



STANDING ORDERS 2016

Adopted
10 September 2020
[as amended- 21/3/17; 1/12/17; 22/9/2020]

LOCAL GOVERNMENT ACT, 1995

CITY OF COCKBURN

STANDING ORDERS LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Cockburn resolved on 10 September 2020 to make the following local law.

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PART 1 - PRELIMINARY

1.1 Short Title

In the clauses to follow, The City of Cockburn Standing Orders local law 2016 is referred to as “this local law”.

1.2 Application

The proceedings and business of the Council must be conducted according to this local law.

1.3 Interpretation

In this local law, unless the context otherwise requires -

absolute majority 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 member of the Council;

Act – means the *Local Government Act, 1995*

agenda paper in relation to any proposed meeting means a paper setting out the terms of business to be transacted at the meeting and the order of that business;

business papers in relation to any proposed meeting means the agenda paper for that meeting and details relating to any other business for the proposed meeting;

CEO means the Chief Executive Officer of the City of Cockburn;

committee means any committee appointed in accordance with the provisions of Part 5 Division 2, subdivision 2 of the Act;

Council means the Council of the City of Cockburn;

councillor means a council member of the City of Cockburn excluding the Mayor;

local government means the City of Cockburn;

Mayor unless the context otherwise requires, means the Mayor elected by the electors of the district;

meeting includes any ordinary or special meeting of the Council or of a committee held pursuant to the Act;

member means the Mayor or any councillor;

minor amendment in relation to a motion to amend another motion ("the primary motion") shall be one which does not alter the primary or basic intent of the primary motion as determined by the person presiding at the meeting;

negatived motion means a motion which, having been voted upon, is declared as lost;

Officer means an officer of the local government;

ordinary meeting has the meaning given to that term in clause 2.2;

presiding member means the presiding member of a meeting or the deputy presiding member, or a member when performing a function of the presiding member in accordance with the Act;

procedural motion means a motion as described in clause 11.1;

recommendation refers to the recommended outcome on any item presented to a Council or committee meeting for consideration or a recommended outcome forwarded by a committee for Council consideration;

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

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

special majority means a majority comprising enough of the members for the time being of the council for their number to more than 75% of the number of offices (whether vacant or not) of member of the council;

special meeting has the meaning given to that term in clause 2.2;

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

urgent business means business dealt with in accordance with the provisions of clause 4.11.

1.4 Repeal

"The *City of Cockburn Standing Orders Local Law* as published in the Government Gazette on 10 August 1999 and as amended on 24 October 2000, 30 August 2002 and 18 November 2005 is repealed".

PART 2 - MEETINGS OF COUNCIL

2.1 Mayor to Preside

Subject to the Act the Mayor, or if the Mayor is not available or is unable or unwilling the Deputy Mayor, or if the Deputy Mayor is not available or is unable or unwilling a councillor chosen by the councillors present, shall preside at any meeting of the Council

2.2 Kind of Meeting and Calling of Meeting

- (1) Meetings of the Council shall be of 2 kinds, "ordinary" and "special".
 - (a) Ordinary meetings are those called under subclause 5.5(1) of the Act at such place and at such times as the Council, from time to time, appoints for the transaction of the ordinary business of the Council.
 - (b) Special meetings are those called under subclause 5.5(2) of the Act to consider Council business which is urgent, complex, for a particular purpose or confidential, the nature of which shall be specified in the notice convening the meeting. Subject to the provisions of the Act and this local law relating to the rescission or alteration of a resolution, no business shall be transacted at a special meeting other than that for which the special meeting has been called.

2.3 Calling Council Meetings

An ordinary or special meeting of council is to be held –

- (a) if called for by either;
 - (i) the mayor; or
 - (ii) at least $\frac{1}{3}$ 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.

2.4 Notice of Ordinary Meeting

- (1) Notice of an ordinary meeting of the Council shall be given to members by the CEO, and shall state the date, time, and place of holding the meeting. The notice shall be given to each of the members together with a copy of the Agenda and business papers at least 72 hours before the time of the commencement of the meeting.

- (2) The business papers for an ordinary meeting of the Council shall be made available for inspection by a ratepayer or elector of the local government during office hours at the office of the Local government from the time of service of the business papers on members.

2.5 Convening of Special Meeting

- (1) The CEO is to convene a special meeting by giving each member notice, before the meeting, of the date, time, place and purpose of the meeting.
- (2) Notice to convene a special meeting may be given at any time prior to the time of the meeting given in the notice.
- (3) Notice to convene a special meeting should be given in writing if the time available for giving notice and the circumstances permit.

2.6 Notice of Adjourned Meeting

When a meeting of the Council is adjourned by Council to a day and hour other than the next ordinary meeting of the Council, notice of the adjourned meeting shall, if time permits, made in line with the notice requirements of the Act for an ordinary meeting.

2.7 Notices

- (1) Where this local law provides for a notice or any other paper or thing to be given or delivered to or served upon a member, unless the context or the Act otherwise require, the notice, paper or thing may be:
 - (a) delivered to the member personally or to the member's ordinary residence or other designated place in Western Australia within the minimum time stipulated; or
 - (b) sent by means of electronic transmission as may be operable from time to time or posted to the ordinary residence or the usual place of business (if any) of the member.
- (2) Where the notice, paper or thing is sent:
 - (a) by delivery to the ordinary residence or other designated place or by electronic transmission, it shall be considered to have been given, delivered or served at the time of delivery or transmission; or
 - (b) by post, it shall be considered to have been given, delivered or served within the time stipulated if it is posted by prepaid post to the member's ordinary residence or other designated place in Western Australia not less than 5 Council working days before expiration of the minimum time stipulated.

PART 3 - QUORUM

3.1 Number Required For Quorum

- (1) The quorum for a meeting of a Council or committee is at least 50% of the number of offices (whether vacant or not) of member of the Council or a committee.
- (2) 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.
- (3) The Minister may reduce the number of offices of member required at a Council meeting to make a decision specified by the Minister if the decision is one which would otherwise be required to be made by an absolute majority and a sufficient number of members would not otherwise be present or able to vote at the meeting.

3.2 Quorum Must Be Present

- (1) The Council shall not transact business at a meeting unless a quorum is present.
- (2) Subject to the provisions of clause 3.2(3) every meeting shall proceed to business at the date and time appointed in the notice of meeting.
- (3) If at the expiration of half an hour from the time fixed for the commencement of a meeting of the Council a quorum is not present, the Mayor or in the Mayor's absence, the Deputy Mayor, or in the Deputy Mayor's absence, the majority of councillors present, or any councillor present alone, or in the absence of the Mayor and all the councillors, the CEO or a person authorised by the CEO, may adjourn the meeting to some future time or date. Business which could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting or at the next ordinary meeting if that occurs first. If the business is transacted at the next ordinary meeting the adjourned meeting shall lapse.

3.3 Loss of Quorum During Meeting

(1) Count Out

If at any time during a meeting of the Council a quorum is not present, the Mayor upon becoming aware of that fact shall thereupon suspend the proceedings of the meeting for a period of 10 minutes and if a quorum is not present at the expiration of that period, the meeting shall be deemed to have been counted out, and the Mayor shall adjourn it to some future time or date and time.

(2) Debate on Motion to be Resumed

Where the debate on any motion is interrupted by the Council being counted out, that debate shall be resumed at the next meeting at the point where it was so interrupted. Where the interruption occurs at an ordinary meeting the resumption shall be at the next ordinary meeting unless a special meeting is called earlier for the purpose. Where the interruption is at a special meeting, the resumption shall 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.

3.4 Names to Be Recorded

At any meeting at which there is not a quorum of members present, or at which the Council is counted out for want of a quorum, the names of the members then present shall be recorded in the Minute Book.

