

**CITY OF MELVILLE**

**MEETING PROCEDURES LOCAL LAW 2017**

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CITY OF MELVILLE

MEETING PROCEDURES LOCAL LAW 2017

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 18 April 2017 to make the following local law.

Part 1 - Preliminary

**1.1 Citation**

- (1) This local law may be cited as the *City of Melville Meeting Procedures Local Law 2017*.
- (2) In the clauses that follow, this local law is referred to as "Meeting Procedures".

**1.2 Commencement**

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

**1.3 Purpose and effect**

- (1) These Meeting Procedures provide rules for the conduct of meetings of the Council, committees and electors.
- (2) These Meeting Procedures are intended to result in-
  - (a) better decision making by the Council and committees;
  - (b) the orderly conduct of meetings dealing with the Council business;
  - (c) better understanding of the process of conducting meetings; and
  - (d) the more efficient and effective use of time at meetings.

**1.4 Repeal**

The *City of Melville Standing Orders Local Law 2003*, published in the *Government Gazette* on 12 May 2003 and amended by publication in the *Government Gazette* on 23 March 2004, is repealed.

**1.5 Application**

All meetings are to be conducted in accordance with *the Local Government Act 1995, the Local Government (Administration) Regulations 1996, the Local Government (Rules of Conduct) Regulations 2007* and these Meeting Procedures.

**1.6 Interpretation**

- (1) In these Meeting Procedures unless the context otherwise requires-

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

**Act** means the *Local Government Act 1995*;

**CEO** means the Chief Executive Officer of the Local Government;

**Chamber** means the City of Melville Council Chamber, being a room allocated for meetings of the Council;

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

**committee meeting** means a meeting of a committee;

**Council** means the Mayor and Elected Members of the local government;

**Department** means the State Government Department responsible for Local Government;

**deputation** means a verbal submission at Council or committee meetings on an agenda item made by a person who has a direct interest in the agenda item;

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

**employee** means an employee of the local government;

**local government** means the City of Melville;

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

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

**Member** has the same meaning as given to it in the Act;

**Minister** means the Minister responsible for administering the Act;

**presiding member** means-

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

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

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

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

**special majority** has the same meaning given to it in the Act;

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

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

(2) Unless otherwise defined in these Meeting Procedures, the terms and expressions used in these Meeting Procedures are to have the meaning given to them in the Act and Regulations.

## **Part 2 – Establishment and Membership of Committees**

### **2.1 Establishment of committees**

- (1) The establishment of committees is dealt with in the Act.
- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include-
  - (a) the terms of reference of the committee;
  - (b) the number of Council Members, employees and other persons to be appointed to the committee;
  - (c) the names or titles of the Council 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; and
  - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- (3) These Meeting Procedures are to apply to the conduct of committee meetings.

### **2.2 Types of committees**

The types of committees are dealt with in the Act.

### **2.3 Delegation of some powers and duties to certain committees**

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

### **2.4 Limits on delegation of powers and duties to certain committees**

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

### **2.5 Appointment of committee Members**

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

### **2.6 Tenure of committee membership**

Tenure of committee Membership is dealt with in the Act.

### **2.7 Resignation of committee Members**

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

### **2.8 Register of delegations to committees**

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

### **2.9 Committees to report**

A committee-

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

## **Part 3 - Calling and Convening Meetings**

### **3.1 Ordinary and special Council meetings**

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

(2) An ordinary meeting of the Council is held 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 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 ordinary or special Council meetings**

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

### **3.3 Convening ordinary or special Council meetings**

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

### **3.4 Calling committee meetings**

The CEO is to call a meeting of any committee when requested by the Mayor, the presiding member of that committee or any two Members of that committee or so decided by the Council or that committee.

### **3.5 Public notice of meetings**

Public notice of meetings is dealt with in the Regulations.

## **Part 4 - Presiding Member**

### **4.1 Who presides**

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

### **4.2 When the Deputy Mayor can preside**

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

#### **4.3 Who presides if no Mayor or Deputy Mayor**

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

#### **4.4 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.

#### **4.5 Functions of deputy presiding members**

The functions of deputy presiding members are dealt with in the Act.

#### **4.6 Who acts if no presiding member**

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

### **Part 5 –Quorum**

#### **5.1 Quorum for meetings**

The quorum for meetings is dealt with in the Act.

