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LOCAL GOVERNMENT ACT 1995

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**CITY OF SUBIACO**

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**MEETING PROCEDURES  
LOCAL LAW 2013**



**LOCAL GOVERNMENT ACT 1995**

## CITY OF SUBIACO

**MEETING PROCEDURES LOCAL LAW 2013**

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## LOCAL GOVERNMENT ACT 1995

## CITY OF SUBIACO

## MEETING PROCEDURES LOCAL LAW 2013

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the council of the City of Subiaco resolved on 28 May 2013 to make the following local law.

## PART 1—PRELIMINARY

**1.1 Citation**

This local law is the *City of Subiaco Meeting Procedures Local Law 2013*.

**1.2 Commencement**

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

**1.3 Purpose and effect**

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

**1.4 Interpretation**

- (1) In this local law unless the contrary intention appears—
  - absolute majority** has the meaning given to it in the Act;
  - Act** means the *Local Government Act 1995*;
  - 75% majority** has the meaning given to it in the Act;
  - CEO** means the chief executive officer of the local government;
  - committee** means a committee of the council established under section 5.8 of the Act;
  - committee meeting** means a meeting of a committee; **council** means the council of the local government; **local government** means the City of Subiaco;
  - meeting** means a meeting of the council or a committee, as the context requires;
  - member** has the meaning given to it in the Act;
  - presiding member** means any member presiding at a meeting;
  - simple majority** means more than 50% of the members present and voting;
  - substantive motion** means an original motion or an original motion as amended, but does not include an amendment or a procedural motion;
  - Regulations** means the *Local Government (Administration) Regulations 1996*.
- (2) Unless otherwise defined, the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

**1.5 Repeal**

The City of Subiaco *Standing Orders Local Law 2004*, published in the *Government Gazette* on 27 April 2004, is repealed.

The City of Subiaco *Standing Orders Local Law 1999*, published in the *Government Gazette* on 20 September 1999, is repealed.

**PART 2—BUSINESS OF A MEETING****2.1 Business to be specified**

- (1) No business is to be transacted at any ordinary meeting of the council other than that specified in the agenda, without the approval of the presiding member or the council.
- (2) No business is to be transacted at a special meeting of the council other than that given in the notice as the purpose of the meeting.
- (3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the council other than that—
  - (a) specified in the notice of the meeting which had been adjourned; and
  - (b) which remains unresolved.
- (4) Where a meeting is adjourned to the next ordinary meeting of the council then, unless the council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering reports of committees and employees at that ordinary meeting.

**2.2 Order of business**

- (1) Unless otherwise decided by the council the order of business at any ordinary meeting of the council is to be as follows—
  - (a) declaration of opening/announcement of visitors;
  - (b) attendance/apologies/leave of absence;
  - (c) disclosure of interest;
  - (d) response to previous public questions taken on notice;
  - (e) public question time;
  - (f) public statement time;
  - (g) petitions and approved deputations;
  - (h) confirmation of minutes of previous meetings;
  - (i) announcements by the presiding member;
  - (j) reports of committees and employees;
  - (k) elected members motions of which previous notice has been given;
  - (l) new business of an urgent nature approved by the person presiding or by decision of the meeting;
  - (m) meeting closed to the public; and
  - (n) closure of meeting
- (2) Unless otherwise decided by the members present, the order of business at any special meeting of the council is to be the order in which that business stands on the agenda of the meeting.
- (3) Notwithstanding subclauses (1) and (2) in the order of business for any meeting of the council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.
- (4) Notwithstanding subclause (1), the CEO may include on the agenda of a council meeting in an appropriate place within the order of business any matter which must be decided, or which the CEO considers is appropriately decided, by that meeting.

**2.3 Changing order of business on agenda**

- (1) Business at the meeting is to be considered in the order it appears in the agenda except where the person presiding announces a change in the order of business and such change shall be noted in the minutes.
- (2) Any member may move that a change in order of business proposed by the person presiding not be accepted and if carried by a majority of members present, the proposed change in order is not to take place.
- (3) A member may move that a change in the order of business be accepted, and if carried by a majority of members present, the change is to be noted in the minutes.