PART 4 - BUSINESS OF THE MEETING

4.1 Business at Ordinary Meeting

The order of business at an ordinary meeting of the Council shall, unless for the greater convenience of the Council, altered by resolution to that effect, be nearly as practicable to the order, as detailed in clause 4.2

4.2 Order Of Business

- (1) Declaration of Opening.
- (2) Appointment of presiding member (if required).
- (3) Disclaimer (to be read aloud by presiding member).
- (4) Acknowledgement of receipt of written declarations of financial interests and conflicts of interest (by presiding member).
- (5) Apologies and leave of absence.
- (6) Written requests for leave of absence
- (7) Response to previous public questions taken on notice.
- (8) Public question time.
- (9) Confirmation of minutes.
- (10) Deputations.
- (11) Business left over from previous meeting (if adjourned).
- (12) Declaration by members who have not given due consideration to matters contained in the business paper presented before the meeting.
- (13) Council matters.
- (14) Planning and Development Division issues.
- (15) Finance and Corporate Services Division issues.
- (16) Engineering and Works Division issues.
- (17) Community Services Division issues.
- (18) Executive Division issues.
- (19) Motions of which previous notice has been given.

- (20) Notices of motion given at the meeting for consideration at next meeting.
- (21) New business of an urgent nature introduced by Members or Officers.
- (22) Matters to be noted for investigation, without debate.
- (23) Confidential business.
- (24) Resolution of compliance
- (25) Closure of meeting.

4.3 Order of Business at Special Meeting

The order of business at any special meeting of the Council shall be the order in which that business stands in the notice of the meeting.

4.4 Public Question Time

(1) Public Question Time

1. Fifteen minutes shall be allocated for questions to be raised by members of the public and responded to at -
 - (a) every ordinary meeting of the Council;
 - (b) every special meeting of the Council as related to the purpose of the meeting;
 - (c) every meeting of a committee to which the Council has delegated a power or duty; and
 - (d) every other meeting prescribed for the purpose of clause 5.24(1) of the Act.
2. The Presiding Member may extend the time, subject to time constraints or limitations imposed by the presiding member.
3. Once all the questions raised by members of the public have been presented and responded to at a meeting, any unused portion of the time period may be used for other matters.
4. Each member of the public who wishes to raise a question or questions at a meeting referred to in clause (1) shall be given equal and fair opportunity to raise the question or questions and receive a response, subject to time constraints or limitations imposed by the presiding member or otherwise by resolution of the meeting.
5. In addition to raising a question or questions without notice at

meetings, a member of the public wishing to raise a question or questions may register that interest by notification in writing to the CEO in advance, setting out the text or substance of the question or questions. The order in which registrations of interest are received by the CEO shall determine the order of questions to be raised unless the presiding member determines otherwise. Persons submitting questions to be raised pursuant to this clause shall be invited by the presiding member to present their question or questions at the beginning of this session. If the person is not present at the time, the matter shall lapse and any response prepared forwarded to the person in writing

6. A member of the public having raised a question or questions shall return to a seat in the gallery unless otherwise directed by the presiding member at the meeting.
7. Subclause (4) only requires the Council or committee to answer a question that relates to a matter affecting the local government, with priority being given to items listed on the meeting agenda paper being considered.
8. Subject to the procedural matters previously set out in this subclause, the procedures for the raising of and responding to questions raised by members of the public at a meeting referred to in subclause (1) are to be determined -
 - (a) by the presiding member at the meeting; or
 - (b) in the case where the majority of members present at the meeting disagree with the presiding member, by the majority of these members.
9. Every reasonable effort should be made to provide a substantive response to a question or questions raised by a member of the public, but if the meeting is unable to provide an informative response to the whole of the issue, it may -
 - (a) respond to that part (if any) for which it has a substantive response; or
 - (b) respond otherwise that the response or part to which no substantive response has been supplied will be responded to substantively in a manner and at a time indicated.

(2) Questions and Answers to be Brief

All questions and answers shall be given as briefly and concisely as possible, and no discussion shall be allowed thereon. Questions

requiring a written response shall be taken on notice and responded to as soon as practicable thereafter. Action taken shall be noted on the order of business at the following ordinary meeting of the Council in relation to written responses taken on notice.

(3) Questions Not to Involve Bad Language or Adverse Reflection on Integrity of any Member or Employee

1. In submitting any questions, no bad language, shall be used or offered, nor any facts stated except so far as may be necessary to explain the issue. The presiding member may modify a question to make it comply with this subclause.
2. Questions shall not contain any statement reflecting adversely on the integrity of any member or employee.
3. If in the opinion of a member, false information or any adverse reflection is contained in any question or questions raised, then through the presiding member, the member may offer comment by way of correction.

(4) No Discussion on Questions

Subject to clause (3) of the preceding subclause, no discussion or further questions shall be allowed on any question or the response thereto.

4.5 Minutes

(1) Confirmation of Minutes

1. The minutes of a meeting of the Council, whether of an ordinary or a special meeting, shall be submitted to the next ordinary meeting of the Council for confirmation as a true and accurate record, subject to time constraints associated with preparation of the meeting agenda.
2. The minutes of a meeting of a committee shall be submitted to the next meeting of the committee for confirmation.
3. Discussion of any minutes other than discussion as to their accuracy as a record of proceedings shall not be permitted, and when confirmed the minutes shall thereupon be signed and certified by the Mayor in the case of Council minutes or by the presiding member in the case of a committee. In addition, that person shall initial each page of the minutes.

(2) Keeping of Minutes

1. Minutes may be pasted or otherwise permanently affixed to or as the leaves of a book which may be known as the "Minute Book".
2. Minutes may be otherwise kept in the records of the local government in a manner which ensures that they are permanently and securely recorded, and available for inspection, copying, and production in evidence in any court. Such record of the minutes may be referred to as "Minute Book", whether it is in book form or not.

(3) Content of Minutes

The content of minutes of a meeting of the Council or a committee is to include the matters contained in regulation 11 of the Regulations.

(4) 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 transferred to the Public Records Office, being a directorate of the Library and Information Service of Western Australia, in accordance with DA 2015-001 – General Disposal Authority for Local Government Records..

4.6 Deputations

- (1) Any person or persons wishing to be received as a deputation by Council shall, in the first instance, send to the CEO a written request, setting out the subject matter to be raised by the deputation in concise terms, but nevertheless in sufficient detail to enable the Council to have a general understanding of the purpose of the deputation.
- (2) Where the CEO receives a request in terms of the preceding subclause but not otherwise, the CEO shall
 - (a) refer it to the presiding member of the appropriate meeting,
 - (b) give a written precis of the request to the presiding member;
 - (c) recommend, with a written explanation, whether or not the deputation should be received; and
 - (d) request written advice from the presiding member within a stated time whether or not he or she considers the deputation should be received.

- (3) In the event that the presiding member indicates agreement, the person or persons wishing to be received as a deputation shall be invited to meet the Council at its next meeting or another meeting at which the subject matter is to be considered.
- (4) A deputation shall not exceed 10 minutes in length and will consist of no more than 5 in number and only 2 thereof shall be at liberty to address the Council except in reply to questions from members to be raised through the presiding member.
- (5) A Council shall not make a resolution arising from the subject of a deputation at the meeting at which the deputation is received unless the matter is the subject of an officer report contained in the business papers of the meeting.

4.7 Business at Adjourned Meeting

At an adjourned meeting of the Council no business shall be transacted other than that specified in the notice of the meeting of which it is an adjournment, and which remains indisposed of, save and except in the case of an adjournment to the next ordinary meeting of the Council, when the business undisposed of at the adjourned meeting shall have the precedence at such ordinary meeting.

4.8 Declaration of Due Consideration

Any member who is not familiar with the substance of any report, minutes or other information provided for consideration at a meeting shall declare that fact at the time declarations of due consideration are called for in the order of business of the meeting.

