

LOCAL GOVERNMENT ACT 1995

CITY OF MELVILLE

**LOCAL GOVERNMENT
(MEETING PROCEDURES)
LOCAL LAW 2022**

Important note: In this consultation document, where reference to an Act or Regulations or the Code of Conduct is made, the relevant provision is included for reference in blue text. These references are included for the convenience of readers. These provisions do not form part of this local law and will not be included in the gazetted version of the local law.

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Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Melville resolved on [day] [month] 2022 to make the following local law.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *City of Melville Local Government (Meeting Procedures) Local Law 2022*.

1.2 Commencement

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

1.3 Application and Intent

- (1) This local law provides rules that apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996*, the *City of Melville Code of Conduct - Elected Members, Committee Members and Candidates* adopted by Council under section 5.104 of the *Local Government Act 1995* and this local law.
- (3) This local law is intended to result in-
 - (a) effective decision making by the Council and committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) understanding of the process of conducting meetings; and
 - (d) efficient and effective use of time at meetings.

- (4) This local law is a “local law as to conduct” for the purposes of the *Local Government (Administration) Regulations 1996*.

1.4 Repeal

The *City of Melville Meeting Procedures Local Law 2017*, published in the Government Gazette on 7 June 2017, is repealed.

1.5 Interpretation

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

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

Local Government Act 1995

1.4 Terms used

absolute majority —

- (a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of members of the council;
- (b) in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body.

Act means the *Local Government Act 1995*;

agenda briefing forum means an information-sharing forum convened under clause 3.7 of this local law;

amendment means a subsidiary motion moved in the course of debate on a substantive motion, with the object of modifying the proposal in such a way as to increase its acceptability;

CEO means the Chief Executive Officer of the local government;

Chamber means the City of Melville Council Chamber, or any other room allocated for meetings of the Council or a committee of the Council;

Code of Conduct means the code of conduct applicable to Members as adopted by the local government under section 5.104 of the Act and the *Local Government (Model Code of Conduct) Regulations 2021*;

committee means a committee of the Council established under section 5.8 of the Act;

committee meeting means a meeting of a committee of the Council;

Council means the Mayor and elected Members collectively acting as the Council of the City of Melville;

deputation means an oral submission by one or more members of the public at an agenda briefing forum or at a Council or committee meeting on an item listed on the agenda of that meeting;

district means the district of the local government as declared by the Governor pursuant to section 2.1 of the Act;

elector has the same meaning as given to it in the Act;

Local Government Act 1995

1.4 Terms used

elector, In relation to a district or ward, means a person who is eligible to be enrolled to vote at elections for the district or ward.

employee means a person employed by the local government under section 5.36 of the Act;

local government means the City of Melville;

Mayor means the Mayor of the City of Melville;

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

meeting procedures means this local law;

member has the meaning given to it in the Act;

Local Government Act 1995

1.4 Terms used

member, in relation to the council of a local government means-

- (a) an elector mayor or president of the local government; or
- (b) a councillor on the council (including a councillor who holds another office under section 2.17(2)(a) or (b) as well as the office of councillor);

Minister means the Minister responsible for administering the Act;

objectionable nature means offensive, derogatory or otherwise having the likely effect of causing people to think less of any person;

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;

procedural motion means a motion intended to act upon the processes or procedures being followed in the meeting, as described in Part 13 of these meeting procedures;

quorum means a minimum of 50% of the total number of offices, whether vacant or not, of the Council or the committee, unless the quorum has been reduced under section 5.7 or section 5.15 of the Act;

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

resolution means a decision resulting from a substantive motion carried at a meeting of the Council or a committee that when implemented will cause something to be done or not done in relation to a matter considered by the Council or committee;

Rules of Conduct means the Rules of Conduct set out in the *Local Government (Model Code of Conduct) Regulations 2021* and reflected in the Code of Conduct;

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

substantive motion means a proposal drafted in a manner capable of expressing a decision or opinion of the Council or committee, in either its original or amended form, but does not include an amendment or a procedural motion; and

written response means a reply in hardcopy or electronic written format.

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

Part 2 - Committees

2.1 Establishment of committees

- (1) The establishment of committees is dealt with in the Act.
[Local Government Act 1995](#)

5.8 Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* **Absolute majority required.**

- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include-
- (a) the terms of reference of the committee;
 - (b) the number of members, employees and other persons to be appointed to the committee;
 - (c) the names or titles of the members and employees to be appointed to the committee;
 - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments;
 - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act; and
 - (f) when and how the committee is to report to the Council.
- (3) These meeting procedures apply to the conduct of committee meetings except for clause 19.4 (relating to seating).

2.2 Types of committees

The types of committees permissible are dealt with in the Act.
[Local Government Act 1995](#)

5.9. Committees, types of

- (1) In this section —
other person means a person who is not a council member or an employee.
- (2) A committee is to comprise —
- (a) council members only; or
 - (b) council members and employees; or

- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

2.3 Appointment, tenure and resignation of committee members

The appointment, tenure and resignation of committee members are dealt with in the Act and the Regulations.

Local Government Act 1995

5.10. Committee members, appointment of (extract)

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

**absolute majority required*

5.11A. Deputy committee members (extract)

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

** Absolute majority required.*

5.11. Committee membership, tenure of

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
 - (b) the person resigns from membership of the committee; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day, whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the term of the person's appointment as a committee member expires; or
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day, whichever happens first.

Local Government (Administration) Regulations 1996

4. Committee members, resignation of

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation.

2.4 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to committees, limitations on such delegation and the register of delegations to committees are dealt with in the Act.

Local Government Act 1995

5.16. Delegation of some powers and duties to certain committees (extract)

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

** Absolute majority required.*

5.17. Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —

- (a) to a committee comprising council members only, any of the council's powers or duties under this Act
except —
 - (i) any power or duty that requires a decision of an absolute majority of the council; and
 - (ii) any other power or duty that is prescribed;
 - and
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

2.5 Attendance by Members at committee meetings

A Member may attend any meeting of a committee established by the Council, even if the Member is not appointed to that committee.

2.6 Disclosure of interests

A Member attending a committee meeting, whether or not they are a member of that committee, is to declare any financial, proximity or impartiality interest in any matter before the committee in accordance with Part 8 of these meeting procedures.

2.7 Participation at committee meetings

- (1) In this clause a reference to a person is to a person, including a Member, who is not a member of the committee but who -
 - (a) is entitled to attend a committee meeting; and
 - (b) attends a committee meeting.
- (2) A person attending a committee meeting is not to address the meeting without the consent of the Presiding Member.
- (3) The Presiding Member of a committee may allow a person –
 - (a) to ask a question on any matter before the committee;
 - (b) to make an oral submission to the committee for up to 3 minutes.
- (4) A person addressing the committee is to cease speaking if 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 be directed by the Presiding Member to leave the meeting.
- (6) Failure to comply with a direction given under subclause (5) is an offence.

2.8 Committees to report

A committee-

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

Part 3 – Meetings of Council and Committees

3.1 Ordinary and special meetings of Council

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

Local Government Act 1995

5.3 Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
 - (2) Ordinary meetings are to be held not more than 3 months apart.
 - (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.
- (2) An ordinary meeting of the Council is to be held on a monthly basis or otherwise as determined by the Council and is for the purpose of considering and dealing with the ordinary business of the Council.
 - (3) A special meeting of the Council is to be held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings

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

Local Government Act 1995

5.4 Calling council meetings

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

- (a) if called for by either-
 - (i) the mayor or president; or
 - (ii) at least 1/3 of the councillors,in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the council.

3.3 Convening Council meetings

- (1) The convening of an ordinary or special meeting of Council is dealt with in the Act.

Local Government Act 1995

5.5 Convening council meetings

- (1) The CEO is to convene an ordinary meeting by giving each council 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 by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.
- (2) Subject to subclause (3), the CEO is to give at least 72 hours' notice, for the purposes of section 5.5(2) of the Act, in convening a special meeting of Council.
- (3) Where, in the opinion of the Mayor or at least one-third of the Members, there is a need for Council to meet urgently the CEO may give a lesser period of notice for a special meeting.

3.4 Calling and convening committee meetings

- (1) A committee meeting is to be held –
 - (a) if called for by the Mayor, the Presiding Member of that committee or any 2 members of that committee in a notice to the CEO setting out the date and proposed business of the meeting at least 5 clear working days before the proposed meeting; or
 - (b) if so decided by the Council or that committee.
- (2) On receipt of a notice or decision under subclause (1) the CEO is to convene a meeting of the relevant committee by giving each member notice, before the meeting, of the date, time, place and purpose of the meeting.
- (3) The CEO is to prepare an agenda and ancillary documents for each committee meeting and provide a copy to each committee member at least 48 hours before the meeting.

3.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

Local Government (Administration) Regulations 1996

12. Publication of meeting details (Act s. 5.25(1)(g))

- (1) In this regulation —
meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.
- (2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —
 - (a) ordinary council meetings;
 - (b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.
- (3) Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's official website as soon as practicable after the change is made.
- (4) If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government's official website as soon as practicable after the decision is made.

3.6 Leave of absence

- (1) The granting of leave of absence to Members is dealt with in the Act.

Local Government Act 1995

2.25 Disqualification for failure to attend meetings

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
 - (3A) Leave is not to be granted in respect of—
 - (a) a meeting that has concluded; or
 - (b) the part of a meeting before the granting of leave.
 - (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
 - (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.
 - (5A) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.
 - (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council—
 - (a) if no meeting of the council at which a quorum is present is actually held on that day; or
 - (b) if the non-attendance occurs—
 - (i) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
 - (iiia) while the member is suspended under section 5.117(1)(a)(iv); or
 - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
 - (6) A member who before the commencement of the Local Government Amendment Act 2009 section 5 1 was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting.
- (2) A Member seeking the Council's approval to take leave of absence shall give written notice to the CEO prior to the commencement of the meeting.

3.7 Agenda briefing forum may be held

- (1) The local government may convene an agenda briefing forum prior to any ordinary or special meeting of the Council in order for Members to ask questions or seek further information on any matter on the agenda of the relevant meeting and to receive deputations on matters on the agenda.
- (2) The CEO is to –
 - (a) advise all Members of, and publish on the local government's website, the time and date of the agenda briefing forum; and
 - (b) cause notes of the meeting to be kept.
- (3) A Member who has an interest in a matter to be discussed at an agenda briefing forum is to deal with the interest in accordance with the provisions of Part 8 of these meeting procedures.

- (4) Members of the public may attend an agenda briefing forum except during the discussion of matters for which the relevant meeting will, or is likely to be, closed to members of the public under section 5.23 of the Act.
- (5) A person wishing to make a deputation to the Council on a matter on a Council meeting agenda will be requested to make that deputation at the relevant agenda briefing forum.
- (6) These meeting procedures apply to an agenda briefing forum except that no motions are to be moved or debated in relation to any matters on the agenda to be considered at the Council meeting.

3.8 Briefings and other informal meetings

- (1) In addition to agenda briefing forums under clause 3.7, the local government may conduct briefings, workshops and other informal meetings for Members to discuss matters relevant to the business of the local government.
- (2) When the local government conducts briefings, workshops and other informal meetings, the CEO is to -
 - (a) advise all Members of the time, date and purpose of the meeting; and
 - (b) cause notes of the meeting to be kept.
- (3) A Member who has an interest in a matter to be discussed at briefing, workshop or other informal meeting is to deal with the interest in accordance with the provisions of Part 8 of these meeting procedures.
- (4) Resolutions that commit the local government to a course of action may only be made at an ordinary or special meeting of Council, or at a meeting of a committee in relation to the powers or duties delegated to it.