#### **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 Reduction of quorum for Council and committee meetings**

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

#### **5.4 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.

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

If at any time during a meeting a quorum is not present, the presiding member is-

- (a) to immediately suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiration of the period in subclause (a), 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.
- (c) a record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

#### **5.6 Debate on motion to be resumed**

(1) Where the debate on any motion is interrupted at a Council or committee meeting which is adjourned under clause 5.5 that debate is to be resumed at the next meeting 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.

#### **5.7 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 - Business of a Meeting**



## **6.1 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.

(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 in the case of an adjournment to the next ordinary meeting of the Council or committee, when the business unresolved at the adjourned meeting is to be the first business to be considered at that ordinary meeting.

(4) Despite subclauses (1) to (3), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she consider is appropriate to be decided, by that meeting.

## **6.2 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. Present
3. In Attendance
4. Apologies and Approved Leave of Absence
5. Announcements by the Presiding Member (without discussion) and Declarations by Members
6. Public Question Time
7. Awards and Presentations
8. Confirmation of Minutes
9. Disclosure of Interest
10. Applications for New Leaves of Absence
11. Identification of Matters for which Meeting May be Closed
12. Petitions
13. Reports of Committees
14. Reports of the Chief Executive Officer
15. Motions of which Previous Notice has been Given
16. En Bloc Items
17. Motions Without Notice by Absolute Majority of Council
18. Closure

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

1. Official Opening
2. Present
3. In Attendance
4. Apologies and Approved Leave of Absence
5. Announcements by the Presiding Member (without discussion) and Declarations by Members
6. Confirmation of Minutes
7. Disclosure of Interest
8. Business
9. Motions of which Previous Notice has been Given
10. Next Meeting
11. Closure

(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.

### **6.3 Leave of absence**

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

### **6.4 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 he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 5 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of the district.
- (4) The CEO-
  - (a) with the concurrence of the Mayor/presiding member, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of these Meeting Procedures or any other written law; or,
  - (b) may make such amendments to the form but not the substance as will bring the notice of motion into due form; and
  - (c) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) If a notice of motion is excluded under subclause (4)(a), the CEO is to provide the reason for its exclusion to all Members as soon as practicable.
- (6) A motion of which notice has been given is to lapse unless-
  - (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or
  - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (7) If a notice of motion is given and lapses under subclause (6), 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.

### **6.5 New business of an urgent nature**

- (1) 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.
- (2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters 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.
- (3) A question requesting general information from the CEO may be asked without notice but the CEO shall have the right to ask that-
  - (a) the question be placed on notice for the next meeting of the Council; or
  - (b) the answer to the question be given to the Member of the Council who asked it, within 5 business days.

### **6.6 Urgent business approved by the presiding member or by decision**

In the case of extreme urgency or other special circumstance, matters may, with the consent of the presiding member, or by decision of the Members present, be raised without notice and decided at the meeting.

### **6.7 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 not to be any discussion on the matter unless the Council or committee resolves otherwise.

## **6.8 Reports**

- (1) The functions of the CEO are dealt with in the Act and include ensuring that advice and information is available to the Council so that informed decisions can be made and to cause the Council decisions to be implemented.
- (2) The CEO may prepare or cause to be prepared any report that in the CEO's opinion requires consideration by the Council, including any report of a late or urgent nature.
- (3) A committee may make a recommendation which-
  - (a) is relevant to the purpose for which the committee is established by the Council; and
  - (b) the committee considers requires consideration by the Council.
- (4) Where a committee makes a recommendation for consideration by the Council, the CEO shall prepare or cause to be prepared a report to the Council with respect to the recommendation.
- (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 who will inform the Council. The CEO is to provide written reasons for the withdrawal of an item which are to be noted in the minutes of the meeting where the item was to be considered.

## **Part 7 - Public Participation**

### **7.1 Meetings generally open to the public**

- (1) Meetings being generally open to the public are dealt within the Act.
- (2) A meeting of a committee is not open to the public unless Council has delegated a power or duty under Section 5.17 of the Act.

### **7.2 Participation by Members at committee meetings**

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

### **7.3 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 business to be dealt with by the meeting as detailed in the Act.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried-
  - (a) the presiding member is to direct everyone to leave the meeting except-
    - (i) the Members;
    - (ii) the CEO; 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) may, by order of the presiding member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice.
- (6) Unless the Council resolves otherwise, once the meeting is reopened to members of the public the presiding member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including details of the vote of Members that will be included in the minutes.

### **7.4 Question time for the public**

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

### **7.5 Question time for the public at certain meetings**

- (1) Question time for the public at certain meetings is dealt with in the Regulations.
- (2) There is to be no public question time at meetings of a committee unless the Council has delegated a power or duty under Section 5.17 of the Act.