4.9 Notices of Motion

(1) Giving Notice of Motion

- (a) A member may have business included in the agenda of a meeting by forwarding a notice of motion in writing to the CEO.
- (b) The notice of motion must include a draft version of the motion proposed to be moved by the member.
- (c) The notice of motion must be accompanied by sufficient information to enable an officer's report to be prepared and included in the agenda of the meeting at which Council will consider the motion.
- (d) Except in the case of a special meeting of the Council, the notice of motion must be given –

- (1) at least 14 clear days before the meeting at which it is considered; or
- (2) at the previous Council meeting, and is to be read at Agenda Item 21 of the order of business.

(2) Amendment of Notices

The CEO may on his or her own initiative make such amendments to the form of the motion, but not its substance, so as, to bring the motion into proper form.

(3) Motion to Lapse

Subject to the provisions of clause 16.12, any motion of which notice has been given pursuant to clause 4.9 lapses unless –

- (a) the member who provided the notice, or some other member authorised by the member in writing, is present to move the motion when called on; or
- (b) the Council on a motion agrees to defer consideration of the motion to a later stage of the meeting or date.

(4) Dealing with Lapsed Motion

- (a) If a notice of motion is given and lapses in the circumstances referred to in the preceding subclause, notice of motion in the same terms or to the same effect may be given for consideration at a subsequent meeting of the Council.
- (b) If a motion lapses and is in the same terms or to the same effect as a motion which lapsed at a previous meeting of the Council, the Council shall not entertain a motion in the same terms or to the same effect at a subsequent meeting until at least 3 months have elapsed from the date of the meeting at which the motion last lapsed. This provision shall not apply to motions to rescind or alter a resolution and to which clause 22.3 applies.

(5) Amendments to Notice of Motion

- (a) An amendment to a motion of which notice has been given pursuant to clause 4.9(1), other than a minor amendment, must not be considered at a meeting unless notice in writing of the amendment is received by the CEO no later than 10am on the day of the meeting at which the motion is to be considered.
- (b) In accordance with the procedures for debate of motions under Part 10 of this local law, a motion of which notice has been given pursuant to clause 4.9(1) is not considered to have been

moved until a member has stated the motion at the relevant Council meeting.

- (c) The Mayor shall decide whether any amendment moved without notice given in accordance with the preceding clauses of this subclause is a minor amendment, but the Council may dissent from the Mayor's ruling in accordance with the provisions of clause 10.15(3).
- (d) No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

4.10 Urgent Business

(1) When Introduced

A member may move a motion involving urgent business that is not included in the agenda paper for that meeting provided that:

- (a) the presiding member at the meeting has requested the member to move the motion or has first consented to the business being raised having taken due regard to;
 - (i) the urgency of the business is such that the business cannot await inclusion in the agenda paper for the next meeting of the Council; or
 - (ii) if the business was to be deferred to the next meeting, such delay could result in legal or financial implications to the local government; or
- (b) the business could not normally be dealt with by an officer of Council during Council office hours.

(2) When Absolute Majority Required

If at an ordinary meeting a member objects that a motion introduced as urgent business and moved without notice does not deal with urgent ordinary business within the meaning of that term in clause 4.11(a)(i) or (ii) of this local law, the motion shall be of no effect unless it is agreed to at the meeting by an absolute majority of the Council.

(3) Items Decided Under Delegated Authority

Items dealt with by officers under the delegated authority of Council, will only be permitted for addition to an agenda of Council, following the matter being discussed by a member at the request of a third party, with the appropriate staff member responsible for the delegation and no agreeable resolution being forthcoming from those discussions.

4.11 Matters Received in Writing to be Noted for Investigation, Without Debate

(1) When Introduced

A member seeking to have a matter related to the functions of the local government investigated may do so in the following manner:

1. Forward a written request clearly domiciled “Matter for Investigation Without Debate” to the CEO, by no later than 10.00am on the day of the Ordinary Council Meeting.
2. The request is to contain sufficient details of the matter to enable a clear understanding of the topic and any outcomes expected.
3. Subject to the request complying with the requirements of sub-clauses 1 and 2 above, the CEO shall ensure a listing of requests received pursuant to these provisions is reported to members as part of the next scheduled ordinary Council meeting process.
4. Matters for Investigation Without Debate received in accordance with these requirements are to be listed in the Minutes of the Council Meeting under this heading and upon being listed, shall be referred to an appropriate staff member for research and a subsequent response to be prepared for consideration by Council.
5. Officer Reports prepared in response to Matters for Investigation Without Debate will subsequently appear on the Council Agenda under this heading and all outstanding Matters for Investigation Without Debate will remain on the record of Agendas and Minutes under this heading until addressed in an Officer Report and formally considered at a Council Meeting, after which time they will be removed.

4.12 Confidential Business

(1) Obligation of Confidentiality

Every matter dealt with by, or brought before the Council sitting otherwise than with open doors, shall be treated as strictly confidential by members and officers.

(2) **CEO Restricting Documents**

Any report, correspondence or other document which is to be placed before the Council and which in the opinion of the CEO is of a confidential nature may at the CEO's discretion be marked as such and shall then be treated as strictly confidential by members and officers.

(3) **Non-disclosure of Matters or Documents which are Strictly Confidential**

No person, without the authority of the Council, is to disclose any matter or any report, correspondence or other document, which is treated as strictly confidential under the terms of subclause (1) or subclause (2), to any person other than the Mayor, any Councillor or any employee of the local government (and in the case of employees, only so far as may be necessary for the performance of their duties). The confidentiality of any matter under the provisions of subclause (1) ceases upon that matter being discussed at a meeting of the Council held with open doors.

(4) **Freedom of Information Act 1992 and Discovery**

The provisions of this clause 4.13 do not apply to restrict access to documents the local government might otherwise be required to give under the *Freedom of Information Act 1992*, or under the discovery processes of any Court, Tribunal or Commission, or under a subpoena *duces tecum*, or pursuant to a lawful direction, order or request of an Inquiry under Part 8 of the Act.

(5) **Committees**

Notwithstanding clause 17.1, this clause 4.13 does not operate to authorise the disclosure of confidential information or documents to a committee member other than the Mayor, or Councillor or any employee of the local government.

4.13 Closure of Meeting

Should a meeting of Council still be in progress 2 hours after the opening of the meeting, the presiding member shall request the meeting for an extension of time to enable the business of the meeting which remains unresolved to be considered. A motion must be carried to this effect and stipulate a time up to a maximum extension of 1 further hour until which business of the meeting may be considered, at which time the presiding member shall close the meeting, if still in progress, and any business remaining unresolved shall be adjourned and reconsidered to a day and time as determined by Council or at the next ordinary meeting of the Council.

PART 5 - PUBLIC ACCESS TO AGENDA MATERIAL

5.1 Inspection Entitlement

In addition to information posted on the City of Cockburn website, members of the public have access to agenda material in the terms set out in regulation 14 of the Regulations and may inspect the material at the City of Cockburn Administration Building or the Coolbellup, Spearwood and Success Public Libraries on the Friday prior to each Ordinary Council Meeting.

5.2 Confidentiality of Information Withheld

A member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

Penalty \$5,000

PART 6 - PRODUCTION OF DOCUMENTS

6.1 Interpretations

In this clause:

- (a) the term **document** means a deed, book, report, paper or any other written material whatsoever or any other recorded or stored information;
- (b) the term **other thing** means anything whatsoever other than a document as hereinbefore defined, which relates to a matter or question under consideration or discussion by the Council or, by virtue of a notice of meeting given, to be considered or discussed by the Council; and
- (c) the term **laid on the table** means laid or deposited at a place within the local government's administrative building designated from time to time for that purpose by the CEO and at which place a tabled document or other thing may be perused or inspected by a member during Council office hours or at other times on application to the CEO and inflections of that term shall have a like meaning.