**2.4 Alternative motions/amendments**

Elected members are to submit material amendments and alternative resolutions to recommendations on meeting agendas to the CEO, with supporting reasons, by 12 noon on the day before each meeting, so they can be distributed to other members to give them an opportunity to reflect on the proposed changes.

**2.5 Motions of which previous notice has been given**

- (1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) Subject to clause 2.4, a notice of motion under subclause (1) is to be given at least seven clear working days before the meeting at which the motion is moved.
- (3) The requirement to give notice of a motion under subclause (1) does not apply where the proposed motion is determined by the presiding member to be relevant to—
  - (a) a recommendation made by or contained in a report on the agenda, or
  - (b) a notice of motion that appears on the agenda,and is moved after the motion has been dealt with.



- (4) A notice of motion is to relate to the good governance of the district.
- (5) The CEO—
- (a) may, with the concurrence of the mayor, exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;
  - (b) will inform members on each occasion that a notice has been excluded and the reasons for that exclusion;
  - (c) may, after consultation with the member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
  - (d) may provide to the council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (6) A motion of which notice has been given is to lapse unless—
- (a) the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on; or
  - (b) the council on a motion agrees to defer consideration of the motion to a later stage or date.
- (7) If a notice of motion is given and lapses under subclause (6), notice of a motion in the same terms or to the same effect is not to be given again for at least three months from the date of such lapse.

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

The presiding member may dispense with the requirement for a member to give notice under clause

2.5 where the presiding member is satisfied that—

- (a) the motion is a matter of urgency and the motion could not reasonably be dealt with at the next ordinary meeting of the council; and
- (b) it was not reasonable for the notice to be given.

### **2.7 Certain recommendations not to be submitted en bloc**

(1) In this clause en bloc means a resolution of the meeting that has the effect of adopting, for a number of specifically identified reports, the officer or committee recommendation as the meeting resolution.

(2) Recommendations are not to be submitted to a meeting en bloc where—

- (a) an absolute majority vote is required;
- (b) a special majority vote is required;
- (c) a disclosure of interest has been made; or
- (d) a member has indicated that the member wishes the recommendation to be considered separately.

### **2.8 Announcements by the presiding member**

Announcements by the presiding member under clause 2.2(1)(i) are—

- (a) to inform the council of official duties performed or functions attended by the mayor or of other matters of importance to the council of which the council has not previously been informed;
- (b) to be brief and concise; and
- (c) to be completed within ten minutes.

## **PART 3—PUBLIC PARTICIPATION**

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

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

### **3.2 Meetings not open to the public**

(1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.

(2) The council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.

(3) If a resolution under subclause (2) is carried—

- (a) the presiding member is to direct everyone to leave the meeting except—
  - (i) the members;
  - (ii) the CEO; and
  - (iii) any employee unless specified by the presiding member; and
- (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the council by resolution, decides otherwise.

(4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.

(5) While the resolution under subclause (2) remains in force, the operation of clause 4.11 is to be suspended until the council, by resolution, decides otherwise.

(6) A resolution under this clause may be made without notice.

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

Question time for the public at certain meetings is dealt with in the Regulations.

**3.4 Public statement time**

- (1) The procedure for the making of statements by member of the public may be determined by resolution of the council.
- (2) Notwithstanding subclause (1), unless the council decides otherwise, there is to be no public statement time at meetings of committees other than a committee to which the local government has delegated a power or duty under section 5.17 of the Act.

**3.5 Deputations**

- (1) Deputations to council meetings will only be received in special circumstances and only with the approval of the council given by simple majority at a prior meeting.
- (2) Deputations to committees will only be received with the prior approval of a simple majority of the members of the committee.
- (3) Unless the meeting resolves otherwise—
  - (a) a deputation is not to exceed five persons, only two of whom may address the council, although others may respond to specific questions from members;
  - (b) a deputation is not to address the council for a period exceeding fifteen minutes without the agreement of the council as the case requires; and
  - (c) additional members of the deputation may be allowed to speak with the leave of the presiding member.
- (4) Any matter which is the subject of a deputation to the council is not to be decided by the council until the deputation has completed its presentation.