## **7.6 Minimum question time for the public**

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

## **7.7 Procedures for question time for the public**

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

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

- (1) The presiding member is responsible for the conduct of public question time.
- (2) A member of the public who wishes to ask a question at a meeting, must before the commencement of the meeting submit their question in writing, on the form provided by the local government, to the CEO or his or her representative.
- (3) A completed question time form must include-
  - (a) the name and residential or contact address of the person who wishes to ask the question; and
  - (b) the question in a concise and legible form.
- (4) In cases of disability or other extenuating circumstances-
  - (a) an employee of the local government, if requested to do so, may assist the person to complete a question time form;
  - (b) in the absence of that assistance, the presiding member may permit a person to ask a question that was not included on a question time form.
- (5) Unless the presiding member determines otherwise, a question of which prior written notice has been given to the CEO is to be given priority in question time.
- (6) A question may be taken on notice by the Council for later response.
- (7) When a question is taken on notice, the CEO is to ensure that-
  - (a) a written response is given to the person who asked the question; and
  - (b) a summary of the response is included in the minutes of that meeting.
- (8) The presiding member may decide that a question is not to be responded to where-
  - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
  - (b) it is in the form of a statement, provided that the presiding member has taken all reasonable steps to assist the member of the public to rephrase the statement as a question; or
  - (c) the question is offensive or defamatory in nature, or is one, which, if asked by a Member, would be in breach of these Meeting Procedures or any other law.
- (9) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.
- (10) The presiding member may decide that the Council is not required to answer a question that in the opinion of the presiding member is vexatious, frivolous or has been asked to cause detriment to a Council Member or employee, or is insulting or harmful to the Council Member or employee's reputation.

## **7.9 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.

## **7.10 Deputations**

- (1) Any person or group wishing to be received as a deputation by the Council is to either-
  - (a) apply, before the meeting, to the CEO for approval; or
  - (b) with the approval of the presiding member, at the meeting, address the Council.
- (2) The CEO may either-
  - (a) approve the request and invite the deputation to attend a meeting of the Council;
  - (b) reject the request; or
  - (c) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the Council resolves otherwise, a deputation invited to attend a Council meeting-
  - (a) is not to exceed three persons, only two of whom may address the Council, although others may respond to specific questions from Members; and

- (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council. A period not exceeding 5 minutes will be given for asking and answering questions. The presiding member may permit additional question time in circumstances where the matter is unclear.
- (4) For the purpose of determining who may address the Council on an issue, all people either in favour of or opposed to an item for consideration are deemed to comprise a single deputation.
- (5) 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.

#### **7.11 Petitions**

- (1) A petition is to-
  - (a) be addressed to the Council;
  - (b) be in a form approved by the Council;
  - (c) be made by 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) contain a summary of the reasons for the request; and
  - (g) state the name of the person to whom, and an address at which, notice to the petitioners can be given; and
  - (h) be respectful and temperate in its language.
- (2) Upon receiving a petition, the local government is to submit the petition to the relevant employee to be included in their deliberations and report on the matter that is the subject of the petition, subject to subclause (3).
- (3) 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.
- (4) The only question that shall be considered by the Council on the presentation of any petition shall be-
  - (a) that the petition be acknowledged; or
  - (b) that the petition be acknowledged and referred to a committee for consideration and report; or
  - (c) that the petition be acknowledged and be dealt with by the Council in conjunction with an item on the same agenda; or
  - (d) that the petition be acknowledged and a report be prepared.

#### **7.12 Presentations**

- (1) In this clause, a 'presentation' means the acceptance of a gift or an 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.

#### **7.13 Public inspection of agenda materials**

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

#### **7.14 Public access to unconfirmed minutes of meetings**

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

#### **7.15 Confidentiality of information withheld**

- (1) Information withheld by the CEO from the public under Regulation 14(2) of the Regulations is to be-
  - (a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed";
  - (b) marked "*Confidential*" in the agenda; and
  - (c) kept confidential by employees and Members until the Council resolves otherwise or, in the opinion of the CEO, the reason for confidentiality ceases to exist.

(2) A Member or an employee in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another Member or an employee to the extent necessary for the purpose of carrying out his or her duties.

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

#### **7.16 Recording of proceedings**

(1) A person or Member is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council or committee meeting without the permission of the presiding member.

(2) If the presiding member gives permission under subclause (1), he or she is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

#### **7.17 Prevention of disturbance**

(1) A reference in this clause to a "person" is to a person other than a Member.