Part 4 - Presiding Member

4.1 Who presides

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

Local Government Act 1995

5.6 Who presides at council meetings

- (1) The mayor or president is to preside at all meetings of the council.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at a meeting of the council in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and –
 - (a) The office of deputy mayor or deputy president is vacant; or
 - (b) The deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,
 then, the council is to choose one of the councillors present to preside at the meeting.

4.2 When Deputy Mayor can act.

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

Local Government Act 1995

5.34 When deputy mayors and deputy presidents can act

If —

- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

4.3 Election of Presiding Members and deputy Presiding Members of committees

The election of Presiding Members of committees and their deputies is dealt with in the Act.

Local Government Act 1995

5.12 Presiding members and deputies, election of

- (1) The members of a committee are to elect a Presiding Member from amongst themselves in accordance with Schedule 2.3 Division 1 as if the references in that Schedule-
 - (a) To “office” were references to “office of Presiding Member”; and
 - (b) To “council” were references to “committee”, and
 - (c) To “councillors” were references to “committee members”.
- (2) The members of a committee may elect a deputy Presiding Member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
 - (a) to “office” were references to “office of deputy Presiding Member”; and
 - (b) to “council” were references to “committee”; and
 - (c) to “councillors” were references to “committee members”; and

4.4 Functions of deputy Presiding Members

The functions of deputy Presiding Members are dealt with in the Act.

Local Government Act 1995

5.13 Deputy presiding members, functions of

If, in relation to the Presiding Member of a committee-

- (a) the office of Presiding Member is vacant; or
- (b) the Presiding Member is not available or is unable or unwilling to perform the functions of Presiding Member.

then the deputy Presiding Member, if any, may perform the functions of Presiding Member.

4.5 Who acts if no Presiding Member of a committee is present

Who acts if no Presiding Member is present is dealt with in the Act.

Local Government Act 1995

5.14 Who acts if no presiding member

If, in relation to the Presiding Member of a committee-

- (a) the office of Presiding Member and the office of deputy Presiding Member are vacant; or
- (b) the Presiding Member and the deputy Presiding Member, if any, are not available or are unable or unwilling to perform the functions of Presiding Member,

then the committee members present at the meeting are to choose one of themselves to preside at the meeting.

4.6 Presiding Member participation in debates

- (1) The Presiding Member at a Council or committee meeting may participate in the debate of a motion moved and seconded by other Members.

- (2) Subject to subclause (3), if the Presiding Member wishes to move or second a motion or an amendment, they must cease to preside over the meeting for the duration of the debate on that motion or amendment.
- (3) Subclause (2) does not apply to non-debatable motions including condolence motions, congratulatory motions or a motion to raise urgent business.

4.7 Presiding Member may cast second vote

Second votes for Presiding Members are dealt with in the Act.

Local Government Act 1995

5.21 Voting (extract)

- (3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.
- (5) A person who fails to comply with subsection (2) or (3) commits an offence.

Part 5 - Quorum

5.1 Quorum for meetings

- (1) The quorum for meetings is dealt with in the Act.

Local Government Act 1995

5.19 Quorum for meetings

The quorum for a meeting of the council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

- (2) The reduction of the number required for a quorum is dealt with in the Act.

Local Government Act 1995

5.7 Minister may reduce number for quorum and certain majorities (extract)

- (1) The Minister may reduce the number of offices of member required for a quorum at a council meeting specified by the Minister if there would not otherwise be a quorum for the meeting.

5.15 Reduction for committees

The local government may reduce* the number of offices of committee members required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.

* ***Absolute majority required.***

5.2 Quorum to be present

The Council or committee is not to transact business at a meeting unless a quorum is present.

5.3 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.

Local Government (Administration) Regulations 1996

8. No quorum, procedure if (Act s.5.25(1)(c))

If a quorum has not been established within the 30 minutes after a council or committee meeting is due to begin then the meeting can be adjourned-

- (a) in the case of a council, by the mayor or president or if the mayor or president is not present at the meeting, by the deputy mayor or deputy president; or
- (b) in the case of a committee, by the Presiding Member of the committee or if the Presiding Member is not present at the meeting, by the deputy Presiding Member; or
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of members present; or
- (d) if only one member is present, by that member; or
- (e) if no member is present or if no member other than the CEO is present, by the CEO or a person authorised by the CEO.

5.4 Procedure where a quorum is not present during a meeting

- (1) If at any time during a meeting a quorum is not present, the Presiding Member is to immediately suspend the proceedings of the meeting for a period of up to 15 minutes.
- (2) If a quorum is not present at the expiration of the period in subclause (1), the Presiding Member may suspend the proceedings of the meeting for a further period of up to 15 minutes or adjourn the meeting to a future time and date.
- (3) If a quorum is not present at the expiry of the further period in subclause (2), the Presiding Member is to adjourn the meeting to a future time and date.
- (4) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

5.5 Debate on motion to be resumed

- (1) Where the debate on any motion is interrupted at a Council or committee meeting as a result of an adjournment under clause 5.4, that debate is to be resumed at the meeting to which it was adjourned at the point it was so interrupted.
- (2) Where the interruption in subclause (1) occurs at an ordinary meeting the resumption is to be at the next ordinary meeting unless a special meeting is called earlier for that purpose.
- (3) Where the interruption in subclause (1) is at a special meeting, the resumption is to be at the next special meeting called to consider the same business or at the next ordinary meeting if it occurs before a special meeting can be called.
- (4) When debate is resumed after an interruption in subclause (1), clause 12.12(1) of these meeting procedures applies.

5.6 Names to be recorded

At any meeting-

- (a) at which there is not a quorum present; or

(b) which is adjourned for want of a quorum,
the names of the Members then present are to be recorded in the minutes.

Part 6 - Public Participation

6.1 Meetings generally open to the public

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

Local Government Act 1995

5.23 Meetings generally open to public (extract)

- (1) Subject to subsection (2), the following are to be open to members of the public-
- (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.

6.2 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 for the meeting to deal with business of a type listed in the Act as a matter for which a meeting may be closed to members of the public.
- (2) The Council or a committee may at any time, whether or not the CEO has made a recommendation under subclause (1), decide by resolution in accordance with clause 13.9 to close a meeting or part of a meeting to members of the public to deal with matters listed in the Act.

Local Government Act 1995

5.23 Meetings generally open to the public (extract)

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following-
- (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,
where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- and
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.

- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.
- (3) If a resolution under subclause (2) is made -
 - (a) the Presiding Member is to direct everyone to leave the meeting except -
 - (i) the Members;
 - (ii) the CEO, unless the CEO has declared an interest that requires them to leave the meeting; and
 - (iii) any employee specified by the Presiding Member; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) commits an offence and may, by order of the Presiding Member, be removed from the Chamber.
- (5) A motion under this clause may be moved without notice.
- (6) Subject to the Regulations prescribing confidential information, when the meeting is reopened to members of the public the Presiding Member is to read out the record of decisions made while the meeting was closed to members of the public.

Local Government (Administration) Regulations 1996

29A. Limits on right to inspect local government information (Act s. 5.95)

- (2) For the purposes of section 5.95(6), the following information is prescribed as information that is confidential but that, under section 5.95(7), may be available for inspection if a local government so resolves —
 - (a) information referred to in section 5.94 that would reveal the determination by the local government of a price for the sale or purchase of property by the local government; and
 - (b) information referred to in section 5.94 about the discussion of such a matter; and
 - (c) information referred to in section 5.94 which deals with anything in respect of which a meeting has been closed under section 5.23.
- (3) The information referred to in subregulation (2)(a) and (b) is confidential until the sale or purchase takes place, or a decision is made that the sale or purchase will not take place.

6.3 Question time for the public

Question time for the public is dealt with in the Act and the Regulations.

Local Government Act 1995

5.24 Question time for public

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at-
 - (a) every ordinary meeting of a council; and
 - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

Local Government (Administration) Regulations 1996

5 Question time for public, meetings that require prescribed (Act s.5.34)

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are-

- (a) every special meeting of the council
- (b) every meeting of a committee to which the local government has delegated a power or duty.

6.4 Duration of question time for the public

- (1) Minimum question time for the public is dealt with in the Regulations.

Local Government (Administration) Regulations 1996

6 Question time for public, minimum time for (Act s.5.24(2))

- (1) The minimum time to be allocated for the asking of and responding to questions raised by member of the public at ordinary meetings of council and meetings of council and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.
- (2) Subject to subclause (3), public question time is to be for a period of 15 minutes.
- (3) The Council may, by resolution, agree to extend public question time in 5 minute increments to a maximum of 30 minutes.

6.5 General procedures for question time for the public

General procedures for question time for the public are dealt with in the Regulations.

Local Government (Administration) Regulations 1996

7 Question time for public, procedure for (Act s.5.24(2))

- (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —
 - (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,
 - (c) having regard to the requirements of subregulations (2), (3) and (5).
- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in subregulation (3) requires —
 - (a) a council to answer a question that does not relate to a matter affecting the local government; or
 - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) a committee to answer a question that does not relate to a function of the committee.
- (5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.

14E. Modification of Act if meeting held by electronic means (Act s. 5.25(2)) (extract)

- (1) In this regulation — electronic meeting means a meeting held by electronic means under regulation 14D.
- (4) If a council or a committee holds an electronic meeting, section 5.24 is modified so that the council or committee allocates time for raising questions by members of the public, and the asking of and responding to those questions, if —

- (a) the council or committee provides a means to submit a question prior to the meeting; and
- (b) the council or committee determines at the meeting —
 - (i) to respond to the question submitted by the member of the public at the meeting in accordance with the procedure determined by the council or committee; or
 - (ii) that, given the public health emergency, state of emergency or direction issued under the Public Health Act 2016 or the Emergency Management Act 2005, it is not appropriate to respond to the question at the meeting.

6.6 Receiving questions during question time for the public

- (1) Any member of the public may raise a question during public question time.
- (2) A member of the public who asks a question during public question time must –
 - (a) state their name; and
 - (b) direct their question to the Presiding Member; and
 - (c) ask their question clearly and concisely; and
 - (d) not include any statement other than the minimum information necessary to understand the question; and
 - (e) not provide false or misleading information, or use offensive or derogatory language.
- (3) A member of the public who asks a question at the meeting under subclause (1) shall also provide a written copy of their question, in order to ensure accurate recording, and if requested to do so, an employee of the local government may assist the person to provide their question in writing.
- (4) A person may ask a question on behalf of another person who is unable to attend the meeting subject to providing the Presiding Member with proof of the consent of the person on whose behalf they are asking the question.
- (5) The name of the person asking the question and, if applicable, the name of the person on whose behalf it is asked, shall be recorded in the minutes.

6.7 Ensuring equal and fair opportunity to ask questions

- (1) A member of the public may, prior to the meeting, register their intent to ask a question at the meeting with an employee nominated by the CEO, and the employee shall record the time and date that the registration was received.
- (2) Questions on notice may be submitted to the CEO in writing at least 4 clear working days prior to the meeting at which they are to be asked.
- (3) The CEO shall ensure that the Presiding Member is advised at the commencement of the meeting of the people who wish to ask a question and the order in which the registrations of intent or questions on notice were received.
- (4) The Presiding Member may determine the order in which questions are to be asked.
- (5) Each member of the public with a question –

- (a) is entitled to ask one question, and may ask a supplementary question with the permission of the Presiding Member; and
 - (b) shall be limited to 2 minutes to ask their question(s);
- before other members of the public are invited to ask their questions.
- (6) Where questions have been submitted in writing, each subsidiary question will be regarded as a separate question for the purposes of subclause (3).
 - (7) If a person who submitted a written question is not present at the meeting to ask their question, the Presiding Member may –
 - (a) invite another person nominated by the questioner to ask the question; or
 - (b) defer the question and response to the next meeting; or
 - (c) declare that the question is taken on notice to be dealt with under clause 6.9; or
 - (d) rule that summaries of the question and response will be entered into the minutes of the meeting without being read out.
 - (8) If a person who submitted a written question deferred under subclause (7)(b) is not present to ask their question at the meeting to which it was deferred, the question will be taken on notice at that meeting and dealt with under clause 6.9.
 - (9) If time remains in public question time after each person who registered their intent to ask a question or submitted a written question has asked their question and received a response, the Presiding Member may –
 - (a) call upon any other members of the public present if they have a question; and
 - (b) allow additional questions from persons who have already asked a question, subject to the process in subclause (5).