6.2 Member May Require Production

On giving to the CEO not less than 4 hours' notice, a member is entitled to have laid on the table a document or other thing which is under consideration by Council and the CEO on receiving that notice shall lay the document on the table for a period of 24 hours, or as otherwise agreed, commencing as soon as practicable after the receipt by the CEO of the notice.

6.3 Circumstances in Which CEO to Comply

The CEO shall comply with a request made pursuant to clause 6.2 unless the CEO is of the opinion that it would not be in order to do so in which case the CEO shall refer the request to the Mayor for determination, except in the case where the Mayor has made the request, in which circumstances the CEO shall refer the request to Council for determination.

6.4 Mayor's Ruling

On the reference to the Mayor of a request made by a councillor pursuant to clause 6.2 or 6.3 the Mayor shall rule whether it is in order and accordingly whether it should be granted or refused and the ruling is final but where the request is refused the CEO shall report the fact to the next meeting of Council.

6.5 Access by Member to Tabled Documents

When a document or other thing is laid on the table in accordance with this Part then that document or other thing may be perused or inspected by a member in the place designated at any time during Council's office hours or at any other reasonable time on application to the CEO but the document or other thing shall not be copied or removed.

PART 7 - OPEN DOORS - EXCEPT AS PROVIDED

7.1 General Obligation

Subject to the provisions of clause 7.2 the business of the Council shall be conducted with open doors.

7.2 Resolution To Close Doors

The Council may by resolution decide to conduct behind closed doors any business of a meeting dealing with any of the matters referred to in clause 5.23(2) of the Act.

7.3 Persons to Leave Chamber

Upon the carrying of a resolution referred to in clause 7.2 the Mayor shall direct all persons other than councillors, the CEO and any other person nominated in the resolution to leave the Council chamber and every such person shall forthwith comply with the direction.

7.4 Removal of Person by Order

Any person who fails to comply with the direction made pursuant to clause 7.3 may, by order of the Mayor, be removed from the Council chamber.

7.5 Duration of Closure

- (1) After the carrying of a resolution referred to in clause 7.2 at a meeting, the business of that meeting of the Council shall proceed behind closed doors, until the Council, by resolution, decides to proceed with open doors.
- (2) If the resolution was to conduct specified business behind closed doors the meeting shall revert to open doors upon the completion of the specified business unless the Council resolves to do so earlier.

7.6 Notice of Motion Not Required

Any resolution mentioned in this clause may be moved without notice.

7.7 Conduct of Business Behind Closed Doors

- (1) The following business may be conducted behind closed doors:
 - (a) matters of a personal nature regarding the conduct in employment of an employee of the Council or the relationship or contract with the Council of an employee;
 - (b) consideration of legal advice;

- (c) any matter which in the opinion of the person presiding at the meeting requires consideration of the personal private affairs of a person in circumstances likely to cause unreasonable embarrassment to that person if the consideration did not occur behind closed doors; and
 - (d) 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;
 - (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.
- (2) The Council may in any case resolve to conduct behind closed doors any other matter referred to in clause S5.23(2) of the Act.

7.8 Recording Decision in Minutes

A decision to close a meeting or part of a meeting and the reason for the decision shall be recorded in the minutes of the meeting.

PART 8 - CONDUCT OF PERSONS AT COUNCIL & COMMITTEE MEETINGS

8.1 Official Titles to be Used

Members and employees of the Council are to speak of each other at Council meetings by their respective titles.

8.2 Leaving Meetings

During the course of a meeting of the Council or a committee no member is 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 their entry or departure.

8.3 Adverse Reflection

- (1) No member of the Council is to reflect adversely during the meeting upon a decision of the Council, except on a motion that the decision be revoked or changed, unless the meeting resolves, without debate, that the matter before the meeting cannot otherwise be adequately considered.”
- (2) No member of the Council is to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.
- (3) If a member of the Council specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the presiding member is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.

8.4 Recording of Proceedings

- (1) No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the presiding member, or in the case where the majority of members then present at the meeting disagree, by the majority of those members.

8.5 Prevention of Disturbance

- (1) Any member of the public addressing the Council is to extend due courtesy and respect to the Council and the processes under which they operate and must take direction from the presiding member whenever called upon to do so.

Penalty \$1,000

- (2) No person observing a meeting, is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

Penalty \$1,000

8.6 Distinguished Visitors

If a distinguished visitor is present at a meeting of the Council, the presiding member may invite such person to sit at the Council table.

8.7 Objectionable Business

If the Mayor at any meeting of the Council is of the opinion, or a councillor draws to the Mayor's attention, that any motion or business proposed to be made or transacted thereat is of an objectionable nature, the Mayor either before or after the same is brought forward may declare that the same shall not be entertained provided always that any member of the Council may move dissent from the declaration made from the Mayor, whereupon the motion to dissent shall forthwith be put without debate, and in the event of the same being carried by a majority of the members present the business referred to shall thereupon be entertained but not otherwise.

8.8 Use of Electronic Equipment in Meetings

Electronic equipment provided for the use of elected members and officers in attendance at meetings is to be used only for the purposes associated with the business of the meeting. Mobile phones are to be switched off or to silent mode for the duration of the meeting and are not to be used during the meeting to distract attention away from the meeting. Should the presiding member become aware of any deviation from these requirements by members or officers in attendance, the presiding member may direct the person or persons responsible to immediately discontinue any non-compliant activity and immediately resume attention to the meeting proceedings.

PART 9 - CONDUCT OF MEMBERS DURING DEBATE

9.1 Members to Indicate

Every member of the Council wishing to speak is to indicate by show of hands or other method agreed upon by the Council. When invited by the presiding member to speak, members are to address the Council through the presiding member.

9.2 Priority

In the event of 2 or more members of the Council wishing to speak at the same time, the presiding member is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

9.3 The Presiding Member to Take Part In Debates

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

9.4 Relevance

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

9.5 Limitation of Number of Speeches

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

9.6 Limitation of Duration of Speeches

All addresses are to be limited to a maximum of 5 minutes. Extension of time is permissible only with the agreement, by motion, of a simple majority of members present.

9.7 Members Not to Speak After Conclusion of Debate

No member of the Council is to speak to any question after it has been put by the presiding member.

9.8 Members Not to Interrupt

No member of the Council is to interrupt another member of the Council whilst speaking unless:

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 10.15; or
- (d) to move a motion under clause 11(1).

9.9 Re-Opening of Discussion on Decisions

No member of the Council is to re-open discussion on any decision of the Council taken at the same meeting, except for the purpose of moving that the decision be revoked or changed.

PART 10 - PROCEDURES FOR DEBATE OF MOTIONS

10.1 Motions to be Stated

Any member of the Council who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it. Where in the opinion of the presiding member, an amendment or modification of a recommendation alters the substance or effect of the recommendation, the presiding member shall, where practicable, require the proposed motion to be in writing and ready to be handed to the CEO, for recording in the minutes of the meeting. Such written notice shall also contain the reason for the proposed amendment, as required by clause 11(da) of the Regulations.

10.2 Motions to be Supported

No motion or amendment to a substantive motion is open to debate until it has been seconded, or, in the case of a motion to revoke or change the decision made at a Council meeting, unless the motion has the support required under regulation 10 of the Regulations.

10.3 Unopposed Business

- (1) Upon a motion being moved and seconded, the presiding member is to ask the meeting if any member wishes to speak against it.
- (2) If no member signifies opposition to the motion the presiding member may declare the motion in subclause (1) carried without debate and without taking a vote on it.
- (3) If a member signifies opposition to a motion the motion is to be dealt with according to this Part (clause 10.6).
- (4) This clause does not apply to any motion to revoke or change a decision which has been made at a Council meeting.

10.4 Only 1 Substantive Motion Considered

When a substantive motion is under debate at any meeting of the Council or a committee, no further substantive motion is to be accepted.

10.5 Breaking Down of Complex Motions

The presiding member may order a complex motion to be broken down and put in the form of several motions, which are to be put in sequence.