**3.6 Petitions**

- (1) A petition is to—
  - (a) be addressed to the mayor;
  - (b) be made by electors of the district;
  - (c) state the request on each page of the petition;
  - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
  - (e) contain a summary of the reasons for the request; and
  - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the local government is to submit the petition to the relevant employee to be included in the employee's deliberations and report on the matter that is the subject of the petition, subject to subclause (3).
- (3) At any meeting, the council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—
  - (a) the matter is the subject of a report included in the agenda; and
  - (b) the council has considered the issues raised in the petition.

**3.7 Participation at committee meetings**

- (1) In this clause a reference to a person is to a person who—
  - (a) is entitled to attend a committee meeting;
  - (b) attends a committee meeting; and
  - (c) is not a member of that committee.
- (2) Without the consent of the presiding member, no person is to address a committee meeting.
- (3) The presiding member of a committee may allow a person to make an oral submission to the committee for up to three minutes.
- (4) A person addressing the committee with the consent of the presiding member is to cease that address immediately after being directed to do so by the presiding member.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the committee room.
- (6) The council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

**3.8 Council may meet to hear public submissions**

- (1) Where an item on the agenda at a council meeting is contentious and is likely be the subject of a number of deputations, the council may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) The CEO and the mayor are to set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the council resolves to meet to provide the opportunity to be heard under subclause (1), the presiding member is to—
  - (a) instruct the CEO to provide local public notice of the time and date when the council will meet to provide an opportunity to be heard;

- (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 3.5 to make a deputation on the issue; and
  - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
- (4) A meeting held under subclause (1) is to be conducted only to hear submissions and the council must not make resolutions at the meeting.
- (5) At a meeting held under subclause (1), each person making a submission is to be provided with the opportunity to fully state his or her case.
- (6) A member of the public is limited to ten minutes in making a submission, but this period may be extended at the discretion of the presiding member.
- (7) Once every member of the public has had the opportunity to make a submission, the presiding member is to close the meeting.
- (8) The CEO is to ensure that a report is included on the agenda of the next council meeting summarising each submission made at the meeting.
- (9) The council must not resolve on the matter that is the subject of a meeting held under subclause (1) until it has received the CEO's report under subclause (8).

### **3.9 Confidentiality of information withheld**

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

is not to disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.

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

### **3.10 Recording of proceedings**

- (1) A person who uses any electronic, visual or audio recording device or instrument to record the proceedings of the council or a committee without the written permission of the council commits an offence.

Penalty: \$5000.

- (2) Subclause (1) does not apply if the record is taken by or at the direction of the CEO, with the permission of the council or committee.

### **3.11 Prevention of disturbance**

- (1) A reference in this clause to a person is to a person other than a member.
- (2) A person addressing the council must extend due courtesy and respect to the council and the processes under which it operates and shall comply with any direction by the presiding member.
- (3) A person observing a meeting must not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (4) A person must ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the council.

## **PART 4—CONDUCT OF MEMBERS**

### **4.1 Members to be in their proper places**

- (1) At the first council meeting held after each ordinary election, the CEO is to allot, alphabetically by ward, a position at the council table to each member.
- (2) Each member is to occupy his or her allotted position at each council meeting.

### **4.2 Respect to the presiding member**

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

#### **4.3 Titles to be used**

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

#### **4.4 Advice of entry or departure**

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

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

A member who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the council.

#### **4.6 Priority of speaking**

(1) Where two or more members indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled to be heard first.

(2) A decision of the presiding member under subclause (1) is not open to discussion or dissent.

(3) A member is to cease speaking immediately after being asked to do so by the presiding member.

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

The presiding member may take part in a discussion of any matter before the council, subject to compliance with this local law.