6.8 Dealing with public questions

- (1) The Presiding Member shall -
 - (a) if the necessary information is readily available, determine who is to respond to the question; or
 - (b) if the necessary information must be retrieved or researched, declare that the question will be taken on notice.
- (2) A response to a question -
 - (a) is to be relevant and concise; and
 - (b) subject to subclause (3), is not to be the subject of any discussion.
- (3) If, in the opinion of a Member or the CEO, false or misleading information is contained in any question asked or statement made by a member of the public, then the Member or CEO may, with the permission of the Presiding Member, correct or clarify the matter.

- (4) Summaries of the questions asked at the meeting and the responses given will be included in the minutes of the meeting unless the question is taken on notice.

6.9 Questions taken on notice

When a question from a member of the public is taken on notice the CEO is to ensure that –

- (a) a response is given to the member of the public in writing; and
- (b) a copy of the question and response is provided to all Members at the time the response is provided to the questioner; and
- (c) summaries of the question and the response are included in the agenda documents of the next meeting of the Council.

6.10 When Presiding Member may decide a public question will not be answered

The Presiding Member may decide that a question from a member of the public shall not be responded to where -

- (a) the same or a similar question was asked at a previous meeting, a response was provided, the answer to the question has not changed, and the member of the public is directed to the minutes of the meeting at which the response was provided; or
- (b) a question asked at a special meeting is not relevant to the purpose of the meeting; or
- (c) the question relates to a matter for which a Council or committee meeting will or could be closed to the public under s.5.23 of the Act; or
- (d) the question relates to the private activities of any person; or
- (e) the question relates to a matter that is currently before a court or the State Administrative Tribunal; or
- (f) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the statement as a question; or
- (g) the member of the public asks a question which, if asked by a Member, would contravene any written law, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the question in a manner that does not breach any written law; or
- (h) responding to the question would divert a substantial and unreasonable portion of the local government's resources away from its other functions; or
- (i) the Presiding Member is of the view that the question has already been answered or the matter adequately dealt with; or

- (j) the question seeks information that would not be made available if it was sought under the Freedom of Information Act 1992 or relates to a matter to which section 5.95 of the Act applies, or relates to any matter that is required to be kept confidential under any written law.

Local Government Act 1995

5.95. Limits on right to inspect local government information

- (1) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information —
 - (a) which is not current at the time of inspection; and
 - (b) which, in the CEO's opinion, would divert a substantial and unreasonable portion of the local government's resources away from its other functions.
- (2) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in paragraph (m), (n), (p) or (u) of that section if the information relates to any debt owed to the local government by a person other than the first-mentioned person.
- (3) Subject to subsection (4), a person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in paragraph (n) or (p) of that section if the meeting or that part of the meeting to which the information refers was closed to members of the public.
- (4) Subsection (3) does not apply in relation to information —
 - (a) that is a record of the decisions made at a meeting of a council, a committee or electors; or
 - (b) of a kind prescribed as being information that can be inspected by members of the public despite subsection (3).
- (6) Subject to subsection (7), a person's right to inspect information referred to in section 5.94 does not extend to the inspection of information —
 - (a) referred to in a paragraph of that section that is prescribed as being confidential information for the purposes of this subsection; or
 - (b) referred to in that section of a type prescribed as confidential for the purposes of this subsection, for the period of time prescribed in relation to the information.
- (7) Subsection (6) does not apply in respect of information in relation to a local government if —
 - (a) the information is prescribed as information that is confidential but that may be available for inspection if the local government so resolves; and
 - (b) the local government has resolved that the information is to be available for inspection.
- (8) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in paragraph (m) of that section if the information is information that has been omitted by regulations made under section 4.38 from the electoral roll for the protection of an elector or his or her family.

6.11 Petitions

- (1) A petition is to -
 - (a) be addressed to the Council;
 - (b) be in a form approved by the local government;
 - (c) be signed by at least 6 electors of the district;
 - (d) state the request on each page of the petition;
 - (e) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (f) not contain duplicate signatories;
 - (g) contain a summary of the reasons for the request;
 - (h) state the name of the lead petitioner to whom, and an address at which, notice to the petitioners can be given; and
 - (i) be respectful in its language.

- (2) Upon receiving a valid petition relating to a matter to be considered by Council, the local government is to ensure the petition is provided to the relevant employee for consideration in the report on the matter that is the subject of the petition.
- (3) On the presentation of a petition, the Council shall acknowledge the petition and -
 - (a) give due consideration to the petition when deliberating on the relevant matter listed on the same agenda; or
 - (b) refer it to a committee for consideration and report; or
 - (c) direct that a report on the matters raised be prepared by a time determined by Council; or
 - (d) take no further action.
- (4) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless -
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.
- (5) A summary of the petition, the name and suburb of the lead petitioner and the decision of Council under subclause (3) are to be included in the minutes of the meeting.

6.12 Deputations

- (1) A member of the public or representative of a community group may seek to make a deputation to the Council or a committee on a matter to be considered at a Council or committee meeting.
- (2) Deputations on matters to be considered at Council meetings will be received at the relevant agenda briefing forum held prior to the meeting, unless the matter for which the deputation has been requested was not included in the agenda briefing forum related to the meeting.
- (3) Persons wishing to make a deputation may –
 - (a) apply, before the relevant agenda briefing forum or meeting, to the CEO for approval; or
 - (b) seek the approval of the Presiding Member, at the agenda briefing forum or the meeting, to address the Council or committee.
- (4) An application to make a deputation under subclause (3)(a) -
 - (a) is to be made in the form and within the timeframe approved by the local government; and
 - (b) is to relate to an item on the agenda of the agenda briefing forum or meeting at which the deputation is to be made.
- (5) On receipt of an application for a deputation under subclause (3)(a), the CEO may -
 - (a) approve the request and invite the deputation to attend the relevant agenda briefing forum or meeting; or

- (b) refer the request to the Mayor or Presiding Member to approve or reject the request.
- (6) On receipt of an application for a deputation referred by the CEO under subclause (5)(b), the Mayor or Presiding Member may -
 - (a) approve the request and invite the deputation to attend the relevant agenda briefing forum or meeting; or
 - (b) reject the request.
- (7) Where a person or group seeks, at an agenda briefing forum or at a Council or committee meeting, approval to make a deputation to the Council or relevant committee, the Presiding Member may -
 - (a) rule that the deputation be received; or
 - (b) rule that the deputation not be received.
- (8) Unless the Council resolves otherwise, a deputation invited to attend an agenda briefing forum or meeting -
 - (a) is not to exceed 3 persons, only 2 of whom may address the Council or committee, although others may respond to specific questions from Members; and
 - (b) may speak for a period not exceeding 10 minutes unless an extension of time is granted by the Presiding Member or committee on a motion without debate, but a deputation's total speaking time must not exceed 15 minutes.
- (9) Members of a deputation –
 - (a) are not to make offensive, defamatory, false or misleading statements to the Council or committee; and
 - (b) if wishing to table documents in support of their position, must provide a copy of each document to the local government prior to the meeting; and
 - (c) if wishing to present information in video or slideshow format to the Council or committee, must provide the material to the CEO prior to the agenda briefing forum or meeting in an approved format to permit inspection for cyber-security risks.
- (10) A period not exceeding 5 minutes will be given for Members to ask questions of the deputation and receive answers, with additional question time granted at the discretion of the Presiding Member in circumstances where the matter is unclear.
- (11) Any Member may, with the permission of the Presiding Member, ask questions of a member of a deputation but is not to make a statement on the matter.
- (12) Any Member or the CEO may draw the Presiding Member's attention to an alleged breach of subclause (9)(a) by a member of a deputation.
- (13) If the Presiding Member rules that a member of a deputation has made an offensive, defamatory, false or misleading statement, the Presiding Member may –

- (a) direct the person to withdraw the offensive or defamatory statement or to correct the false or misleading statement; or
 - (b) direct the person to cease speaking and be seated.
- (14) A person who does not comply with a direction under subclause (13) may be directed by the Presiding Member to leave the meeting.
 - (15) A person who does not comply with a direction to leave the meeting under subclause (14) commits an offence.
 - (16) Any matter which is the subject of an approved deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.
 - (17) Documents provided by a deputation under subclause (9)(b) are deemed to be documents tabled at the meeting for the purposes of section 5.94(p)(i) and section 5.96(h)(i) of the Act.

Local Government Act 1995

5.94. Public can inspect certain local government information (extract)

A person can attend the office of a local government during office hours and, unless it would be contrary to section 5.95, inspect, free of charge, in the form or medium in which it is held by the local government and whether or not it is current at the time of inspection —

- (p) any notice papers and agenda relating to any council or committee meeting and reports and other documents that have been —
 - (i) tabled at a council or committee meeting;

5.96A. Information published on official website (extract)

(1) The CEO must publish the following information on the local government's official website, unless it would be contrary to subsection (2) to do so —

- (h) notice papers and agenda relating to council or committee meetings and reports and other documents that have been —
 - (i) tabled at a council or committee meeting;

(2) The CEO must not publish information referred to in subsection (1)(f) or (h) if the meeting or that part of the meeting to which the information refers was closed to members of the public.

6.13 Written submissions

- (1) A person or group wishing to bring a particular issue to the attention of Council or a committee on a matter to be decided at a Council or committee meeting may make a written submission.
- (2) Written submissions on matters to be considered at a Council meeting must be received by the CEO at least 3 working days before the relevant agenda briefing forum held prior to the meeting, unless the matter to which the submission relates was not included in the agenda briefing forum related to the meeting.
- (3) Written submissions on matters to be considered at committee meetings must be received by the CEO at least 3 working days before the meeting.
- (4) The CEO shall send a copy of any submissions received under subclauses (2) and (3) to all Elected Members at least 2 working days before the agenda briefing forum or meeting to which it refers.

- (5) At the meeting at which the matter is to be considered, the Presiding Member shall advise the meeting of the written submissions that had been submitted and circulated prior to the meeting.

6.14 Public hearings

- (1) Where an item on the agenda at a Council meeting has attracted significant public interest and/or multiple requests for deputations, a meeting in the form of a public hearing to provide a greater opportunity for members of the public to be heard may be held –
 - (a) if called for by the Mayor or one-third of the Members in a notice to the CEO; or
 - (b) if resolved by the Council.
- (2) Where a public hearing is called under subclause (1), the CEO shall -
 - (a) in consultation with the Mayor, set the time, date and place of the public hearing;
 - (b) give local public notice of the public hearing explaining how requests for deputations may be lodged;
 - (c) send a written invitation to address the public hearing to all members of the public who have applied under clause 6.12(3)(a) to make a deputation on the issue; and
 - (d) cause notes of the public hearing to be taken.
- (3) A public hearing held under subclause (1) shall be conducted only to hear submissions from members of the public and is not a decision-making meeting of Council.
- (4) The provisions of subclauses (8) to (15) of clause 6.12 shall apply to members of deputations participating in a public hearing.
- (5) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the public hearing and recording the names of all Members present at that public hearing.