10.6 Order of Call in Debate

- (1) The presiding member is to call speakers to a substantive motion in the following order:
 - (a) The mover to state the motion;
 - (b) A seconder to the motion;
 - (c) The mover to speak to the motion;
 - (d) A speaker against the motion;
 - (e) A speaker for the motion;
 - (f) Other speakers against and for the motion in alternating order until there is no member (excluding the mover) wishing to speak who is of the opposite view than the last preceding speaker;
 - (g) Mover takes right of reply which closes the debate; and
 - (h) No member (other than the mover who may elect to open debate and speak in reply) may speak twice.

- (2) The presiding member may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place even though all members may not have spoken.

10.7 Members May Require Motions to be Read

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

10.8 Consent of Secunder Required to Accept Alteration of Wording

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

10.9 Order of Amendments

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

10.10 Amendments Must Not Negate Original Motion

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

10.11 Mover of a Motion Not to Speak On Amendment

On an amendment being moved, any member may speak to the amendment, provided that if the person who moved the substantive motion does choose to speak to the amendment, the right of reply is forfeited by that person.

10.12 Substantive Motion

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

10.13 Withdrawal of Motion and Amendments

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

10.14 Limitation of Withdrawal

Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, until the amendment proposed has been withdrawn or lost.

10.15 Personal Explanations and Questions

- (1) No member or employee is to speak at any meeting of the Council, except upon the matter before the council, unless it is to make a personal explanation or ask a question related to the matter under direct consideration. Any member or employee of the Council who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood or to seek clarification on the matter under direct consideration. When a member or employee of the Council is invited to speak, no reference is to be made to matters unnecessary for that purpose.
- (2) A member or employee of the Council wishing to make a personal explanation of matters referred to by any member of the Council then speaking, is entitled to be heard immediately, if the member of the Council then speaking consents at the time, but if the member of the Council who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech. Questions may only be introduced at the conclusion of any speech currently being heard.
- (3) The ruling of the presiding member on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is carried before any other business proceeds.

10.16 Right of Reply

- (1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the question.

- (2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

10.17 Right of Reply Provisions

The right of reply is governed by the following provisions-

- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) subject to clause 10.11 if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments carried;
- (c) the mover of any amendment does not have a right of reply;and
- (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

PART 11 - PROCEDURAL MOTIONS

11.1 Permissible Procedural Motions

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

- (a) that the Meeting now adjourn;
- (b) that the question now be put;
- (c) that the Council meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under clause 5.23 of the Act:

except if the motion is in conflict with clause 11.3

11.2 No Debate on Procedural Motions

- (1) The mover of a motion stated in each of subclauses (a) and (c) of clause 11.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion stated in clause (b) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion and there is to be no debate on the motion.

11.3 Procedural Motions - Closing Debate - Who May Move

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

11.4 Procedural Motions - Right of Reply on Substantive Motion

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

PART 12 - EFFECT OF PROCEDURAL MOTIONS

12.1 Meeting to Now Adjourn - Effect of Motion

- (1) The motion "that the meeting now adjourn", if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the presiding member or a majority of members then present at the meeting, upon vote, determine otherwise.
- (2) Where debate is to be resumed at the next meeting at the point where it was so interrupted:
 - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 9.5 to apply when the debate is resumed.

12.2 Question to be Put - Effect of Motion

- (1) The motion "that the question be now put", if carried during discussion of a substantive motion without amendment, causes the presiding member to offer the right of reply and then immediately put the matter under consideration without further debate.
- (2) This motion, if carried during discussion of an amendment, causes the presiding member to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

12.3 Council to Meet Behind Closed Doors - Effect of Motion

- (1) Subject to any decision under clause 7.7 or other decision of the Council, this motion, if carried, causes persons to leave the room pursuant to clause 7.3.
- (2) While a decision made under this clause is in force the operation of clause 9.5 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.
- (3) Upon the public again being admitted to the meeting the person presiding, unless the Council decides otherwise, is to cause the motions passed by the Council whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under clause 5.21 of the Act.
- (4) A person who is a Council member, or an employee is not to publish, or make public, any of the discussion taking place on a matter

discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

Penalty \$5,000.

PART 13 - MAKING DECISIONS

13.1 Question - When Put

When the debate upon any question is concluded and the right of reply has been exercised the presiding member shall immediately put the question to the Council, and, if so desired by any member of the Council, shall again state it.

13.2 Question - Method of Putting

If a decision of the Council is unclear or in doubt, the presiding member shall put the motion or amendment as often as necessary to determine the decision from a show of hands before declaring the decision.

PART 14 - VOTING

14.1 Procedure

- (1) The Mayor shall cast a deliberative vote on any question in respect of which the Mayor is not precluded by the Act.
- (2) If the votes of members present at a Council or committee meeting are equally divided, the presiding member is to cast a second vote.
- (3) Subject to Part 19, each 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.
- (4) Voting at a Council or committee meeting is to be conducted so that no voter's vote is secret.

14.2 Method of Taking Vote

- (1) The Mayor shall, in taking the vote on any motion or amendment, put the question, first in the affirmative, and then in the negative, and the Mayor may do so as often as is necessary to enable the Mayor to form and declare his or her opinion as to whether the affirmative or the negative has the majority by a show of hands or by any electronic system installed for this purpose.
- (2) The result of voting openly is determined on the count of raised hands or any electronic system installed for this purpose.

PART 15 - PRESERVING ORDER

15.1 The Presiding Member to Preserve Order

The presiding member is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

15.2 Demand for Withdrawal

A member at a meeting of the Council may be required by the presiding member, or by a decision of the Council, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an employee, and if the member declines or neglects to do so, the presiding member may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

15.3 Points of Order - When to Raise - Procedure

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised, is to immediately stop speaking and be silent while the presiding member listens to the point of order.

15.4 Points of Order - When Valid

The following are to be recognised as valid points of order -

- (a) that the discussion is of a matter not before the Council;
- (b) that the discussion refers to information that can be demonstrated to be factually incorrect;
- (c) that offensive or insulting language is being used; and
- (d) drawing attention to the violation of any written law, or policy of the local government, provided that the member making the point of order states the written law or policy believed to be breached.

15.5 Points of Order - Ruling

The presiding member is to give a decision on any point of order which is raised by either upholding or rejecting the point of order.

15.6 Points of Order - Ruling Conclusive, Unless Dissent Motion Is Moved

The ruling of the presiding member upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

15.7 Points of Order Take Precedence

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

15.8 Precedence of Presiding Member

- (1) When the presiding member speaks during the progress of a debate, any member of the Council then speaking, or offering to speak, is to immediately be silent and every member of the Council present shall preserve strict silence so that the presiding member may be heard without interruption.

Penalty \$500

- (2) Subclause (1) is not to be used by the presiding member to exercise the right provided in clause 9.3, but to preserve order.

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

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

PART 16 - MOTION FOR REVOCATION

16.1 "Substantive Resolution" Defined

In this clause the term **substantive resolution** refers to a resolution which is the subject of a motion for revocation or change.

16.2 Revocation or Change

The Council may, at the same meeting at which it is passed, revoke or change a resolution if all members of the Council who were present in the Council chamber at the time the resolution was passed are also present in the Council chamber at the time the revocation or change is proposed and that number of persons who are, in accordance with clause 16.4 required to support the motion, indicate their support by a show of hands.

16.3 Revocation or Change - Notice

- (1) If a revocation or change is to be moved at a subsequent meeting, notice of the motion to revoke or change must be given to the CEO at least 14 days before the meeting, and must be signed by the number of persons who are by the next succeeding subclause required to support the motion.
- (2) This subclause does not apply to the change of a substantive resolution unless the effect of the change would be that the substantive resolution would be revoked or would become substantially different.