#### **4.8 The presiding member to be impartial**

The presiding member must not make statements on matters before the chair and must not appear to be prejudiced either in favour or against the matter during the debate, except that where the presiding member wishes to take part in the debate the presiding member must first announce this to the meeting and include the presiding member in the priority of speakers and when this occurs all matters relating to the conduct of members during debate are to apply to the presiding member.

#### **4.9 Relevance**

(1) A member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

(2) The presiding member, at any time, may—

(a) call the attention of the meeting to—

(i) any irrelevant, repetitious, offensive or insulting language by a member; or

(ii) any breach of order or decorum by a member; and

(b) direct that member, if speaking, to discontinue his or her speech.

(3) A member is to comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

#### **4.10 Number of speeches**

A member is not to address the council more than once on any motion or amendment except—

(a) as the mover of a substantive motion, to exercise a right of reply;

(b) to raise a point of order; or

(c) to make a personal explanation.

#### **4.11 Duration of speeches**

(1) A member is not to speak on any matter for more than five minutes without the consent of the council which, if given, is to be given without debate.

(2) An extension under this clause cannot be given to allow a member's total speaking time to exceed ten minutes.

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

A member is not to speak on any motion or amendment—

(a) after the mover has replied; or

(b) after the question has been put.

#### **4.13 No interruption**

A member is not to interrupt another member who is speaking unless—

(a) to raise a point of order;

(b) to call attention to the absence of a quorum;

(c) to make a personal explanation under clause 4.14; or

(d) to move a procedural motion that the member be no longer heard.

#### **4.14 Personal explanations**

(1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking is to indicate to the presiding member his or her intention to make a personal explanation.

(2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.

(3) A member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

#### **4.15 No reopening of discussion**

A member is not to reopen discussion on any council decision, except to move that the decision be revoked or changed.

#### **4.16 Adverse reflection**

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

(2) A member is not—

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

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

(4) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes—

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

#### **4.17 Withdrawal of offensive language**

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

- (a) in the absence of a resolution under clause 4.16—
  - (i) reflects adversely on the character or actions of another member; or
  - (ii) imputes any motive to a member; or
- (b) is offensive or insulting, must, when directed by the presiding member, withdraw the expression and make a satisfactory apology.

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

#### **4.18 Suspension of the limitations on speaking**

The council may suspend the operation of clauses 4.10 and 4.11 during debate on a motion.

### **PART 5—PRESERVING ORDER**

#### **5.1 Presiding member to preserve order**

(1) The presiding member is to preserve order, and, whenever he or she considers necessary, may call any member to order.

(2) When the presiding member speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, is immediately to cease speaking and every member present is to preserve strict silence so that the presiding member may be heard without interruption.

(3) Subclause (2) is not to be used by the presiding member to exercise the right provided in clause 4.7, but to preserve order.

#### **5.2 Point of order**

(1) A member may object, by way of a point of order, only to a breach of—

- (a) any of this local law; or
- (b) any other written law.

(2) Despite anything in this local law to the contrary, a point of order—

- (a) takes precedence over any discussion; and
- (b) until determined, suspends the consideration or discussion of any other matter.

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

(1) A member who is addressing the presiding member is not to be interrupted except on a point of order.

(2) A member interrupted on a point of order is to immediately cease speaking until—

- (a) the member raising the point of order has been heard; and
- (b) the presiding member has ruled on the point of order,

and, if permitted, the member who has been interrupted may then proceed.

#### **5.4 Calling attention to breach**

A member may, at any time, draw the attention of the presiding member to any breach of this local law.

**5.5 Ruling by the presiding member**

(1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.

(2) A ruling by the presiding member on a point of order—

- (a) is not to be the subject of debate or comment; and
- (b) is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.

(3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that—

- (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
- (b) a statement made or act done by a member is out of order,

the presiding member may require the member to make an explanation, retraction or apology.

**5.6 Continued breach of order**

If a member—

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the presiding member under clause 5.5(3),

the presiding member may direct the member to refrain from taking any further part in that item under discussion, other than by voting, and the member is to comply with that direction.