6.15 No unauthorised recording of proceedings

- (1) A person is not to make a visual or audio record of the proceedings of an agenda briefing forum, a Council meeting or a committee meeting without the permission of the Presiding Member.
- (2) If the Presiding Member gives permission under subclause (1), they are to advise the forum or meeting, before the recording is commenced, that such permission has been given, the name of the person to whom it has been given, and the nature and extent of that permission.

6.16 Public inspection of agenda materials

Public inspection of agenda materials is dealt with in the Regulations.

Local Government (Administration) Regulations 1996

14 Notice papers, agenda, etc., public inspection of (Act s.5.25(1)(j))

- (1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which-
 - (a) Are to be tabled at the meeting; or
 - (b) have been produced by the local government or a committee for presentation at the meeting, and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.
- (2) Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2).

Part 7 - Business of a Meeting

7.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council or committee other than that specified in the agenda, without the approval of the Presiding Member or a decision of the Council or committee in accordance with clauses 7.4 or 7.5 of these meeting procedures.
- (2) No business is to be transacted at a special meeting of the Council or committee other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at an adjourned meeting of the Council or committee other than that –
 - (a) specified in the notice of the meeting which had been adjourned; and
 - (b) which remains unresolved,except where the meeting was adjourned to the next ordinary meeting of the Council or scheduled meeting of a committee, when the business unresolved at the adjourned meeting is to be the first business to be considered at that meeting.
- (4) Despite subclauses (2) and (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 they consider is appropriate to be decided, by that meeting.
- (5) The CEO may remove any item on the agenda prior to the commencement of the meeting at which the item is to be considered, and is to advise the Mayor or Presiding Member who will inform the Council or committee.
- (6) The CEO is to provide written reasons for the withdrawal of an item under subclause (5), which are to be noted in the minutes of the meeting where the item was to be considered.

7.2 Order of business

(1) Unless otherwise decided by the Council, the order of business at any ordinary meeting of the Council is to be as follows –

1. Official opening
2. Attendance and apologies
 - (a) Members present and employees in attendance
 - (b) Apologies
 - (c) Approved leaves of absence
3. Declarations by Members
4. Announcements by the Presiding Member without discussion
 - (a) Identification of approved deputations
5. Disclosures of interest
6. Public Question Time
7. Awards and presentations
8. Applications for new leaves of absence
9. Confirmation of Minutes
10. New business of an urgent nature
11. Identification of matters for which meeting may be closed
12. Petitions
13. Adoption of recommendations *en bloc*
14. Reports and related approved deputations
 - (a) From committees
 - (b) From employees
15. Motions of which previous notice has been given
16. Motions without notice (introduced by absolute majority decision)
17. Matters for which the meeting is to be closed to the public
18. Reading of decisions made while meeting closed to the public
19. Closure

(2) Unless otherwise decided by the committee, the order of business at any ordinary meeting of a committee is to be as follows-

1. Official opening
2. Attendance and apologies
 - (a) Members present and employees in attendance
 - (b) Apologies
 - (c) Approved leave of absence
3. Announcements by the Presiding Member without discussion
4. Declarations by Members
5. Disclosures of Interest
6. Confirmation of Minutes

7. Public question time (if applicable)*
8. Deputations (if applicable)*
9. Business
10. Motions of which previous notice has been given
11. Next meeting
12. Closure

* **Items 7 and 8 in subclause (2) are applicable to meetings of committees to which powers or duties have been delegated under s.5.16 of the Act.**

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

7.3 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or these meeting procedures otherwise provide, a Member may raise at a meeting such business as they consider 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 submitted under subclause (1) is to be in the form approved by the local government and is to be given to the CEO 4 clear working days before the meeting at which the motion is to be moved.
- (3) A motion of which notice is given under subclause (1) is not to –
 - (a) be of an objectionable nature; or
 - (b) breach any of these meeting procedures or any written law; or
 - (c) be similar in intent or substance to a notice of motion or a motion which has been previously raised or resolved.
- (4) The CEO may, after consultation with the member, make such amendments to the form but not the substance as will bring the notice of motion into due form.
- (5) If, in the opinion of the CEO, a notice of motion submitted by a Member contravenes, or is likely to contravene, subclause (3), the CEO -
 - (a) shall advise the Member of the suspected contravention or potential contravention, which unless addressed, may result in the notice of motion being excluded from the notice paper;
 - (b) may, if the concerns are not addressed and with the concurrence of the Presiding Member, exclude from the notice paper any notice of motion believed to contravene, or likely to involve a contravention of subclause (3); and
 - (c) shall inform all Members on each occasion that a notice has been excluded and the reasons for that exclusion.

7.4 New business of an urgent nature

- (1) In this clause, cases of extreme urgency or other special circumstances means matters –
 - (a) that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the Council before the next meeting; and
 - (b) that, if not dealt with at the meeting, are likely to –
 - (i) have a significant financial or other adverse effect on the local government or the community; or
 - (ii) result in a contravention of a written law.
- (2) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.
- (3) Before debate begins on a matter under this clause that is not the subject of a written report by an employee, the CEO is to give a verbal report to the meeting that addresses the matters in subclause (1)(b).
- (4) If subclause (3) applies, the minutes of the meeting must include –
 - (a) a summary of the verbal report and any recommendations of the CEO; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO.

7.5 Council may agree to consider motion without notice

- (1) Council may, by absolute majority decision, resolve to consider a motion without notice that does not deal with a “case of extreme urgency or other special circumstances” as defined under clause 7.4(1).
- (2) A motion moved without notice under subclause (1) shall be limited to seeking a decision that a matter be investigated and a report submitted to Council or to a committee.

7.6 Announcements by Presiding Member without discussion

At any meeting of the Council or committee the Presiding Member may announce or raise any matter of interest or affecting the local government and there is to be no discussion on the matter unless the Council or committee resolves otherwise.

7.7 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an

appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

7.8 Presentations

- (1) In this clause, **presentation** means the acceptance of a gift or award by the Council on behalf of the local government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the CEO in consultation with the Mayor.

Consultation draft only

Part 8 - Disclosure of Interests

8.1 Disclosure of financial and proximity interests

The requirements for disclosure of financial and proximity interests are dealt with in the Act.

Local Government Act 1995

5.60. When person has an interest

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or
 - (b) a person with whom the relevant person is closely associated,
- has —
- (c) a direct or indirect financial interest in the matter; or
 - (d) a proximity interest in the matter.

5.60A. Financial interest

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
 - (a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
 - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
 - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
- (2) In this section, land (the **proposal land**) adjoins a person's land if —
 - (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land; or
 - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

5.65. Members' interests in matters to be discussed at meetings to be disclosed (extract)

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member 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.

5.66. Meeting to be informed of disclosures

If a member has disclosed 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 person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

8.2 Disclosure of impartiality interests

The requirements for disclosure of interests other than financial or proximity interests referred to in section 5.60 of the Act are dealt with in the Code of Conduct.

**City of Melville Code of Conduct for Elected Members, Committee Members and Candidates
(adopted by Council 3 May 2021)**

Division 4 - Rules of conduct

Notes for this Division:

1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.22.

Disclosure of interests

- (1) In this clause —
Interest —
 - (a) means an interest that could, or could reasonably be perceived to adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member 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 council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

8.3 Disclosure not to be used to comment on the matter

A Member disclosing an interest is to restrict their statement of disclosure to the nature and extent of the interest and is not seek to influence the opinion of other Members on the matter in which they are disclosing the interest.

8.4 Participation by members disclosing interests

- (1) The participation in discussion and decision-making by a Member who has disclosed a financial or proximity interest in a matter is dealt with in the Act.
- (2) The procedures and requirements for a Council to allow participation in discussion and decision-making by a Member disclosing a financial or proximity interest in a matter are dealt with in the Act.

Local Government Act 1995

5.67 Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not-

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

5.65. Members' interests in matters to be discussed at meetings to be disclosed

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member 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.

5.60. When person has an interest

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or
 - (b) a person with whom the relevant person is closely associated,
- has —
- (c) a direct or indirect financial interest in the matter; or
 - (d) a proximity interest in the matter.

5.68 Councils and committees may allow members disclosing interests to participate etc. in meetings (extract)

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
- (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest —
 - (I) Is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) Is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with —
- (a) the extent of any participation allowed by the council or committee; .
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process, on the question of whether an application should be made to the Minister under section 5.69.

5.69. Minister may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
- (a) details of the nature of the interest disclosed and the extent of the interest; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
- (a) there would not otherwise be a sufficient number of members to deal with the matter; or
 - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section. Penalty: \$10 000 or imprisonment for 2 years.
- (5) A decision under this section must be recorded in the minutes of the meeting relating to the matter.
- (3) A Member who has disclosed an impartiality interest in a matter may choose to leave the meeting while the matter is dealt with but must vote as required under s.5.21 of the Act if they remain present in the meeting.

Local Government Act 1995

5.21 Voting (extract)

- (1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.
- (2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.

- (5) A person who fails to comply with subsection (2) or (3) commits an offence.

8.5 On-going disclosure required

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

8.6 Substitution of deputy at committee meetings

Where a Member discloses a financial or proximity interest on an item and withdraws from a meeting of a committee, the Presiding Member may 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.

8.7 Separation of committee recommendations

Where at a committee meeting a Member has disclosed an interest in a matter and the matter is contained in the recommendation of the committee to an ordinary or special meeting of the Council or to another committee meeting that will be attended by the Member –

- (a) the recommendation concerned is to be separated on the agenda of that ordinary meeting or other committee meeting, from other recommendations of the committee, and
- (b) the Member concerned is to declare the interest and comply with the relevant requirements of the Act, the Code of Conduct and these meeting procedures when the matter is being considered.

Part 9 – Advice and recommendations

9.1 Advice to Council by CEO

The functions of the CEO in providing advice and information to the Council are dealt with in the Act.

Local Government Act 1995

5.41. Functions of CEO (extract)

The CEO's functions are to –

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made;

9.2 Advice to Council by committees

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.

Part 10 – Questions from Members

10.1 Questions to employees on matters on the agenda

- (1) A Member who wishes to seek general information on a matter on the agenda of the meeting shall address the question to the Presiding Member who may invite an employee present at a Council meeting, agenda briefing forum or committee meeting to respond.
- (2) The employee is to answer each question concisely and to the best of their knowledge and ability but, if the information is unavailable or requires research or investigation, the employee may ask that the question be taken on notice and the answer be given to all Members within 5 working days.
- (3) In answering any question, an employee may qualify their answer and may at a later time in the forum or meeting, or at a later meeting, alter, correct, add to or otherwise amend their original answer.

10.2 Questions during debate

- (1) At any time during the debate on a motion before the motion is put, a Member may, with the consent of the Presiding Member, ask one or more questions of another Member or an employee present at the meeting.
- (2) The Presiding Member will determine who is to answer a question asked under subclause (1).
- (3) Subject to compliance with subclause (4) a Member who asks one or more questions will not be taken to have spoken on the matter.
- (4) A question asked by a Member is to be direct and to the point and is not to be prefaced by comment or other information except where that information is required for the question to be adequately understood.

10.3 Restrictions on questions and answers

Questions under clause 10.2 and answers to those questions –

- (a) are to be concise and relevant; and
- (b) are not to be accompanied by-
 - (i) any argument, expression of opinion or statement, except so far as may be necessary to explain the question or answer; or
 - (ii) any discussion or subsequent question, except with the consent of the Presiding Member.

