an offence.

Section 2.5 of the Local Government Act 1995

Administration Procedure (9) - Legal/Statutory Documents - 9.1 Sealing of Council Documents

20.3 Presiding Member to Ensure Compliance

The Presiding Member is authorised and empowered to ensure that meetings are conducted in accordance with the Standing Orders.

20.4 Penalty for Contravention of Standing Orders

Any persons contravening a provision of the Standing Orders commits an offence and is liable upon conviction to a fine not exceeding \$5,000 and in the case of a breach of a continuing nature to a further fine not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

Section 3.10 Local Government Act 1995 – Creating offences and prescribing penalties

20.5 Council May Take Action for Contravention

- (1) The Council may take proceedings provided within the Act against any person contravening a provision of the Standing Orders.

- (2) The Chief Executive Officer is authorised and empowered to ensure compliance and enforcement of the Standing Orders.

Section 9.24 Local Government Act 1995 - Anyone can prosecute
Section 9.28(1) Local Government Act 1995 - Interests of the public

Corporate Policy C8 – Code of Conduct

DATED THIS 18TH DAY OF MARCH 2003

THE COMMON SEAL OF THE CITY OF
MELVILLE WAS HEREUNTO AFFIXED IN THE
PRESENCE OF:

KATIE MAIR
MAYOR

JOHN McNALLY
CHIEF EXECUTIVE OFFICER