(2) A person addressing the Council shall extend due courtesy and respect to the Council or committee and the processes under which it operates and shall comply with any direction by the presiding member.

(3) A person observing 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 or by any other means.

(4) A person shall ensure that his or her mobile telephone or other device capable of producing sound is switched off, or on silent and not used during any meeting of the Council.

(5) A person shall not behave in a manner that is contrary to section 75 of the *Criminal Code Act Compilation Act 1913*.

#### **7.18 Media attendance**

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

### **Part 8 - Questions**

#### **8.1 Questions without notice**

(1) A Member who wishes to seek general information on a matter on the agenda of the meeting will address the question to the presiding member who may invite an employee present at a Council meeting to respond.

(2) Where possible, the employee is to answer each question to the best of his or her knowledge and ability but, if the information is unavailable or requires research or investigation, the employee may ask that the answer to the question be given to all Members, within 10 working days.

#### **8.2 Questions during debate**

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

(2) Subject to subclause (3) a Member who asks one or more questions will not be taken to have spoken on the matter.

(3) A question put 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.

### **8.3 Restrictions on questions and answers**

- (1) Questions, whether asked by a Member or a member of the public, and answers-
- (a) are to be concise; and
  - (b) are not to be accompanied by-
    - (i) any argument, expression of opinion or statement of facts, except so far as may be necessary to explain the question or answer; or
    - (ii) any discussion or further question, except with the consent of the presiding member.
- (2) In answering any question, an employee may qualify his or her answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend his or her original answer.

### **8.4 Members present at committee meetings ability to ask questions**

Members who are not Members of a committee but whom are present at a committee Meeting have the ability to ask a question on any matter before the committee provided that the permission of the presiding member of the committee is first obtained.

## **Part 9 - Conduct of Members**

### **9.1 Members to occupy own seats**

- (1) At the first meeting following each ordinary election, the CEO is to allocate a seat in the Chamber to each Member.
- (2) The fellow ward representative of the Deputy Mayor is to be allotted a seat in the Chamber next to the Deputy Mayor.
- (3) Each Member must occupy his or her allotted position when present at a meeting of the Council until the Council decides to reallocate positions.
- (4) The CEO is to sit immediately to the left of the Mayor.

### **9.2 Respect to the presiding member**

After the business of a Council or committee has commenced, a Member or employee is not to enter or leave the meeting without first paying due respect to the presiding member.

### **9.3 Official Titles to be used**

A speaker, when referring to the Mayor, Deputy Mayor or presiding member, or a Member or employee, is to use the title of that person's office.

### **9.4 Advice of entry or departure**

During the course of a meeting of the Council or committee, a Member is not to enter or leave the meeting without first indicating to the presiding member, in order to facilitate the recording in the minutes of the time of entry or departure.

### **9.5 No Member to cross the floor**

When the presiding member is putting any motion, a Member must not cross the floor or leave the Chamber, and whilst any other Member is speaking, must not pass between the speaker and the presiding member or pass behind the presiding member.

### **9.6 Members to indicate their intention to speak**

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

### **9.7 Priority of speaking**

- (1) 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.

- (2) A decision of the presiding member under subclause (1) is not open to discussion or dissent.
- (3) A Member is to cease speaking immediately after being asked to do so by the presiding member.

### **9.8 Presiding member may take part in debates**

If the presiding member at a Council or committee meeting wishes to participate in the debate at a Council or committee meeting, then the presiding member is to cease presiding during participation in the debate.

### **9.9 Members not to interrupt**

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

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 9.14; or
- (d) to move a motion under clause 13(1)(h).

### **9.10 Relevance**

- (1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The presiding member, at any time, may-
  - (a) call the attention of the meeting to-
    - (i) any irrelevant, repetitious, offensive or insulting language by a Member; or
    - (ii) any breach of order by a Member; and
  - (b) direct that Member, if speaking, to discontinue their speech.
- (3) A Member is to comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

### **9.11 Limitation on Members speaking**

- (1) The mover of a motion or an amendment-
  - (a) is to speak to that motion or amendment first, after it has been seconded; and
  - (b) has the right of reply and in exercising that right must confine the reply to previous speakers' comments and not introduce any new matters.
- (2) A Member must not speak on any motion or an amendment after the mover has replied and the motion or amendment is to be immediately put to the vote by the presiding member.
- (3) A Member may only speak on a motion or amendment, or reply, for a period of only 5 minutes, unless an extension of time is granted by the Council without debate, but a Member's total speaking time must not exceed 10 minutes.