Part 11 – Substantive Motions and Amendments

11.1 Motions to be supported

- (1) A motion of which notice has been given is to lapse unless -
 - (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; and
 - (b) the motion is seconded.
- (2) If a motion lapses under subclause (1), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse unless Council resolves otherwise.
- (3) A motion does not lapse under subclause (1) if –
 - (a) the Member who gave notice of the motion submits a written request to the Presiding Member prior to the meeting to defer consideration of the motion to a specified meeting, and the Presiding Member consents to the deferral; or
 - (b) the Council or committee resolves to defer consideration of the motion to a later stage or date.
- (4) A motion to revoke or change a decision made at a Council meeting is not to be debated unless the motion has the support required under the Regulations.

Local Government (Administration) Regulations 1996

10 Revoking or changing decisions (Act s.5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported –
 - (a) In the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) In any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made-
 - (a) In the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) In any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

11.2 Certain motions may be ruled out of order

If the Presiding Member at any meeting is of the opinion that any motion proposed –

- (a) is of an objectionable nature; or
- (b) if carried, would conflict with these meeting procedures or breach any written law; or
- (c) if carried, would be incapable of being actioned or implemented by the local government,

the Presiding Member may, either before or after the matter is brought forward, rule that the motion is out of order and will not be considered.

11.3 Motions to deal with reports and committee recommendations

A Member may, with respect to recommendations to Council contained in a report prepared by an employee or recommendations submitted by a committee, move a motion that –

- (a) the Council adopt all or specified recommendations; or
- (b) the Council reject the recommendations; or
- (c) the Council adopt an alternative motion of which notice was given under clause 11.5(2)(a); or
- (d) the matter be deferred and additional information be provided to Council.

11.4 Adoption of recommendations

- (1) Where the Council decides to adopt a recommendation submitted by a committee or contained in a report prepared by an employee of the local government, either with or without amendment, the recommendation so adopted is taken to be a resolution of the Council or committee.
- (2) Where the Council makes a resolution that is significantly different from the relevant written recommendation of a committee or employee, the reasons must be recorded as prescribed in the Regulations.

Local Government (Administration) Regulations 1996

11 Minutes, content of (Act s.5.25(1)(f)) (extract)

The content of minutes of a meeting of a council or a committee is to include –

- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 [of the Act] (but not a decision to only note the matter or to return the recommendation for further consideration);

11.5 Alternative motions

- (1) In this clause and clause 11.6, **alternative motion** means a substantive motion that negates the terms and intent of –
 - (a) a recommendation in a report submitted by a committee or prepared by an employee ; or
 - (b) a substantive motion,that is being considered, or is to be considered, by the Council.
- (2) A Member who wishes the Council to consider an alternative motion must either –

- (a) give notice in accordance with clause 7.3 of a motion that negates or substantially differs from the recommendations contained in a report submitted by a committee or prepared by an employee; or
- (b) foreshadow the alternative motion during the debate before the right of reply in respect of the substantive motion has commenced.

11.6 Dealing with alternative motions

- (1) Where a Member has given notice of a motion under clause 11.5(2)(a), that motion is taken to be a foreshadowed alternative motion and is to be the substantive motion that is first considered by the Council.
- (2) If notice of more than one alternative motion is received under clause 11.5(2)(a), the Presiding Member is to call for them in the order in which they were received unless one of the alternative motions received is carried, in which case the subsequent alternative motions with notice on the same matter lapse.
- (3) If all alternative motions with notice on a matter are lost, the Presiding Member is to call for a motion to adopt the recommendations submitted by the committee or contained in the report prepared by an employee .
- (4) Where a Member has foreshadowed an alternative motion under clause 11.5(2)(b), then if the substantive motion is lost, the Presiding Member must call on the Member who foreshadowed the alternative motion to move the alternative motion.
- (5) If the substantive motion is passed, the foreshadowed alternative motion is not to be moved.
- (6) Once moved and seconded, the foreshadowed alternative motion becomes the substantive motion and the same procedures and rules of debate apply to this motion as to any other substantive motion.
- (7) If more than one foreshadowed alternative motion is proposed for any item before the Council, the Presiding Member must deal with them in the order in which they were foreshadowed except that if an alternative motion is carried, all subsequent foreshadowed alternative motions on the same matter lapse.
- (8) Where an alternative motion is carried and results in a decision that significantly differs from the relevant written recommendation of an employee or a committee, clause 11.4(2) applies.

11.7 Adoption of recommendations *en bloc*

- (1) Subject to subclause (2), a Member may move a motion to adopt by one resolution, all the recommendations or a group of recommendations from a committee or several reports, without amendment or qualification, after having first identified those recommendations.
- (2) If any recommendation identified under subclause (1) relates to a matter –
 - (a) which requires adoption by absolute majority vote;
 - (b) in which an interest subject to s.5.67 off the Act has been disclosed;

- (c) that has been the subject of a petition or deputation;
- (d) which any Member has indicated a wish to debate; or
- (e) in which any Member has indicated a wish to ask a question or to raise a point of clarification,

it must be considered separately.

11.8 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.
- (2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.
- (3) A motion declared carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a Member indicates that they oppose a motion, the motion is to be dealt with under this Part of this Local Law.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting, which must be dealt with under Part 15 of these meeting procedures.

11.9 Only one substantive motion to be dealt with at a time

When a substantive motion is under debate at a meeting of the Council or committee, no further substantive motion is to be accepted until after a decision has been made on that motion.

11.10 Withdrawing motions

- (1) A motion or amendment may be withdrawn by the mover, with the consent of the seconder, and no Member is to speak on it after it has been withdrawn.
- (2) If an amendment has been proposed to a substantive motion, the substantive motion cannot be withdrawn, except by the consent of the majority of Members, until the amendment proposed has been withdrawn or lost.

11.11 Amendments

- (1) A Member may move an amendment to a substantive motion at any time during debate on the motion, except –
 - (a) if the mover has been called by the Presiding Member to exercise their right of reply; or
 - (b) if the Member has already spoken to the substantive motion;
 - (b) if another amendment is being debated, or has not been withdrawn, carried or lost; or

- (c) during debate on a procedural motion.
- (2) The mover of a motion may not move an amendment to their own substantive motion after it has been moved.
- (3) An amendment -
 - (a) must be relevant to the substantive motion to which it is moved; and
 - (b) must not have the effect of negating or significantly changing the intent of the substantive motion.
- (4) An amendment to a substantive motion must take one of the following forms -
 - (a) that certain words or parts be omitted;
 - (b) that certain words or parts be omitted and others substituted or added; or
 - (c) that certain words be added.
- (5) An amendment that is not an alternative motion under clause 11.5, but would significantly alter the effect of a motion of which notice has been given under clause 3.7, is not to be considered unless –
 - (a) written notice of the amendment is provided in a form approved by the local government; and
 - (b) the written notice is received by the CEO by 11:30am on the last working day preceding the day of the meeting at which the relevant motion is to be considered; and
 - (c) the notice of the amendment has been distributed to all Members at least 4 hours before the meeting at which it is to be moved.
- (6) When an amendment is proposed and seconded, then the discussion on the original motion is suspended until the amendment is carried or lost or withdrawn.
- (7) An amendment may be further amended only once and is subject to subclauses (2), (3), (4) and (5) as though the original amendment were a substantive motion.
- (8) Where an amendment is carried, the substantive motion as amended is, for the purposes of all subsequent debate, to be treated as the substantive motion.
- (9) Subsequent amendments to the motion may be proposed but must not -
 - (a) seek to negate a previous amendment that was carried; or
 - (b) seek to substantially replicate a previous amendment that was lost.

Part 12 - Debate of Motions

12.1 Order of call in debate

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 support the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) the mover to exercise their right of reply which closes debate.

12.2 Seconding motions

- (1) A Member seconding a substantive motion has the right to speak once on the motion -
 - (a) immediately after the mover of the motion has spoken; or
 - (b) with the consent of the Presiding Member, at a later time in the debate.
- (2) If a motion would otherwise lapse under clause 11.1(1)(b), the Presiding Member may accept an offer from a Member to second the motion without speaking in support of it, in order for the motion to be debated.

12.3 Members to indicate their intention to speak

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

12.4 Priority of speaking

- (1) When invited by the Presiding Member to speak, Members shall address the meeting through the Presiding Member.
- (2) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.
- (3) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.

12.5 Debate may be limited

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

12.6 Member may require the motion to be read

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

12.7 Consent of seconder required for alteration

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

12.8 Who may speak on an amendment

Any Member including the mover of the substantive motion may speak during debate on an amendment.

12.9 Right of reply

- (1) The mover of a substantive motion or an amendment has the right of reply prior to the Presiding Member putting the motion or the amendment to the vote.
- (2) The right of reply is confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (3) Once the right of reply has been exercised, there shall be no further discussion on the motion.
- (4) When all amendments have been dealt with and the mover of the original motion has exercised their right of reply, the original motion or the original motion as amended is immediately to be put to the vote.

12.10 Personal explanation

- (1) A Council or a committee member wishing to make a personal explanation of matters referred to by any Council or committee member who is then speaking, is entitled to be heard –
 - (a) immediately, if the Council or committee member then speaking consents at the time, or
 - (b) at the conclusion of the speech if the Council or committee member who is speaking declines to give way.
- (2) A personal explanation is to be concise, factual, directly relevant to the perceived misunderstanding and for a period of no more than 3 minutes.

- (3) A Member making a personal explanation is not to seek to strengthen their former argument by introducing new matter, by replying to other Members or by making adverse reflection on any person.

12.11 Limitation on Members speaking

- (1) A Member is not to address the Council more than once on any motion or amendment except-
 - (a) as the mover of a motion, to exercise a right of reply; or
 - (b) to raise a point of order; or
 - (c) to make a personal explanation; or
 - (d) subject to clause 10.3, to ask a question.
- (2) A Member may speak on a motion or amendment, or exercise their right of reply, for a period not exceeding 5 minutes, unless an extension of time of up to 5 minutes is granted by the Council without debate, but a Member's total speaking time must not exceed 10 minutes.
- (3) When a Member's allotted speaking time has expired, they must immediately cease speaking.
- (4) A Member is not to speak on any motion or amendment –
 - (a) after the mover has exercised their right of reply; or
 - (b) after the question has been put.

Part 13 - Procedural Motions

13.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion, a Member may move the following procedural motions during debate -

- (a) that the motion be deferred;
- (b) that the motion now lie on the table;
- (c) that the motion be now put;
- (d) that the meeting proceed to the next item of business;
- (e) that the meeting now adjourn;
- (f) that the meeting be closed to the public;
- (g) that the ruling of the Presiding Member be disagreed with;
- (h) that the Member be no longer heard;
- (i) that a committee recommendation be referred back to the originating committee, or any other committee or a later Council meeting.

13.2 No debate on procedural motion

- (1) The mover of a motion specified in clause 13.1 (a), (b), (d), (e), (f), (h), or (i) may speak to the motion for not more than 2 minutes.
- (2) The mover of a motion specified in clause 13.1 (c) or (g) may not speak to the motion.
- (3) For all procedural motions specified in clause 13.1, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

13.3 Limits on closure of debate

- (1) With the exception of clause 13.1(h) no person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.
- (2) The mover of a substantive motion retains their right of reply despite the carrying of a procedural motion which closes debate and forces a decision on the substantive motion or amendment.