**5.7 Right of presiding member to adjourn**

(1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to fifteen minutes.

(2) On resumption, the debate is to continue at the point at which the meeting was adjourned.

(3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

**PART 6—DEBATE OF SUBSTANTIVE MOTIONS****6.1 Motions to be stated**

Any member of the council who moves a substantive motion or amendment to a substantive motion—

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

**6.2 Motions to be supported**

(1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.

(2) A motion to revoke or change a decision made at a meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

**6.3 Unopposed business**

(1) Immediately after a substantive motion has been moved and seconded, the presiding member may ask the meeting if any member opposes it.

(2) If no member opposes the motion, the presiding member may declare it carried without debate and without taking a vote.

(3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the council.

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

(5) This clause does not apply to a motion to revoke or change a decision which has been made at a council meeting.

**6.4 Only one substantive motion at a time**

(1) When a substantive motion is under debate at a meeting, no further substantive motion is to be accepted.

(2) The council is not to consider more than one substantive motion at any time.

**6.5 Breaking down of complex questions**

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

**6.6 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) the seconder to speak to the motion;



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

(2) Paragraphs (e) to (g) inclusive of subclause (1) are not to apply to a meeting of a committee.

#### **6.7 Limit of debate**

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

#### **6.8 Member may require question to be read**

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

#### **6.9 Consent of seconder required for alteration**

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

#### **6.10 Amendments—who may move**

Any member, except the mover and seconder of the original motion, who feels that the motion is worded unsatisfactorily, or does not cover fully the point at issue, or wishes to delete some part of it, may propose an amendment to the motion provided he or she has not already spoken to it.

#### **6.11 Order of amendments**

Any number of amendments may be proposed to a substantive 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, carried or lost.

#### **6.12 Form of an amendment**

An amendment must add, delete, or substitute words to the substantive motion.

#### **6.13 Amendment must not negate original motion**

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

#### **6.14 Relevance of amendments**

Each amendment is to be relevant to the motion in respect of which it is moved.

#### **6.15 Mover of motion may speak on amendment**

Any member may speak during debate on an amendment.

#### **6.16 Effect of an amendment**

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.

#### **6.17 Withdrawal of motion or amendment**

(1) Subject to subclause (2), the council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.

(2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

#### **6.18 Right of reply**

(1) The mover of a substantive motion has the right of reply.

(2) The mover of any amendment to a substantive motion does not have a right of reply.

(3) The right of reply may only be exercised—

(a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or

(b) where one or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.

(4) After the mover of the substantive motion has commenced the reply—

(a) no other member is to speak on the question;

(b) there is to be no further discussion on, or any further amendment to, the motion.

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

(6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

**PART 7—PROCEDURAL MOTIONS****7.1 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 proceed to the next business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the question be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the person presiding be disagreed with;
- (g) that the question be referred to a committee (or to the council in the case of a meeting of a committee);
- (h) that the meeting or part of the meeting be closed to the public.

**7.2 No debate**

- (1) The mover of a motion specified in paragraph (a), (b), (c), (f), (g) or (h) of clause 7.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion specified in paragraph (d) or (e) of clause 7.1 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.

**7.3 Who may move**

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

**7.4 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.

**7.5 Meeting to proceed to the next business**

The motion “that the meeting proceed to the next business”, if carried, has the effect that—

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

**7.6 Debate to be adjourned**

- (1) A motion “that the debate be adjourned”—
  - (a) is to state the time to which the debate is to be adjourned; and
  - (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.
- (2) If the motion is carried at a meeting—
  - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
  - (b) the provisions of clause 4.10 apply when the debate is resumed.

**7.7 Meeting now adjourn**

- (1) A member is not to move or second more than one motion of adjournment during the same sitting of the meeting.
- (2) Before putting the motion for the adjournment of the meeting, the presiding member may seek leave of the meeting to deal first with matters that may be the subject of an en bloc resolution.
- (3) A motion “that the meeting now adjourn”—
  - (a) is to state the time and date to which the meeting is to be adjourned; and
  - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue in accordance with clause 10.2, unless the presiding member or the meeting determines otherwise.