### **9.12 Speaking twice**

A Member is not to address the Council more than once on any motion or amendment except-

- (a) as the mover of a substantive motion, to exercise a right of reply;
- (b) to raise a point of order; or
- (c) to make a personal explanation.

### **9.13 No speaking after conclusion of debate**

A Member is not to speak on any motion or amendment-

- (a) after the mover has replied; or
- (b) after the question has been put.

### **9.14 Personal explanations**

- (1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.



(3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood and is not to seek to strengthen his or her former argument by new matter or by replying to other Members.

#### **9.15 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.

#### **9.16 Adverse reflection**

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

(2) A Member must not-

- (a) reflect adversely on the character or actions of another Member or employee; or
- (b) impute any motive to a Member or employee, unless the meeting resolves, without debate, that the motion then before the meeting cannot otherwise be adequately considered.

(3) A Member is not to use offensive expressions in reference to any Member, employee or other person.

#### **9.17 Withdrawal of offensive language**

(1) A Member who uses an expression which, in the opinion of the presiding member-

- (a) reflects adversely on the character or actions of a Member, employee or other person; or
- (b) imputes any motive to any Member or employee; or
- (c) is offensive or insulting, must, when directed by the presiding member, unreservedly withdraw the expression and make an unconditional apology.

(2) Where a Member fails to comply with a direction of the presiding member under subclause (1), the presiding member may refuse to hear the Member further on the matter under discussion and call on the next speaker.

#### **9.18 Specific words to be recorded**

If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes-

- (a) the presiding member is to cause the words used to be taken down and read to the meeting for verification; and
- (b) the Council may, by resolution, decide to record those words in the minutes.

#### **9.19 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) Clause 9.19 is not to be used by the presiding member to exercise the right provided for in clause 9.8 but to preserve order.

### **Part 10 - Preserving Order**

#### **10.1 Presiding member to preserve order**

The presiding member is to preserve order and, whenever considered necessary, may call any Member or other person to order.

#### **10.2 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 offensive or insulting language is being used;

- (c) drawing attention to the violation of any written law, or any policy or local law of the local government, provided that the Member making the point of order states the written law, policy or local law believed to be breached;
  - (d) the presentation of false or misleading information.
- (2) Despite anything in these Meeting Procedures to the contrary, a point of order-
- (a) takes precedence over any discussion; and
  - (b) until determined, suspends the consideration or discussion of any other matter.
- (3) A Member expressing a difference of opinion or contradicting a speaker shall not be recognised as raising a point of order.

### **10.3 Calling attention to a breach**

A Member may, at any time, draw the attention of the presiding member to any breach of these Meeting Procedures.

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

- (1) A Member who is addressing the presiding member is not to be interrupted except on a point of order.
- (2) 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, if permitted, the Member who has been interrupted may then proceed.

### **10.5 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-
- (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
  - (b) a statement made or act done by a Member is out of order, the presiding member may require the Member to make an explanation, retraction or apology.
- (3) 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.

### **10.6 Continued breach of order**

If a Member-

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the presiding member under clause 10.5(2)(b),

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.

### **10.7 Preservation of order – members of the public**

- (1) Any member of the public addressing the Council or a committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the presiding member whenever called upon to do so.
- (2) No person observing a meeting is to create a disturbance at that meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (3) Where a person is considered by the presiding member or the Council or committee to be in breach of subclauses (1) or (2) the presiding member of the Council or committee may direct the offending person to leave the meeting room and the person must immediately comply with that direction.
- (4) A person failing to comply with a direction given under subclauses (1) or (3) may, by order of the presiding member, be removed from the meeting room.
- (5) A person who fails to comply with a direction given under subclause (3) commits an offence.

### **10.8 Right of presiding member to adjourn**

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to 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 11 - Recommendations, Motions and Amendments**

### **11.1 Recommendations in reports**

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

### **11.2 Adoption of recommendations en bloc**

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, if any-

- (a) which require adoption by absolute or special majority vote;
- (b) in which an interest has been disclosed;
- (c) that has been the subject of a petition or deputation;
- (d) which any Member has indicated the wish to debate; and
- (e) in which any Member has indicated the wish to ask a question or to raise a point of clarification,

and, each of those recommendations referred to in paragraphs (a), (b), (c), (d) and (e) must be considered separately.

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

Any Member who wishes to move a substantive motion or an amendment to a substantive motion-

- (a) is to state the substance of the motion before speaking to it; and
- (b) if required by the presiding member, is to put the motion or amendment in writing.