13.4 Effect of motion - that the motion be deferred

- (1) A motion “that the motion be deferred” as listed in clause 13.1(a) must specify a time and date at which the substantive motion is to be resubmitted for consideration.
- (2) If a motion “that the motion be deferred”, is carried, then all debate on the substantive motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at the time and date specified in the motion.
- (3) A motion “that the motion be deferred” must not be moved in respect of the election of a Presiding Member of a committee or the Deputy Mayor.
- (4) A Member must not, at the same meeting, move or second more than one motion “that the motion be deferred” in respect of the same item.
- (5) Where debate on a motion is interrupted by deferring a motion under subclause (1) –
 - (a) the names of Members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 12.12 apply when the debate is resumed.

13.5 Effect of motion – that the motion now lie on the table

- (1) If a motion “that the motion now lie on the table” as listed in clause 13.1(b) is carried, then all debate on the substantive motion and any amendment is to cease and the meeting is to proceed to the next item of business.
- (2) Debate on the motion laid on the table is to be adjourned until such time (if any) as the Council resolves to take the motion from the table.

- (3) Where debate on a motion is interrupted by laying a motion on the table under subclause (1) -
 - (a) the names of Members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 12.12 apply when the debate is resumed.
- (4) A motion “that the motion now lie on the table” must not be moved in respect of the election of a Presiding Member or the Deputy Mayor.
- (5) A Member moving that the motion be taken from the table is entitled to speak first on the resumption of the debate.

13.6 Effect of motion – that the motion be now put

- (1) If the motion “that the motion be now put” as listed in clause 13.1(c) is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply to the mover of the substantive motion and then put the motion to the vote without further debate.
- (2) If the motion “that the motion be now put” is lost, debate on the substantive motion is to continue.
- (3) The Presiding Member may refuse to accept the motion “that the motion be now put” and shall refuse if in their opinion the closure will have the effect of unfairly limiting debate before the principal arguments for or against have been presented.
- (4) The decision of the Presiding Member under subclause (3) shall be binding unless dissented from, but shall not preclude the acceptance of a motion that at a later time “the motion be now put.”

13.7 Effect of motion – that the meeting proceed to the next item of business

If the motion “that the meeting proceed to the next item of business” as listed in clause 13.1(d) is carried, then –

- (a) all debate on the substantive motion or amendment is to cease immediately; and
- (b) the mover may not exercise their right of reply; and
- (c) no decision is made on the substantive motion; and
- (d) the Council or committee moves to the next item of business; and
- (e) there is no requirement for the matter to be raised again for consideration.

13.8 Effect of motion – that the meeting now adjourn

- (1) A motion “that the meeting now adjourn” as listed in clause 13.1(e) –

- (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is immediately adjourned to the time and date specified in the motion.
- (2) Before putting the motion for the adjournment of the Council or committee meeting, the Presiding Member may seek leave of the Council or committee to deal first with matters that may be the subject of an *en bloc* resolution.
 - (3) A Member is not to move or second more than one motion of adjournment during the same meeting of the Council or committee.
 - (4) A meeting adjourned under subclause (1) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council or committee, by simple majority, determines otherwise.

13.9 Effect of motion – that the meeting be closed to the public

- (1) The reasons for which a meeting may be closed to members of the public are listed in the Act and Regulations.
- (2) A motion “that the meeting be closed to members of the public” as listed in clause 13.1(f) must specify the reason why the meeting is to be closed to members of the public.
- (3) If the 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 4.2.
- (4) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Local Government Act 1995

5.23. Meetings generally open to public (extract)

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government’s property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- and
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
- (h) such other matters as may be prescribed.

Local Government (Administration) Regulations 1996

4A. Matter prescribed for when meeting may be closed to the public (Act s.5.23(2)(h))

The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter, are matters prescribed for the purposes of section 5.23(2)(h).

13.10 Effect of motion – that the ruling of the Presiding Member be disagreed with

- (1) If the motion “that the ruling of the Presiding Member be disagreed with” as listed in clause 13.1(g) is carried, then that ruling is to have no effect and the meeting is to proceed as though the ruling had not been made.
- (2) Clause 13.1(g) may be used only with respect to rulings made by the Presiding Member and not to directions given by the Presiding Member in accordance with these meeting procedures.

13.11 Effect of motion – that the member be no longer heard

- (1) If the motion “that the Member be no longer heard”, as listed in clause 13.1(h), is carried, the speaker against whom the motion has been moved is not to speak further on the current substantive motion, or on any amendment relating to it, except to exercise their right of reply if they are the mover of the substantive motion.
- (2) If the motion “that the Member be no longer heard” is moved with respect to the mover of a motion while they are exercising their right of reply, then if the motion is carried, the substantive motion is to be put to the vote immediately.

13.12 Effect of motion – that the item be referred back to committee

- (1) If a motion “that the item be referred back to committee” as listed in clause 13.1(i) is carried, debate on the substantive motion and any amendment is to cease and the recommendation that is the subject of the substantive motion, excluding any amendment, is to be referred back to the appropriate committee for further consideration.
- (2) If the motion in subclause (1) is lost, debate on the substantive motion or amendment is to continue.

Part 14 - Voting

14.1 Motion - when put to the vote

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 Council or committee for a vote; and
- (b) if requested by any Member, is to again state the terms of the motion in its final form.

14.2 Voting

Voting entitlements and obligations are dealt with in the Act.

Local Government Act 1995

5.21. Voting

- (1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.
- (2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.
- (3) If the votes of members present at a council or committee meeting are equally divided, the person presiding is to cast a second vote.
- (4) If a member of a council or committee specifically requests that there be recorded-
 - (a) his or her vote; or
 - (b) the vote of all members present,on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.
- (5) A person who fails to comply with subsection (2) or (3) commits an offence.

14.3 Method of taking vote

- (1) The Presiding Member, in taking the vote on any motion, is to -
 - (a) put the motion to the vote;
 - (b) determine whether the affirmative or the negative has the majority of votes; and
 - (c) declare the result of the vote.
- (2) Where voting is by show of hands or on the voices, the motion under subclause (1) may be put to the vote as often as is necessary to enable the Presiding Member to determine whether the affirmative or the negative has the requisite majority of votes.
- (3) The requirement for voting to be open is dealt with in the Regulations.

Local Government (Administration) Regulations 1996

9. Voting to be open (Act s.5.25(1)(d))

Voting at a council or committee meeting is to be conducted so that no voter's vote is secret.

- (4) The result of voting is to be determined 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 for the result to be declared.

14.4 Majorities required for decisions

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

Local Government Act 1995

5.20 Decisions of councils and committees

- (1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for that particular kind of decision by that kind of majority.
- (2) A decision of a committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (3) This section does not apply to elections-

- (a) by a council of the local government's mayor or president under section 2.11; or
- (b) by a council of the local government's deputy mayor or president under section 2.15; or
- (c) by a committee of the committee's Presiding Member or deputy Presiding Member under section 5.12.

Part 15 - Revoking or Changing Decisions

15.1 Requirements to revoke or change decisions

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

Local Government (Administration) Regulations 1996

10 Revoking or changing decisions (Act s.5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported:
 - (a) In the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) In any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

15.2 Motion to revoke or change decision at the same meeting - procedures

- (1) A Member who moves a motion to revoke or change a decision 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 motion to revoke or change 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 motion.
- (3) Where the Presiding Member is advised of a motion under subclause (2), they are to -
 - (a) raise it as an item of urgent business under clause 7.4;
 - (b) state the substance of the motion to revoke or change the decision;
 - (c) determine whether there is sufficient support under the Regulations; and
 - (d) if there is sufficient support, deal with the motion.

15.3 Motion to revoke or change a decision after meeting - procedures

- (1) A Member wishing to move a motion to revoke or change a decision at a future meeting of the Council or committee must give to the CEO notice of the motion, which is to -
 - (a) be in writing;
 - (b) specify the decision proposed to be revoked or changed;
 - (c) state the reason(s) for the motion to revoke or change the decision;
 - (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 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 7.3.
- (2) On receiving a notice of a motion under subclause (1), the CEO is to –
 - (a) ensure that the motion has the support required by the Regulations;
 - (b) advise the Mayor or Presiding Member that the notice has been received, and
 - (c) ensure that the notice is placed on the agenda of the next appropriate meeting of the Council or committee, as the case may be.

15.4 Implementation of a decision

- (1) In this clause, **valid action** means action taken to implement the decision in accordance with the relevant legislation and approved procedures by persons legally authorised to do so.
- (2) No steps are to be taken to implement or give effect to a decision if -
 - (a) a valid notice of a motion to revoke or change the decision has been received and has the support of Members as required by the Regulations; and
 - (b) the notice of the motion to revoke or change the decision was received before any valid action was taken by the local government to implement the decision.
- (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 to revoke or change the decision is moved with or without notice, if at the time the motion is moved or notice is given -
 - (a) valid action has been taken by the local government 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 the decision has been put into effect by notice in writing to the applicant or the applicant's agent by an employee of the local government authorised by CEO to do so;

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

Part 16 - Adjournment

16.1 Meetings may be adjourned

A meeting that is adjourned by -

- (a) the Council or a committee under Part 13, or
- (b) the Presiding Member under clause 6.4 or clause 20.9,

may be adjourned -

- (a) to a later time on the same day; or
- (b) to the next ordinary meeting of Council or scheduled meeting of a committee, or
- (c) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

16.2 Effect of adjournment

Where any motion, debate or meeting is adjourned under these meeting procedures -

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 12.12 apply when the debate is resumed.

Part 17 - Recording and broadcasting of meetings

17.1 Local government may record meetings

- (1) The local government may make audio or audio-visual recordings of the proceedings of meetings of the Council or committees, which may be used for the purposes of ensuring the accuracy of the minutes.
- (2) The Presiding Member will ensure that all meeting participants and observers are advised at the commencement of the meeting that the meeting is being recorded.
- (3) The local government may publish any audio or audio-visual recording made of a Council or committee meeting, or part of a meeting, that is open to members of the public.
- (4) Prior to publishing any audio or audio-visual recording made of a Council or committee meeting, the CEO may cause the recording to be edited to remove material that may be offensive or defamatory, irrelevant to the

matters under consideration, or the publication of which is likely to breach any written law.

- (5) Audio and audio-visual recordings of meetings made under subclause (1) will be kept according to the *State Records Act 2000*, and are subject to the *Freedom of Information Act 1992*.
- (6) Access to audio or audio-visual recordings of meetings does not extend to that part of the recordings that would reveal information that is prescribed in the Regulations as information that is confidential but that may be available for inspection if the local government so resolves, unless the local government has resolved that the information is to be available for inspection.

17.2 Local government may broadcast proceedings

The local government may make provision for electronic participation in Council or committee meetings for members of the public, including livestream broadcasts through an internet connection.

Part 18 - Minutes of Meetings

18.1 Keeping of minutes

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

Local Government Act 1995

5.22 Minutes of council and committee meetings

- (1) The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.
- (2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.
- (3) The persons presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

18.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.

Local Government (Administration) Regulations 1996

11 Minutes, content of (Act 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include-

- (a) the names of the members present at the meeting; and
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion; and
- (d) details of each decision made at the meeting; and
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); and

- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and
 - (f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.
- (2) In addition to the matters required by the Regulations, the minutes of a Council meeting or a meeting of a Committee to which powers and duties have been delegated under section 5.16 of the Act are to include the reasons for the decision where -
 - (a) an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled; or
 - (b) an objection to a local government decision is dealt with under section 9.6 of the Act.
 - (3) A record of decisions made at a meeting or part of a meeting that is closed to the public is not to disclose any information that is prescribed as being confidential for the purposes of section 5.95(6) of the Act unless the Council has resolved under section 5.95(7) to make it available for inspection.