16.4 Support For Revocation or Change

- (1) If a substantive resolution has been passed at a meeting then any motion to revoke or change the substantive resolution must be supported -
 - (a) in the case where an attempt to revoke or change the substantive resolution has been made within the previous 3 months but has failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the Council,

inclusive of the mover. Otherwise the motion shall not be entertained.
- (2) If a substantive resolution has been passed at a meeting then any resolution to revoke or change the substantive resolution must be passed -
 - (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 (75%) majority, by that majority; or

- (b) in any other case, by an absolute majority.
- (3) This subclause does not apply to the change of a substantive resolution unless the effect of the change would be that the substantive resolution would be revoked or would become substantially different.

16.5 Terms of and Reasons for Revocation or Change at the Same Meeting to be Stated

When moving a motion of revocation or change at the same meeting at which the substantive resolution was passed, the member moving the revocation or change shall state in clear terms:

- (a) the terms of the motion of revocation or change identifying the substantive resolution proposed to be revoked or changed; and
- (b) the reason or reasons for seeking revocation or change,

and the Mayor shall not accept a motion for revocation or change which does not comply with those requirements.

16.6 Terms and Reasons for Revocation at Subsequent Meeting to be Stated in Notice

When giving notice of motion of revocation or change the member giving notice shall record in writing in clear terms:

- (a) the terms of the motion of revocation or change identifying the substantive resolution proposed to be revoked or changed; and
- (b) the reason or reasons for seeking the revocation or change.

The CEO shall not accept a notice of motion of revocation or change which does not comply with the above mentioned requirements and is not supported in accordance with clause 16.4(1).

16.7 Written Notices Received During Same Meeting

- (1) If the CEO receives a written notice of motion to revoke or change a substantive resolution before the close of the meeting at which the substantive resolution was passed, then provided the notice complies with the preceding subclauses, the CEO shall forthwith deliver the notice to the Mayor who shall at the earliest opportunity notify the meeting of the notice, and thereafter at the first available opportunity the Mayor shall bring on the motion before the close of the meeting.
- (2) If the CEO receives a written notice of motion to revoke or change a substantive resolution after the closure of the meeting at which the substantive resolution was passed, then provided the notice complies

with the preceding subclauses the CEO shall ensure that the motion is considered at a special or ordinary meeting of the Council held at the earliest opportunity after the meeting at which the substantive resolution was passed.

16.8 Delay in Implementing Substantive Resolution

If a notice of motion to revoke or change a substantive resolution is received by the CEO before any step has been taken thereafter to implement the substantive resolution, then no step shall be taken to implement or give effect to the substantive resolution until the motion to revoke or change has been dealt with.

16.9 Restraints on Notices of Revocation or Change

The CEO shall not receive a notice of motion to revoke or change a substantive resolution if any step has been taken in accordance with these Local Laws to implement or give effect to the substantive resolution.

16.10 Restraints on Motions for Revocation or Change

Without affecting the generality of the preceding subclause, the Council shall not entertain a motion for revocation or change of a substantive resolution if:

- (a) at the time the motion is moved any step has been taken in accordance with this local law by the CEO or any other officer of the Council to implement the substantive resolution; or
- (b) the substantive resolution concerns an application for planning consent, or a building licence or for any consent approval or licence of a similar nature, where notification of the resolution to grant the consent, approval or licence has been sent to the applicant by the Council in writing.

16.11 Multiple Notices to Revoke or Change

The CEO may receive more than 1 notice of motion to revoke or change the same substantive resolution.

16.12 Absence of Mover or Seconder

If a motion to revoke or change a substantive resolution fails to be considered by the Council by reason that at the time the motion is called on:

- (a) the member who gave notice of the motion is not present or is not willing to move the motion; and
- (b) there is no other member present willing to move the motion; or

- (c) if the motion is not supported by the number of members required by the preceding provisions of this clause,

then the motion shall lapse.

16.13 No Rescission of Procedural Resolution or a Resolution to Revoke

The Council shall not entertain a motion to revoke a substantive resolution which is merely procedural in its form and effect, or a resolution to revoke another resolution.

16.14 Motion to Change Having Effect of Revocation

If a motion to change a substantive resolution in its form or effect would amount to a motion to revoke the substantive resolution then it shall be treated as if it was a motion to revoke the substantive resolution.

PART 17 - COMMITTEES

17.1 Standing Orders Apply to Committees

Except in so far as they limit the number of times a member may speak, this local law applying to the Council shall apply to committees.

17.2 Committees

- (1)
 1. The Council may establish committees of 3 or more persons to assist the Council and to exercise the powers and discharge the duties of the Council that can be delegated to committees.
 2. Any resolution to establish a committee or to appoint members requires an absolute majority of the Council.
- (2) A person appointed member as an ordinary member shall hereafter in this clause be referred to as "member" or an ordinary member, and a person appointed member as a deputy member shall hereinafter be referred to as "deputy" or "deputy member" unless the deputy is acting in place of an ordinary member.
- (3)
 1. In this subclause "other person" means a person who is not a member or an employee of the Council.
 2. A committee is to comprise of -
 - (a) Council members only;
 - (b) Council members and employees;
 - (c) Council members, employees and other persons;
 - (d) Council members and other persons;
 - (e) employees and other persons; or
 - (f) other persons only.
- (4) At any given time each member is entitled to be an ordinary member of at least 1 committee referred to in item (a) of the preceding subclause, and if a member nominates himself or herself to be a member of 1 or more of such committees, the Council shall include that member to at least 1 of those committees as the Council determines.
- (5) If at a meeting of the Council appointments are to be made to a committee that has or could have an elected member as a member and the Mayor informs the Council of his or her wish to be a member of the committee, the Council shall appoint the Mayor to be a member of the committee.

- (6) If at a meeting of the Council an appointment is to be made to a committee that has or will have an employee as a member and the CEO informs the Council of his or her wish -
- (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,
- the Council shall appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.
- (7) The Council may appoint a deputy as referred to in clause 17.2(2):
- (a) as a deputy having office for the same period as a relevant ordinary member to act in place of the relevant ordinary member whenever the relevant ordinary member is unable to be present at a meeting of the committee; or
 - (b) as a deputy to a member who is presently unable or expected to become unable for any cause to perform the functions of a member and such a deputy shall have office during the period that the ordinary member is unable to perform the functions of a member, unless a shorter term is stipulated by the Council.
- (8) The Council may only appoint a person to be a member of a committee as deputy who would be qualified to be appointed as an ordinary member.
- (9) In the event that the Council appoints 2 or more deputies to any member of a committee, they shall have seniority in the order determined by the Council.
- (10) If a member of a committee does not attend a meeting, during the member's absence any deputy of that member is entitled to attend the meeting in place of the member and act for the member at the meeting, and while so acting has all the powers of that member. For all purposes under this local law a deputy acting for a member shall be treated as and included in any reference to the members or a member of the committee as if the deputy was the ordinary member, and the deputy member's vote shall have effect accordingly.
- (11) If a deputy has commenced to act in place of a member at a committee meeting and the member attends the meeting, the member takes precedence and assumes the seat and the deputy shall thereupon cease to act as a member at that meeting.
- (12) A deputy who is 1 of 2 or more deputies of a member of a committee is not entitled to attend a meeting of the committee in place of that member if the meeting is attended by another deputy of that member who has precedence over that deputy in the order of seniority

determined under clause 17.2 (9).

- (13) A person who is a member of a committee is not eligible to be appointed a deputy for another member of that committee.
- (14) An absolute majority of the Council is required for the appointment of any member to a committee including a deputy member, with the exception of members appointed pursuant to clauses 17.2(5) and 17.2(6).

17.3 Member Attending Committee as Observer

- (1) A member may attend as an observer at meetings of a committee notwithstanding that the member is not a member of that committee. A member attending a committee meeting as an observer may speak on nominated issues by resolution of the committee, but shall not vote on any question before the committee unless the member is a deputy of a member excluded from a meeting pursuant to clause 19 and he or she is then entitled to participate pursuant to clause 17.4.(4).
- (2) Subject to the preceding subclause a member attending a committee as an observer shall sit in an area set aside by the presiding member for observers.