### **11.4 Motions to be supported**

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under the Regulations.
- (3) A Member seconding a motion has the right to speak on the motion.
- (4) A motion is not to be amended by the mover without the consent of the seconder.

### **11.5 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 opposes a motion, the motion is to be dealt with under this Part of these Meeting Procedures.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting.

#### **11.6 Only one substantive motion 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. The Council or committee is not to consider more than one substantive motion at any time.

#### **11.7 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.

#### **11.8 Permissible motions on recommendations from committee**

A recommendation made by a committee may be-

- (a) adopted by the Council without amendment;
- (b) rejected by the Council and replaced with an alternative decision;
- (c) subject to clause 11.3, amend, and adopt as amended by the Council; or
- (d) referred back to the committee for further consideration.

#### **11.9 Motion without notice by absolute majority of the Council**

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

#### **11.10 Amendments**

- (1) A Member may move an amendment to a substantive motion at any time during debate on the motion, except-
  - (a) if the mover has been called by the presiding member to exercise the right of reply; or
  - (b) if the Member has already spoken to the substantive motion;
  - (c) if another amendment is being debated, or has not been withdrawn, carried or lost; or
  - (d) during debate on a procedural motion.
- (2) An amendment must be relevant to the substantive motion to which it is moved and must not have the effect of negating the substantive motion.
- (3) An amendment to a substantive motion is to take only one of the following forms-
  - (a) that certain words be omitted;
  - (b) that certain parts be omitted and others substituted or added; or
  - (c) that certain words be added.
- (4) Only one amendment is to be debated at a time, but as often as an amendment is withdrawn, carried or lost, another amendment may be moved before the substantive motion is put to the vote.
- (5) Where an amendment is carried, the substantive motion as amended is, for all purposes of subsequent debate, to be treated as a substantive motion.
- (6) An amendment must be read by the mover before being seconded.

### **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 the motion;

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

### **12.2 Limit of debate**

The presiding member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

### **12.3 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.

### **12.4 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.

### **12.5 Mover of a motion may speak on an amendment**

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

### **12.6 Right of reply**

- (1) The mover of a substantive motion has the right of reply.
- (2) The mover of any amendment to a substantive motion shall have a right of reply.
- (3) If there is an amendment, the mover of such amendment shall have the right of reply to discussion of the amendment and in so doing shall be bound by the requirements of the Meeting Procedures.
- (4) Once the right of reply has been taken, there shall be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) A Member may only speak on a motion or an amendment, or reply, for a period of 5 minutes, unless an extension of time is granted by the Council by simple majority without debate, but shall not exceed a total time of 10 minutes.

### **12.7 Personal explanation**

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

## **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-

- (a) that the motion be deferred;
- (b) that the meeting now adjourn;
- (c) that the motion be now put;
- (d) that the motion now lie on the table;
- (e) that the meeting proceed to the next item of business;
- (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**

- (1) The mover of a motion specified in clause 13.1 (a), (b), (d), (e), (f), (h), or (i) of may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion specified in clause 13.1 (c) or (g) of may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

### **13.3 Who may move**

With the exception of subclause 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.

### **13.4 Procedural motions - right of reply on substantive motion**

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

### **13.5 Effect of motion – that the motion be deferred**

- (1) 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 a time and date specified in the motion.
- (2) A motion “that the motion be deferred” must not be moved in respect of the election of a presiding member or the Deputy Mayor.
- (3) 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.
- (4) If the motion is carried at a meeting of the Council or committee-
  - (a) the names of Members who have spoken on the matter are to be recorded in the minutes; and
  - (b) the provisions of clause 9.12 apply when the debate is resumed.

### **13.6 Effect of motion - meeting now adjourn**

- (1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council or committee.
- (2) Before putting the motion for the adjournment of the Council or committee, the presiding member may seek leave of the Council or committee to deal first with matters that may be the subject of an adoption by exception resolution.
- (3) A motion “that the meeting now adjourn”-
  - (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 adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) 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.

### **13.7 Effect of motion - motion be now put**

- (1) If the motion “that the motion be now put”, is carried during debate on a substantive motion without amendment, the presiding member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion “that the amendment be now put” is carried during discussion of an amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.
- (4) The presiding member may refuse to accept the motion “that the motion now be put” and shall refuse if in his or her opinion the closure will have the effect of unfairly limiting debate before the principal arguments for or against have been presented. The decision of the presiding member

shall be binding unless there is dissent but shall not preclude the acceptance of a motion that at a later time "the motion now be put."