Local Government (Administration) Regulations 1996

29A. Limits on right to inspect local government information (Act s. 5.95)

- (2) For the purposes of section 5.95(6), the following information is prescribed as information that is confidential but that, under section 5.95(7), may be available for inspection if a local government so resolves —
 - (a) information referred to in section 5.94 that would reveal the determination by the local government of a price for the sale or purchase of property by the local government; and
 - (b) information referred to in section 5.94 about the discussion of such a matter; and
 - (c) information referred to in section 5.94 which deals with anything in respect of which a meeting has been closed under section 5.23.
- (3) The information referred to in subregulation (2)(a) and (b) is confidential until the sale or purchase takes place, or a decision is made that the sale or purchase will not take place.

18.3 Request for specific words to be recorded in minutes

- (1) If a Member specifically requests, immediately after their use by another Member, that any particular words be recorded in the minutes —
 - (a) the Presiding Member is to cause the words used to be taken down and be read to the meeting for verification; and
 - (b) the Council may, by resolution, decide to record those words in the minutes, subject to verification with the audio recording of the meeting.
- (2) Subclause (1) applies only to the recording of words already spoken and is not to be used by a Member to seek to have a statement of their own opinion recorded in the minutes.

18.4 Publication of unconfirmed minutes of meetings

Public access to unconfirmed minutes of Council and committee meetings is dealt with in the Regulations.

Local Government (Administration) Regulations 1996

13 Publication of unconfirmed minutes of meetings

- (1) The CEO must publish on the local government's official website —

- (a) the unconfirmed minutes of each council and committee meeting that is open to members of the public; and
 - (b) if a council or committee meeting is closed to members of the public — that part of the unconfirmed minutes of the meeting that is a record of decisions made at the meeting.
- (2) The unconfirmed minutes of a council meeting must be published within 14 days after the meeting is held.
- (3) The unconfirmed minutes of a committee meeting must be published within 7 days after the meeting is held.

18.5 Public inspection of minutes and meeting documents

Public inspection of confirmed minutes and meeting documents is dealt with in the Act and Regulations.

Local Government Act 1995

5.94. Public can inspect certain local government information (extract)

A person can attend the office of a local government during office hours and, unless it would be contrary to section 5.95, inspect, free of charge, in the form or medium in which it is held by the local government and whether or not it is current at the time of inspection —

- (n) any confirmed minutes of council or committee meetings;
- (o) any minutes of electors' meetings;
- (p) any notice papers and agenda relating to any council or committee meeting and reports and other documents that have been —
 - (i) tabled at a council or committee meeting; or
 - (ii) produced by the local government or a committee for presentation at a council or committee meeting and which have been presented at the meeting;

5.95. Limits on right to inspect local government information (extract)

- (3) Subject to subsection (4), a person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in paragraph (n) or (p) of that section if the meeting or that part of the meeting to which the information refers was closed to members of the public.
- (4) Subsection (3) does not apply in relation to information —
- (a) that is a record of the decisions made at a meeting of a council, a committee or electors; or
 - (b) of a kind prescribed as being information that can be inspected by members of the public despite subsection (3).
- (6) Subject to subsection (7), a person's right to inspect information referred to in section 5.94 does not extend to the inspection of information —
- (a) referred to in a paragraph of that section that is prescribed as being confidential information for the purposes of this subsection; or
 - (b) referred to in that section of a type prescribed as confidential for the purposes of this subsection, for the period of time prescribed in relation to the information.
- (7) Subsection (6) does not apply in respect of information in relation to a local government if —
- (a) the information is prescribed as information that is confidential but that may be available for inspection if the local government so resolves; and
 - (b) the local government has resolved that the information is to be available for inspection.

Local Government (Administration) Regulations 1996

29A. Limits on right to inspect local government information (Act s. 5.95)

- (2) For the purposes of section 5.95(6), the following information is prescribed as information that is confidential but that, under section 5.95(7), may be available for inspection if a local government so resolves —
- (a) information referred to in section 5.94 that would reveal the determination by the local government of a price for the sale or purchase of property by the local government; and
 - (b) information referred to in section 5.94 about the discussion of such a matter; and
 - (c) information referred to in section 5.94 which deals with anything in respect of which a meeting has been closed under section 5.23.
- (3) The information referred to in subregulation (2)(a) and (b) is confidential until the sale or purchase takes place, or a decision is made that the sale or purchase will not take place.

18.6 Amendment of minutes

- (1) Substantive amendments to minutes are restricted to correcting objective errors of fact or material omission in the record of the meeting.
- (2) The unconfirmed minutes of a meeting may be amended –
 - (a) on a motion of which notice has been given in writing by a Member under clause 7.3, submitted prior to the meeting at which the minutes are to be confirmed; or
 - (b) on an amendment motion to the motion to confirm the minutes being moved.
- (3) Confirmed minutes may be amended on a motion of which notice has been given in writing by a Member under clause 7.3.
- (4) A notice of motion to amend minutes is to include -
 - (a) identification of the minutes to be amended; and
 - (b) the portion of the minutes proposed to be amended; and
 - (c) the alternative words to be substituted or the words to be added or deleted; and
 - (d) the reasons for the proposed amendment.
- (5) In considering a motion to amend unconfirmed or confirmed minutes, Council is to have regard to the contents of any audio record of the relevant meeting.
- (6) If a motion to amend confirmed minutes is carried*, then -
 - (a) the minutes of the meeting at which the motion was carried will record the original and the amended version of the relevant part of the minutes to which the motion related and the reasons for the amendment; and
 - (b) a notation will be added to the existing record of the original confirmed minutes, drawing attention to the amendment, the reasons for it and the date on which it was approved.

*** absolute majority required**

- (7) This clause does not apply to the revocation or changing of a decision of the Council or a committee.
- (8) Despite sub-clauses (1) to (5), administrative amendments to minutes may be made by an employee on the authority of the CEO to correct spelling or grammatical errors.

Part 19 - Conduct of Members

19.1 Required meeting behaviour

When attending a Council, committee or electors meeting, a Member must –

- (a) comply with the requirements of –
 - (i) the Act;

- (ii) the Regulations;
- (iii) these meeting procedures, and
- (iv) the Code of Conduct adopted under section 5.104 of the Act, including the Rules of Conduct;

and

- (b) restrict their remarks during debate to the motion or amendment under discussion, or to a personal explanation or to a point of order; and
- (c) comply with any direction given by the Presiding Member; and
- (d) immediately cease to engage in any conduct that has been ruled out of order by the Presiding Member.

19.2 Unacceptable meeting behaviour

When attending a Council, committee or electors meeting, a Member must not –

- (a) act in an abusive, bullying or threatening manner towards another person; or
- (b) make a statement that the Member knows, or could reasonably be expected to know, is false or misleading; or
- (c) use offensive or derogatory language in reference to any person; or
- (d) disparage the character or competence of another Member or an employee in connection with the performance of their official duties; or
- (e) impute any dishonest or unethical motive to a Member or an employee in connection with the performance of their official duties; or
- (f) persistently make irrelevant or repetitive statements; or
- (g) disrupt the meeting;
- (h) engage in behaviour that may endanger the physical or mental health or wellbeing of any other person at the meeting.

19.3 Members not to interrupt

A Member of the Council or a committee is not to interrupt another Member of the Council or committee who is speaking unless –

- (a) to raise a point of order; or
- (b) to call attention to the absence of a quorum; or
- (c) to request the opportunity to make a personal explanation under clause 12.11; or
- (d) to move a procedural motion under Part 13; or
- (e) they are the Presiding Member acting to preserve order under Part 20.

19.4 Seating arrangements

- (1) At the first meeting following each ordinary election, the CEO is to allocate a seat in the Chamber to each Member.
- (2) Each Member must occupy their allocated position when present at a meeting of the Council until the Council decides to reallocate positions.
- (3) The CEO is to sit immediately to the left of the Presiding Member at Council meetings.
- (4) The minute-taker is to sit in proximity to the Presiding Member

19.5 Advice of entry or departure

- (1) During the course of a meeting of the Council or a committee, a Member is to pay respect to the Presiding Member when entering or leaving the meeting.
- (2) Each entry to, or departure from, the meeting by a Member is to be recorded in the appropriate chronological place in the minutes.

19.6 No Member to leave while a motion is being put to the vote

- (1) When the Presiding Member is putting any motion to the vote, a Member must not leave the Chamber until the voting is complete.
- (2) Members' obligations to vote when present at a meeting are dealt with in the Act.

Local Government Act 1995

5.21. Voting

- (2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.

19.7 No reopening of discussion

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

19.8 Official Titles to be used

Members shall address each other during meetings by their respective titles of Mayor, Deputy Mayor or councillor. Members of the council, in speaking of or addressing employees, shall designate them by their respective official title or by their chosen title and surname

Part 20 - Preserving Order

20.1 Presiding Member to preserve order

The Presiding Member is to preserve order and, whenever they consider it necessary, may call any Member or any other person to order.

20.2 Presiding Member to ensure compliance

The Presiding Member of a meeting is to use all reasonable endeavours to ensure compliance with these meeting procedures.

20.3 Presiding Member to be heard without interruption

- (1) Whenever the Presiding Member signifies a desire to speak at any time during the meeting, any Member speaking or offering to speak must be silent, so that the Presiding Member may be heard without interruption.
- (2) This clause is not to be used by the Presiding Member to exercise the right provided for in clause 5.6 but to preserve order.

20.4 Point of order

- (1) 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 a breach of these meeting procedures or the Code of Conduct has been committed by a Member;
 - (c) that a breach of any written law, policy or any other local law of the local government has been committed by any person;
 - (d) that false or misleading information has been presented by a speaker.
- (2) A Member drawing attention to a suspected breach under subclauses (1)(b) or (1)(c) is to specify the alleged breach when making the point of order.
- (3) Despite any other provision in this local law, a point of order -
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.
- (4) A Member expressing a difference of opinion or contradicting a speaker shall not be recognised as raising a point of order.

20.5 Procedures on a point of order

- (1) A Member interrupted on a point of order is to immediately cease speaking until –
 - (a) the Member raising the point of order has been heard; and
 - (b) the Presiding Member has ruled on the point of order,and then, if permitted, the Member who has been interrupted may proceed.

- (2) A Member who is raising a point of order is not to be interrupted while making the point of order.

20.6 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) If the Presiding Member rules that any motion, amendment or other matter before the meeting is out of order, it is not to be considered further.
- (3) The Presiding Member, on becoming aware of conduct by a Member that breaches these meeting procedures, may rule that conduct to be out of order and direct that Member to immediately discontinue the conduct that is out of order and –
 - (a) provide an explanation; or
 - (b) unreservedly withdraw a specified expression or statement and make an unconditional apology; or
 - (c) discontinue their speech.
- (4) Where a Member fails to comply with a direction of the Presiding Member under subclause (3), the Presiding Member may refuse to hear the Member further on the matter under discussion and call on the next speaker.
- (5) A ruling by the Presiding Member on a point of order is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.

20.7 Continued breach of order

- (1) If a Member-
 - (a) persists in any conduct that the Presiding Member has ruled is out of order; or
 - (b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 20.6(3),then the Presiding Member may direct the Member to refrain from taking any further part in the item under discussion other than by recording the Member's vote and the Member must comply with that direction.
- (2) If the Member subject to a direction under subclause (1) is exercising their right of reply as the mover of a substantive motion, the Presiding Member may immediately call for a vote on the matter.

20.8 Prevention of disturbance

- (1) In this clause, "person" means a person other than a Member.