17.4 Term of Appointment

- (1) Whenever possible committees should be established at the first meeting of the Council held after the ordinary election day.
- (2) Where a person is appointed as a member of a committee under clauses 17.2(5) or 17.2(6), the person's membership of the committee continues until -
 - (a) in the case of the Mayor, the person no longer holds that office;
 - (b) in the case of the CEO or the CEO's representative, the person no longer holds that position;
 - (c) the person resigns from membership of the committee;
 - (d) the committee is disbanded; or
 - (e) the next ordinary election day,whichever happens first.
- (3) Where a person is appointed as a member of a committee as ordinary member or deputy member other than under clauses 17.2(5), 17.2(6), or 17.2(7) (b) the person's membership of the committee continues until -

- (a) the term of the person's appointment as a committee member expires;
 - (b) the Council removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
 - (c) the committee is disbanded; or
 - (d) the next ordinary election day,
- whichever happens first.

17.5 Resignation of Committee Member

- (1) 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) A resignation takes effect upon the delivery of the notice to the CEO or the presiding member, or on a later date if specified in the notice.
- (3) If received by the presiding member, any letter of resignation is to be passed to the CEO for record keeping purposes.

17.6 Committee Membership May Be Changed

The Council may by an absolute majority, change the membership of any committee provided that the Council may not remove as members persons appointed pursuant to clauses 17.2(5) or 17.2(6).

17.7 Constitution of Committee

A Council resolution to establish a committee shall include details of its constitution including:

- (a) the number of members;
- (b) qualifications for membership; and
- (c) terms of reference specifying duties, powers and reporting requirements.

17.8 Delegation of Powers and Duties

- (1) Subject to the next following subclause the Council by absolute majority may delegate to a committee powers and duties other than this power of delegation.

- (2) The procedure associated with the making of the delegation, its duration and revocation by the Council shall be as provided in s.5.16 of the Act.
- (3) The Council may delegate -
 - (a) to a committee comprising Council members only, any of the Council's powers or duties under the Act except -
 - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the Council; and
 - (ii) any other power or duty that is prescribed under the Act;
 - (b) to a committee comprising Council members and employees, any of the Council's powers or duties that can be delegated to the CEO under Division 4 of the Act; and
 - (c) to a committee which includes any Council member or employee, any of the Council'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 or the Council is involved.
- (4) The Council cannot delegate any of its powers or duties to a committee which does not include a member or employee in its membership.
- (5) The Council shall keep a register of the delegations made under the preceding subclause and shall review the delegations at least once every financial year.

17.9 Meetings of Committees

(1) Quorum

The quorum for meetings of committees shall be as provided in clause 3.1(1) and 3.1(4).

(2) Meetings

A meeting of a committee shall be held in accordance with clause 17.10 when called by the CEO (for the inaugural meeting), presiding member or as determined by the committee or Council.

- (3) Meetings of a committee to which a power or duty of the Council has been delegated, shall be open to the public except where that committee decides by resolution to conduct its business or any specified part thereof behind closed doors in which case the provisions of clauses 7.2 to 7.8 inclusive apply.

17.10 Notice of Committee Meeting

(1) **CEO to Give Notice of Meeting**

The CEO shall give notice of the meeting to every member of the committee and to any elected member who is a deputy member.

(2) **Papers for Committee Meeting to be put to Members**

When a meeting of any committee is called the business paper for the meeting together with copies of all officers' reports relating to matters on the agenda for that meeting shall be forwarded to all members of the committee, including deputy members.

17.11 Quorum of Committees

(1) **Quorum Required**

No meeting of a committee may proceed to business unless sufficient members are present to establish a quorum pursuant to the provisions of clause 17.9(1).

(2) **Failure of Quorum**

Every meeting shall proceed to business as soon after the time stated in the summons as a quorum is constituted; but if a quorum is lacking 30 minutes after the hour at which a meeting of any committee is appointed to be held, no meeting shall take place, and the meeting shall stand adjourned until the day and time fixed for the next ordinary meeting of the committee, unless the presiding member convenes a special meeting of the committee for the transaction of the business standing adjourned.

17.12 Unfinished Business of Former Committees

It shall be competent for every committee of the Council to take up matters referred by the Council to the preceding committee which may not have been entered upon or fully discharged at the time such committee went out of office.

17.13 Voting By Committees

(1) 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 this local law for the particular kind of decision by that kind of majority.

(2) If the votes of members present at a committee meeting are equally divided, the presiding member is to cast a second vote.

17.14 Conference of Committees

Any 2 or more committees may confer together by mutual agreement and resolution of the committees on any matter of joint interest.

17.15 Minutes of Committees

The presiding member of a committee shall cause minutes of the proceedings of the committee to be recorded and kept in a minute book.

17.16 Committees to Report

(1) Obligation to Report

A committee is answerable to the Council and shall, as and when required by the Council to do so, report fully on its activities to the Council.

(2) Preparation of Report

When it has reached a decision on each matter referred to it by the Council the committee shall as soon as possible prepare a report containing recommendations and submit it to the Council.

17.17 Reports of Committees

(1) Minutes to be Report

Subject to clause 4.5 the CEO shall cause the minutes of all committees to be permanently fixed in the Minute Book. The minutes of each committee shall be deemed to be the report of the committee to Council, where issues contained in such minutes require a resolution of Council to be effective.

(2) Presentation of Reports

1. Minutes of a committee shall be presented to the Council for consideration of its recommendations.
2. The presiding member shall -
 - (a) call for requests by any member or the CEO to withdraw any recommendation contained in the report, and where such a request is made the subject recommendation shall be withdrawn;
 - (b) put the question that the recommendations be adopted with the exception of any recommendations withdrawn pursuant to item (a) of this clause,

and in relation to a recommendation or those recommendations in the report which are the subject of a request by a member or the CEO pursuant to item (a), those recommendations shall be individually dealt with in accordance with this local law.

PART 18 - ELECTORS' MEETINGS

18.1 Standing Orders Apply

This local law apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this local law and the provisions of subdivision 4 of Part 5 of the Act and Regulations, the provisions of the Act and the Regulations prevail.

18.2 Restriction on Voting and Speaking

A person who is not an elector as that term is defined in clause 5.26 of the Act (including ratepayers) is not entitled to vote at a meeting of electors, and he or she may not take any part in any discussion at that meeting, unless the meeting, by a resolution, allows the person to do so.

PART 19 - DISCLOSURE OF MEMBERS' FINANCIAL INTERESTS

19.1 Interpretation

In this clause the term *member* refers to either a Council member or a member of a committee.

19.2 Obligation to Disclose a Financial Interest

- (1) Any member who has an interest within the meaning of clause 5.60 but subject to clause 5.63 of the Act ("interest") in a matter to be discussed at any meeting that will be attended by the member must disclose the nature of the interest.
- (2) The member must disclose the interest at the meeting immediately before the matter is discussed, or if there is no discussion, immediately before the matter is voted upon.
- (3) The obligation to disclose an interest at a meeting immediately before discussion of the matter does not apply to a member who has disclosed the member's interest by written notice in accordance with clause 5.66 of the Act, nor to a member who has an interest in any matter raised during public question time, except if a question is directed to that member, in which case another member or employee present not having an interest pursuant to these Local Laws, is allowed to respond to the question.
- (4) Where a member has provided written notice of an interest pursuant to clause (3), the presiding member at the meeting is to bring the notice and its contents to the attention of persons present immediately before the relative disclosure matters are discussed.
- (5) If a member has an interest in a matter raised otherwise without notice, the member must disclose that interest at the earliest possible time after the matter is raised, but in any event before discussion or voting on the matter takes place.
- (6) The obligation to disclose an interest shall apply to all members present at the meeting including a member attending a committee meeting in the capacity of an observer.
- (7) The obligation to disclose an interest applies in regard to each meeting at which the matter the subject of the interest arises.