### **13.8 Effect of motion - motion lie on the table**

- (1) If a motion "that the motion lie on the table", is carried, debate on the substantive motion and any amendment must 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 meeting 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 9.12 apply when the debate is resumed.
- (4) A motion "that the motion 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 the taking of the motion from the table is entitled to speak first on the resumption of the debate.

### **13.9 Effect of Motion - meeting to proceed to the next item of business**

The motion "that the meeting proceed to the next item of business", if carried, has the effect that-

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

### **13.10 Effect of motion - meeting to be closed to members of the public**

If a motion "that the meeting be closed to members of the public" is carried then the presiding member is to close the meeting in accordance with clause 7.3.

### **13.11 Effect of motion - ruling of the presiding member to be disagreed with**

If the motion "that the ruling of the presiding member be disagreed with", is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

### **13.12 Effect of motion - Member to be no longer heard**

If the motion "that the Member be no longer heard", is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

### **13.13 Effect of motion – item be referred back to committee**

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

## **Part 14 - Disclosure of Interests**

### **14.1 Disclosure of interests**

The requirements for Members and employees to disclose financial and other interests, the nature of the interests that must be disclosed and related matters are dealt with in the Act, the Regulations, the Rules of Conduct Regulations and the Code of Conduct.

### **14.2 Disclosing Member not to participate**

The participation at meetings of a Member that has disclosed an interest in clause 14.1 is dealt with in the Act.

### **14.3 When disclosing Members can participate**

The procedures for allowing participation in meetings of Members disclosing an interest in clause 14.1 are dealt within in the Act.

#### **14.4 Substitution of deputy at committee meetings**

Where a Member discloses an interest on an item under clause 14.1 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 only.

#### **14.5 Committee members to disclose impartiality interests**

- (1) In this clause, a reference to-
  - (a) **person** means a member of a committee who is appointed under Section 5.10(1)(a) of the Act that is not either the Mayor or an Elected Member; and
  - (b) **interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.
- (2) A person who has an interest in any matter to be discussed at a meeting attended by the person must disclose the nature of the interest-
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.63 of the Act.
- (4) Subclause (2) does not apply if-
  - (a) a person fails to disclose an interest because the person did not know he or she had an interest in the matter; or
  - (b) a person fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a person discloses an interest in a written notice given to the CEO before a meeting then-
  - (a) before the meeting the CEO is to cause the notice to be given to the presiding member of the meeting; and
  - (b) at the meeting the presiding member is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.
- (6) If-
  - (a) under subclause (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
  - (b) under subclause (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

#### **14.6 On-going disclosure required**

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

#### **14.7 Separation of committee recommendations**

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

### **Part 15 - Voting**

#### **15.1 Motion - when put**



- (1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member-
  - (a) is to put the motion to the Council or committee; and
  - (b) if requested by any Member, is to again state the terms of the motion.
- (2) A Member is not to leave the meeting when the presiding member is putting any motion.

### **15.2 Voting**

Voting is dealt with in the Act and the Regulations.

### **15.3 Majorities required for decisions**

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

### **15.4 Method of taking vote**

- (1) The presiding member, in taking the vote on any motion, is to-
  - (a) put the motion, first in the affirmative and then in the negative;
  - (b) determine whether the affirmative or the negative has the majority of votes; and
  - (c) declare the result of the vote.
- (2) The motion under subclause (1) may be put as often as is necessary to enable the presiding member to determine whether the affirmative or the negative has the majority of votes.
- (3) 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.

## **Part 16 - Minutes of Meetings**

### **16.1 Keeping of minutes**

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

### **16.2 Content of minutes**

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by Regulation 11, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

### **16.3 Public inspection of unconfirmed minutes**

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

### **16.4 Confirmation of minutes**

- (1) Confirmation of minutes is dealt with in the Act.
- (2) When the minutes of meetings are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member is to provide the CEO with a written copy of the alternative wording to amend those minutes prior to the commencement of the meeting.
- (3) At the meeting where the Minutes are to be confirmed, the Member who provided the alternative wording shall, at the time for confirmation of minutes-
  - (a) state the item or items with which he or she is dissatisfied; and
  - (b) propose a motion clearly outlining the alternative words to amend the minutes.
- (4) When minutes are being confirmed, discussion is not permitted other than discussion as to their accuracy as a record of the proceedings.