- (2) Any person 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 comply with any direction from the Presiding Member.
- (3) A person attending a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing, using a mobile device capable of producing sound, or by any other means.
- (4) A person attending a Council or committee meeting shall not –
 - (a) attempt to threaten, harass or intimidate any Member, employee or other person attending the meeting, or
 - (b) behave in a manner that is contrary to section 75 of the *Criminal Code*.

Criminal Code Act Compilation Act 1913

75 Interfering with political liberty

Any person who by violence, or by threats or intimidation of any kind, hinders or interferes with the free exercise of any political right by another person, is guilty of a crime, and is liable to imprisonment for 3 years.

- (5) Where a person is considered by the Presiding Member of the Council or committee to be in breach of subclauses (3) or (4) the Presiding Member of the Council or committee may direct the offending person to leave the meeting and the person must immediately comply with that direction.
- (6) A person who fails to comply with a direction given under subclause (5) commits an offence.
- (7) For the purposes of section 70A of the *Criminal Code*, the CEO is a person in authority in relation to the Chamber or meeting room and the local government premises of which they form a part and may request a person subject to a direction under subclause (5) to leave the place or a specified part of the place.

Criminal Code Act Compilation Act 1913

70A Trespass

- (1) In this section —

person in authority, in relation to a place, means —

 - (a) in the case of a place owned by the Crown, or an agency or instrumentality of the Crown — the occupier or person having control or management of the place or a police officer; or
 - (b) in any other case —
 - (i) the owner, occupier or person having control or management of the place; or
 - (ii) a police officer acting on a request by a person referred to in subparagraph (i);

trespass on a place, means —

 - (a) to enter or be in the place without the consent or licence of the owner, occupier or person having control or management of the place; or
 - (b) to remain in the place after being requested by a person in authority to leave the place; or
 - (c) to remain in a part of the place after being requested by a person in authority to leave that part of the place.
- (2) A person who, without lawful excuse, trespasses on a place is guilty of an offence and is liable to imprisonment for 12 months and a fine of \$12 000.
- (3) In a prosecution for an offence under subsection (2), the accused has the onus of proving that the accused had a lawful excuse.

20.9 Right of Presiding Member to adjourn

- (1) The Presiding Member may adjourn the meeting for a period of up to 15 minutes –
 - (a) for the purpose of preserving or regaining order; or
 - (b) where a person given a direction under clause 20.8(5) refuses to leave the meeting.
- (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 matter before the adjournment are to be recorded.

Part 21 - Meetings of Electors

21.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

Local Government Act 1995

5.27 Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors meeting are to be those prescribed.

21.2 Matters for discussion at electors' general meeting

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

Local Government (Administration) Regulations 1996

15. Matters to be discussed at general meeting (Act s.5.27(3))

For the purpose of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

21.3 Electors' special meetings

Electors' special meetings are dealt with in the Act and Regulations.

Local Government Act 1995

5.28 Electors' special meetings

- (1) A special meeting of the electors of a district is to be held on the request of not less than-

- (a) 100 electors or 5% of the number of electors – whichever is the lesser number; or
- (b) 1/3 the number of council members.
- (2) The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations.
- (3) The request is to be sent to the mayor or president.
- (4) A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.

Local Government (Administration) Regulations 1996

16. Request for special meeting, form of (Act s.5.28(2))

A request for a special meeting of the electors of a district is to be in the form of Form 1.

21.4 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

Local Government Act 1995

5.29 Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving-
 - (a) At least 14 days local public notice; and
 - (b) Each council member at least 14 days notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1) (b) and (c) until the meeting has been held.

21.5 Who presides at electors' meetings

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

Local Government Act 1995

5.30 Who presides at electors' meetings

- (1) The mayor or president is to preside at electors' meetings.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors meeting in accordance with that section.
- (3) If the circumstance's mentioned n section 5.34(a) or (b) apply and-
 - (a) the office of deputy mayor or deputy president is vacant; or
 - (b) the deputy mayor or deputy president is not available or is unable to unwilling to perform the functions of mayor or president,

then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose on of themselves to preside.

21.6 Procedure for electors' meetings

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

Local Government (Administration) Regulations 1996

18. Procedure at meeting (Act s.5.31)

Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

- (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 these meeting procedures.

- (3) If the Presiding Member at an electors' meeting is of the opinion that any motion proposed –
- (a) is of an objectionable nature; or
 - (b) if carried, would breach any written law; or
 - (c) if carried, would be incapable of being actioned or implemented by the local government,

the Presiding Member may rule that the motion is out of order and shall not be considered, provided that the Presiding Member has taken reasonable steps to assist the elector to reword their motion in a way that would not be objectionable, in breach of a written law or incapable of being actioned or implemented by the local government.

- (4) A person attending an electors meeting shall not –
- (a) attempt to threaten, harass or intimidate any Member, employee or other person attending the meeting, or
 - (b) behave in a manner that is contrary to section 75 of the *Criminal Code*.

Criminal Code Act Compilation Act 1913

75 Interfering with political liberty

Any person who by violence, or by threats or intimidation of any kind, hinders or interferes with the free exercise of any political right by another person, is guilty of a crime, and is liable to imprisonment for 3 years.

- (6) Where a person is considered by the Presiding Member of the Council or committee to be in breach of subclause (5) the Presiding Member of the Council or committee may direct the offending person to leave the meeting and the person must immediately comply with that direction.
- (7) A person who fails to comply with a direction given under subclause (5) commits an offence.

21.7 Participation of non-electors

- (1) A person who is not an elector of the local government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits them to do so.
- (2) A person who is not an elector of the local government is not entitled to vote at an electors' meeting.

21.8 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations

Local Government (Administration) Regulations 1996

17. Voting at meeting (Act s.5.31)

- (1) Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.
- (2) All decisions at a general or special meeting of electors are to be made by a simple majority of votes.
- (3) Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.

21.9 Minutes of electors' meetings

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

Local Government Act 1995

5.32 Minutes of electors' meetings

The CEO is to –

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meetings are first considered.

21.10 Decisions made at electors' meetings

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

Local Government Act 1995

5.33 Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable-
 - (a) at the first ordinary council meeting after that meetings; or
 - (b) at a specially meeting called for that purpose.whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Part 22 - Other Procedural Matters

22.1 Tabling of documents at a meeting

- (1) Any Member may table a document or other material at a Council or committee meeting that is relevant to an agenda item -
 - (a) with the prior approval of the Presiding Member; or
 - (b) with the approval of the Council on a motion by the Member in possession of the document or material.
- (3) A Member may request on a motion that a document from which another Member is reading or quoting be tabled and with the approval of the Council that document shall be tabled by the Member in possession of it.
- (3) Subclause (2) does not apply to a document that is privileged legal communication, or would reveal the private affairs of any person, or is material that is required to be kept confidential under any written law.
- (4) Access to, and publication of, tabled documents are dealt with in the Act and Regulations.

Local Government Act 1995

5.94. Public can inspect certain local government information (extract)

A person can attend the office of a local government during office hours and, unless it would be contrary to section 5.95, inspect, free of charge, in the form or medium in which it is held by the local government and whether or not it is current at the time of inspection —

- (p) any notice papers and agenda relating to any council or committee meeting and reports and other documents that have been —
- (i) tabled at a council or committee meeting;

5.96A. Information published on official website (extract)

- (1) The CEO must publish the following information on the local government's official website, unless it would be contrary to subsection (2) to do so —
 - (h) notice papers and agenda relating to council or committee meetings and reports and other documents that have been —
 - (i) tabled at a council or committee meeting;
- (2) The CEO must not publish information referred to in subsection (1)(f) or (h) if the meeting or that part of the meeting to which the information refers was closed to members of the public.

Local Government (Administration) Regulations 1996

14E. Modification of Act if meeting held by electronic means (Act s. 5.25(2)) (extract)

- (5) If a council or a committee holds an electronic meeting, for the purposes of regulation 14, a notice paper, agenda, report or other document may be —
 - (a) tabled at the meeting, or produced by the local government or a committee for presentation at the meeting, in any manner determined by the council or committee, including by electronic means; and
 - (b) made available to members of the council or committee, or for inspection by members of the public, in any manner determined by the council or committee, including by electronic means.

22.2 Suspension of the operation of this local law

- (1) A Member may, at any time, move that the operation of 1 or more of the provisions of these meeting procedures be suspended.
- (2) A Member moving a motion under subclause (1) is to identify the clause or clauses of this local law 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 -
 - (a) seconded; and
 - (b) carried by a simple majority,
 is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

22.3 Where this local law does not apply

- (1) In situations where -
 - (a) 1 or more provisions of these meeting procedures have been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or these meeting procedures,
 the Presiding Member is to decide questions relating to the conduct of the meeting.
- (2) Decisions of the Presiding Member under subclause (1) are final, except where a motion of dissent is moved and carried under Part 13.

Part 23 - Enforcement

23.1 Contravention of this local law by Members

- (1) Where a clause of this local law states that the matter is dealt with under the Act, a contravention by a Member may be an offence as specified in the Act.
- (2) Where a clause of this local law states that the matter is dealt with under the Code of Conduct, and the matter involves a Rule of Conduct, a contravention by a Member may be a minor breach under the Act.
- (3) Contravention of other clauses of this local law by Members, where such contravention does not involve an offence under the Act or a breach of the Rules of Conduct, is dealt with under the Regulations.

Local Government (Administration) Regulations 1996

Part 9A — Minor breaches by council members

34D. Contravention of local law as to conduct (Act s. 5.105(1)(b))

- (1) In this regulation —
local law as to conduct means a local law relating to the conduct of people at council or committee meetings.
- (2) The contravention of a local law as to conduct is a minor breach for the purposes of section 5.105(1)(b) of the Act.

23.2 Offences under this local law

- (1) Any person who refuses to leave the Chamber, or other venue in which a meeting subject to these meeting procedures is conducted, when directed to do so by the Mayor or Presiding Member under a provision of this local law, commits an offence.

Penalty: \$1,000

- (2) An offence under subclause (1) is an offence for which an infringement notice may be given under section 9.16 of the Act.

Modified penalty: \$100

- (3) An infringement notice given under subclause (2) is to be in the form shown in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

23.3 Who can prosecute or give an infringement notice

- (1) Who can prosecute is dealt with in the *Criminal Procedure Act 2004*.
Criminal Procedure Act 2004

20. Who can commence prosecution

- (1) In this section, unless the contrary intention appears —
authorised person in relation to an offence, means —
 - (a) if under another written law a person or class of person is authorised to commence a prosecution for the offence, that person or a person of that class; or
 - (b) in any other case, a person —
 - (i) who is a public authority or an employee of a public authority; or
 - (ii) who is authorised in writing by a public authority to commence a prosecution for the offence.
- (3) Subject to subsection (2), a prosecution for an offence may be commenced by, and only by —

- (a) one of the following acting in the course of his or her duties —
 - (i) an authorised person in relation to the offence;

(2) Who can give an infringement notice is dealt with in the Act.

Local Government Act 1995

9.10. Appointment of authorised persons (extract)

(1) In this section —
law means any of the following —

- (a) this Act;
- (g) subsidiary legislation made under an Act referred to in any of paragraphs (a) to (f);

specified means specified in the instrument of appointment.

(2) The CEO may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws.

9.16. Notice, giving of to alleged offender (extract)

(1) An authorised person who has reason to believe that a person has committed a prescribed offence against a regulation or local law made under this Act may, within 28 days after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender

This Local Government (*Meeting Procedures*) *Local Law 2022* was adopted by resolution of the Council of the City of Melville at a meeting held on [day] [month] 2022.

The Common Seal)
of the City of Melville)
was affixed in)
the presence of)

George Gear
Mayor
Date

Marten Tieleman
Chief Executive Officer
Date