19.3 Details of Financial Interest

- (1) At the time of disclosing an interest, a member is required to disclose the nature of the interest, but is not required to state the extent of the interest including its value and amount, unless the member wishes the meeting to consider and resolve upon the question whether the member -

- (a) should be allowed to be present during any discussion or decision-making procedure relating to the matter; or
- (b) may be allowed to participate in discussions and the decision-making procedures relating to the matter,

in which case the member shall comply with clause (2) hereof.

- (2) If a member wishes the meeting to consider and resolve upon the questions referred to in either (a) or (b) of clause (1) of this clause the member shall first disclose to the meeting the nature and extent of the interest, including its value and amount, in sufficient detail to enable the meeting to make a fair and informed decision on the question.
- (3) If a member wishes the Council or the CEO to apply to the Minister under clause 5.69 of the Act the member shall provide to the Council or the CEO as the case may be the same details of the nature and extent of the member's interest as referred to in clause (2).

19.4 Disclosing Member Not to Participate In Meeting

- (1) A member who makes a disclosure under clause 19.2 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 by resolution of the Council under clause 19.6 hereof, or by the Minister under clause 5.69 of the Act.

- (2) A member who has disclosed an interest in a matter and who has not been permitted by resolution of the meeting or by the Minister under clause 5.69 of the Act to participate in the discussion or decision-making procedures relating to the matter, shall depart from and remain absent from the chamber or room where the meeting is held while the matter is under consideration and until a vote on the matter has been taken.
- (3) If it is resolved at a meeting that a member who has disclosed an interest in a matter be permitted to participate in the discussion or decision-making procedures on the matter or both, then the member may return and participate to the extent permitted.
- (4) Where a member has disclosed an interest in a matter and has departed from the chamber or room, the meeting may resolve to invite the member to return to provide information in respect of the matter or in respect of the member's interest in the matter, but in such case the member must withdraw after providing the information requested.

19.5 Substitution of Deputy at Committee

Where a member withdraws from a meeting of a committee in respect of a matter under consideration by that committee in accordance with the provisions of this clause, another member present at the meeting who is a deputy of the excluded member for that committee is entitled to participate as a member of the committee in the absence of the excluded member.

19.6 Meeting Allowing Disclosing Member to Participate

- (1) If a member has disclosed, under clause 19.3, 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 the preceding clause of this subsection is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the Council or committee.
- (3) This subsection 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 clause 5.69 of the Act.

19.7 Exemption By Minister

- (1) Where the Minister allows a member who has disclosed an interest to participate in a meeting in any capacity, in the case of any inconsistency between the provisions of this clause and the Minister's determination, the Minister's determination shall prevail.

- (2) The terms of any determination by the Minister shall be recorded in the minutes in the same manner as a disclosure of interest.

19.8 Recording Details of Financial Interest in Minutes

The minutes of a meeting shall record in summary form the details of the interest disclosed by a member in respect of a matter arising at that meeting in accordance with the provisions of this clause, unless the meeting resolves that the details should be recorded in full.

PART 20 - DISCLOSURE OF EMPLOYEES' FINANCIAL INTERESTS

20.1 Interpretation

- (1) In this clause the term **employee** includes a person who, under a contract for services with the Local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the Council or a committee shall disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this clause must, if required to do so by the Council or committee, as the case may be, disclose the extent of the interest.
- (4) An employee if called upon to disclose the extent of an interest shall disclose full detail including the value and amount of the interest so as to enable the meeting to make a fair and informed evaluation of the nature and extent of the employee's interest and any effect that interest might be thought to have upon the advice or report given.
- (5) The details of the interest of an employee disclosed under the preceding provisions of this clause shall be recorded in the minutes of the meeting relating to the disclosure.
- (6) If, under Division IV of the Act, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and -
 - (a) in the case of the CEO, must disclose to the Mayor the nature of the interest as soon as practicable after becoming aware that the CEO has the interest in the matter; and
 - (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that the employee has the interest in the matter.
- (7) The requirement to disallow an interest under this Part does not apply to the public question time period of a meeting unless a question is directed to an employee with an interest in the matter being the subject of the question. In these circumstances, the employee will declare the interest and another employee present at the meeting will be allowed to respond to the question.

PART 21 - DECLARATION OF IMPARTIALITY INTEREST

21.1 When to be Considered

- (1) In this clause:

interest under this clause means an interest of a personal nature which a member or employee has in a matter which is not required to be disclosed under Part 19 or Part 20, but which a reasonable person knowing the facts might assume would influence the consideration of that matter by the member or employee. (Examples are applications for an approval consent or licence by a parent, sibling, adult child or close friend of a member or employee.)

- (2) If a member or employee attending a meeting of the Council has an interest under this clause in any matter proposed to be considered at that meeting the member or employee should disclose that interest at the meeting before the discussion of the relevant matter that requires a decision to be made by the Council.
- (3) A member expected to disclose an interest under this clause in a matter shall remain in the chamber or room of the meeting while the matter is discussed and voted upon.
- (4) In applying the preceding clause, a member must bear in mind the obligation under clause 5.21(2) of the Act to vote at meetings where the member is present.
- (5) The decision to disclose an interest under this clause is a decision to be made by the member or employee and is not to be determined by resolution of the meeting.

PART 22 - ADMINISTRATIVE MATTERS

22.1 Suspension of Standing Orders

- (1) The Council may decide, by simple majority vote, to suspend temporarily 1 or more clauses of this local law.
- (2) The mover of a motion to suspend temporarily any 1 or more of the clauses in this local law is to state the clause or clauses to be suspended, and the purpose of the suspension.

22.2 Cases Not Provided For in Standing Orders

The presiding member is to decide questions of order, procedure, debate, or otherwise in cases where this local law and the Act and Regulations are silent. The decision of the presiding member in these cases is final.

22.3 Negatived Motion not to be Entertained Within 3 Months

A motion to the same effect as any motion, other than a motion moved in pursuance of a report of a committee of the Council, which has been lost at a meeting of the Council shall not again be entertained within a period of 3 months unless an absolute majority of the councillors signify to the CEO in writing before a meeting their consent to the motion being entertained at that meeting.

22.4 Deputations by Council

- (1) In the event that the Council resolves to seek a meeting with any Minister or government department or agency, federal, state or local, or any other body or person the request for the meeting should be made in writing within 2 working days after the date of the resolution.
- (2) The CEO should report to the members the measures taken to arrange the requested meeting and should present a report on the requested meeting to the next Council meeting occurring after the requested meeting, should a resolution of Council be required as an outcome of the meeting.

22.5 Dispute Resolution Procedure

- (1) A member or employee who is aggrieved by the manner in which any particular issue under consideration by Council is being administered may, in the first instance, report his or her concerns to the CEO in writing.
- (2) Within 7 days of receipt of a written report pursuant to clause (1), the CEO is to take whatever action is considered appropriate to mediate the aggrieved parties.

In undertaking this process, the function of the CEO, pursuant to sec. 5.41 of the Act, is to be clearly understood as the role of the CEO only.

- (3) Upon the completion of the mediation process referred to in clause (2), the CEO is to prepare a report to be provided to the aggrieved parties
- (4) The report referred to in clause (3) is to contain the outcomes achieved by the mediation process, together with any recommended course of action to be further initiated by the CEO.
- (5) In the event that no agreement can be reached to the mutual satisfaction of the parties concerned, the CEO may refer the matter to Council for further consideration. In addition, each or any of the parties may request the matter be referred to Council for consideration if, following the conclusion of this procedure, they remain dissatisfied.

Dated: 10 September 2020

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



Logan Howlett
Mayor

Daniel Arndt
Acting Chief Executive Officer