**7.8 Question to be put**

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



**7.9 Member to be no longer heard**

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

**7.10 Ruling of the presiding member to be disagreed with**

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

**7.11 That the matter be referred to a committee**

(1) The motion “that the matter be referred to a committee” or the motion “that the matter be referred to the council” (in the case of a meeting of a committee), if carried causes discussion to cease on the matter.

(2) The motion must state the meeting to and, where that meeting is to be given power to act, must include the delegation.

(3) Where the matter is to be again referred to the council, the date the report is to be ready for consideration is to be stated in the motion.

(4) The motion may be debated and the mover of this procedural motion has a right of reply.

**7.12 The meeting or part of the meeting be closed to the public—effect of motion**

(1) The motion that the meeting or part of the meeting be closed to the public, if carried, causes the public and any employee the council determines, to leave the room.

(2) While a decision made under this clause is in force the operation of clause 4.10 limiting the number of speeches a member of the meeting may make, is suspended unless the meeting decides otherwise.

(3) Upon the public again being admitted to the meeting, the person presiding 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 section 5.21 of the Act. Where no members of the public are in attendance at this time the reading of the motions can be dispensed with.

(4) A person who is a council member, a committee 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.

**PART 8—VOTING****8.1 Question—when put**

(1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the presiding member—

(a) is to put the question to the council; and

(b) if requested by any member, is to again state the terms of the question.

(2) A member is not to leave the meeting when the presiding member is putting any question.

**8.2 Voting**

Voting is dealt with in the Act and the Regulations.

**8.3 Majorities required for decisions**

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

**8.4 Method of taking vote**

If a decision of the council is unclear or in doubt, the presiding member is to put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

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

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

(a) immediately to suspend the proceedings of the meeting for a period of up to fifteen minutes; and

(b) if a quorum is not present at the expiry of that period, the presiding member is to adjourn the meeting to some future time or date.

**8.6 Names to be recorded**

At any meeting—

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

(b) which is adjourned for want of a quorum,

the names of the members then present are to be recorded in the minutes.

**PART 9—MINUTES OF MEETINGS****9.1 Keeping of minutes**

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

## 9.2 Content of minutes

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

## 9.3 Public inspection of unconfirmed minutes

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

## 9.4 Confirmation of minutes

- (1) When minutes of a meeting are distributed for consideration prior to their confirmation at the next meeting, if a member is dissatisfied with the accuracy of the minutes, the member may give to the CEO a written copy of the alternative wording to amend the minutes no later than seven clear working days before the next meeting.
- (2) At the next meeting, the member who provided the alternative wording must, at the time for confirmation of minutes—
  - (a) state the item or items with which he or she is dissatisfied; and
  - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

## PART 10—ADJOURNMENT OF MEETING

### 10.1 Meeting may be adjourned

The council may adjourn any meeting—

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

### 10.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law—

- (a) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 4.10 apply when the debate is resumed.

## PART 11—REVOKING OR CHANGING DECISIONS

### 11.1 Terms used in this Part

In this Part—

- (a) relevant meeting, where used in relation to a revocation motion, means—
  - (i) the ordinary or special meeting specified in the notice of the revocation motion; or
  - (ii) if that meeting is adjourned before the motion is announced by the presiding person, then at the resumption of the adjourned meeting; or
  - (iii) if that meeting is closed before the motion is announced by the presiding person, then at the next ordinary meeting or a special meeting convened to consider those matters not considered prior to the closure of the meeting; or
  - (iv) if the motion is deferred by the council to another meeting of the council, then at that other meeting,as the case may be;
- (b) revocation motion means a motion to revoke or change a decision made at the council meeting.

### 11.2 Requirements for support

The requirements for support of a motion for revocation or change of a council decision are dealt with in the Act and Regulations.