### **16.5 Preservation of minutes**

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

## **Part 17 - Adjournment of Meeting**

### **17.1 Meeting may be adjourned**

The Council or committee may adjourn any meeting-

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

### **17.2 Effect of adjournment**

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

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 9.12 apply when the debate is resumed.

## **Part 18 - Revoking or Changing Decisions**

### **18.1 Requirements to revoke or change decisions**

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

### **18.2 Revocation motion at the same meeting – procedures**

(1) A Member who moves a revocation motion at the same meeting where the decision is made must-

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

(2) If the CEO receives a notice of a revocation motion to revoke a decision made at a meeting before the close of that meeting, the CEO must immediately advise the presiding member of the substance of the revocation motion and raise it as an item of urgent business under clause 6.5.

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

- (a) advise the meeting of the notice;
- (b) state the substance of the revocation motion;
- (c) determine whether there is sufficient support under clause 18.1; and
- (d) if there is sufficient support, deal with the revocation motion.

### **18.3 Revocation motion after meeting - procedures**

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

- (a) be in writing;
- (b) specify the decision proposed to be revoked or changed;
- (c) include a reason or reasons for the revocation motion;
- (d) be supported by the number of Members required under the Regulations;
- (e) specify the date of the ordinary or special meeting of the Council or 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 6.4.

### **18.4 Implementation of a decision**

(1) No steps are to be taken to implement or give effect to a decision if-

- (a) there is a valid notice of revocation motion that has the support of Members required by the Regulations; and
- (b) the notice of revocation motion was received before any action was taken to implement the decision.

(2) That the Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given-

- (a) action has been taken to implement the decision; or
- (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate has been put into effect 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 19 - Other Procedural Matters**

### **19.1 Presiding member to ensure compliance**

The presiding member of a meeting is to ensure compliance with the Meeting Procedures.

### **19.2 Briefings and other informal meetings**

- (1) The local government may conduct briefings, workshops and other informal meetings.
- (2) Where the local government conducts briefings, workshops and other informal meetings, the CEO is to-
  - (a) advise all Members of the time and date 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 a briefing, workshop or other informal meeting is to deal with the interest in accordance with the provisions of Part 14 of these Meeting Procedures.
- (4) The Council is not to make a formal resolution at any meeting other than a Council meeting or a committee meeting.
- (5) The Council is not to meet, except at-
  - (a) a Council or committee meeting; or
  - (b) a briefing, workshop or informal meeting under this clause.

### **19.3 Suspension of Meeting Procedures**

- (1) A Member may, at any time, move that the operation of one 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 containing the Meeting Procedure 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.

### **19.4 Where Meeting Procedures do not apply**

- (1) In situations where-
  - (a) 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) The decision of the presiding member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 13.11.

### **19.5 Representation on public bodies**

When the Council is required to appoint or nominate a Member/person to a public body, written notice of the vacancy or need for the appointment or nomination is to be given to all Members and the Council is by resolution to determine the appointment or nomination.

### **19.6 Improper use of information**

The improper use of information is dealt with in the Act.

## **Part 20 - Meetings of Electors**

### **20.1 Electors' general meetings**

Electors' general meetings are dealt with in the Act.

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

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

### **20.3 Electors' special meetings**

Electors' special meetings are dealt with in the Act.

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

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

### **20.5 Convening electors' meetings**

Convening electors' meetings is dealt with in the Act.

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

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

### **20.7 Procedure for electors' meetings**

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

### **20.8 Participation of non-electors**

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

*Note: A person who is not an elector of the local government cannot vote at an electors' meeting (see clause 20.9).*

### **20.9 Voting at electors' meetings**

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

### **20.10 Minutes of electors' meetings**

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

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

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

## **Part 21 - Enforcement**

### **21.1 Penalty for breach**

A person who breaches a provision of these Meeting Procedures commits an offence.

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

### **21.2 Who can prosecute**

Who can prosecute is dealt with in the Act.

## **Part 22 - Common Seal**

### **22.1 Local government common seal**

- (1) The CEO is to have charge of the common seal of the local government, and is responsible for its safe custody and proper use.
- (2) Each document to which the seal is affixed must be signed by the Mayor and either by the CEO or a senior employee authorised by the CEO.
- (3) The use of the Common Seal is dealt with in the Act.

This Meeting Procedures Local Law 2017 was adopted by resolution of the Council of the City of Melville at a meeting held on 18 April 2017.

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

\_\_\_\_\_  
Mr Russell Aubrey  
Mayor

\_\_\_\_\_  
Dr Shayne Silcox  
Chief Executive Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date