### 11.3 Application of this Part

This Part does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

### 11.4 Procedure for moving a revocation motion

- (1) A member wishing to move a revocation motion at a meeting of the council must give to the CEO notice of the revocation motion, which is to—
  - (a) be in writing;
  - (b) specify the decision proposed to be revoked or changed;
  - (c) include a reason or reasons for the revocation motion;
  - (d) be signed by the number of members required by the law to support the motion to revoke or change the decision referred to in the revocation motion;

- (e) specify the date of the ordinary or special meeting of the council, as the case may be, which next follows the expiry of seven clear days after the notice is given to the CEO;
  - (f) be given to the CEO not less than seven clear days prior to the date of the ordinary or special meeting specified in the notice.
- (2) (a) If, at the relevant meeting, the member who gave the notice of the revocation motion is present, then the presiding person is to call on that member to move the revocation motion.
- (b) If that member is not present or, being present, does not move the revocation motion when called upon to do so by the presiding person, then notwithstanding subclause (1) any member of the council may move the revocation motion.

#### **11.5 Implementation of a decision the subject of a revocation motion**

Where notice of a revocation motion is given in accordance with the requirements of this clause, then the CEO must not implement or continue to implement, the decision the subject of the revocation motion until—

- (a) the revocation motion is not supported by the number of members of the council required by law to support the motion;
  - (b) no member of the council moves the revocation motion;
  - (c) the motion is moved but not seconded; or
  - (d) the motion is moved and seconded but is not made by the kind of majority required by law,
- at the relevant meeting.

#### **11.6 Lapse of notice of revocation motion**

A notice of revocation motion given in accordance with the requirements of this clause is to lapse when—

- (a) the revocation motion is not supported by the number of members of the council required by law to support the motion;
  - (b) no member of the council moves the revocation motion;
  - (c) the motion is moved but not seconded; or
  - (d) the motion is moved and seconded but is not made by the kind of majority required by law,
- at the relevant meeting.

#### **11.7 Application of clause**

Clause 2.5 does not apply where the motion is a revocation motion.

#### **11.8 Deferral of a revocation motion**

A motion that a revocation motion be deferred is only to be carried by the decision of an absolute majority.

#### **11.9 Limitations on powers to revoke or change decisions**

- (1) Subject to subclause (2), the council or a committee is not to consider a motion to revoke or change a decision—
- (a) where, at the time the motion is moved or notice is given, any action has been taken to implement the decision; or
  - (b) where the decision is procedural in its form or effect.
- (2) The council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

#### **11.10 Implementing a decision**

- (1) In this clause—
- (a) authorisation means a licence, permit, approval or other means of authorising a person to do anything;
  - (b) implement, in relation to a decision, includes—
    - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
    - (ii) take any other action to give effect to the decision; and
  - (c) valid notice of revocation motion means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and this local law and may be considered, but has not yet been considered, by the council as the case may be.
- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
- (3) The council may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
- (4) A decision made at a meeting is not to be implemented by the CEO or any other person—
- (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
  - (b) unless and until the valid notice of revocation motion has been determined by the council or the committee as the case may be.

- (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation—
- (a) is to take effect only in accordance with this clause; and
  - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

#### **PART 12—MISCELLANEOUS**

##### **12.1 Cases not provided for in this local law**

- (1) The presiding member is to decide questions of order, procedure, debate, or otherwise in cases where this local law, the Act or the Regulations are silent.
- (2) The decision of the presiding member in these cases is final, except where a motion is moved and carried under clause 7.10.

##### **12.2 Application to committees**

- (1) Unless otherwise provided in this local law, the provisions of this local law are to apply to meetings of committees with the exception of—
  - (a) clause 4.1; and
  - (b) clause 4.11.
- (2) Notwithstanding subclause (1), unless the council decides otherwise, there is to be no public question time in meetings of committees other than a committee to which the council has delegated a power or duty under section 5.17 of the Act.

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Dated: 28th May 2013.

The Common Seal of the City of Subiaco was affixed by the authority of a resolution of council in the presence of—

HEATHER HENDERSON, Mayor.  
STEPHEN TINDALE, Chief Executive Officer.

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