

LOCAL GOVERNMENT ACT 1995

Town of Bassendean

STANDING ORDERS LOCAL LAW 2006

TABLE OF CONTENTS

ARRANGEMENT

PART 1—PRELIMINARY

PART 2—MEETINGS OF COUNCIL AND COMMITTEE

PART 3—BUSINESS AT MEETINGS

PART 4—CONDUCT OF MEETINGS

PART 5—MOTIONS AND AMENDMENTS

PART 6—REVOCATION MOTIONS

PART 7—PROCEDURAL MOTIONS

PART 8—COMMITTEES

PART 9—MISCELLANEOUS

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STANDING ORDERS LOCAL LAW 2006

Under the powers conferred by the *Local Government Act 1995*, and by all other powers enabling it, the Council of the Town of Bassendean resolved on 28 November 2006 to make the '*Town of Bassendean Standing Orders Local Law 2006*'.

PART 1—PRELIMINARY

1. Title

This local law may be referred to as the *Town of Bassendean Standing Orders Local Law 2006*.

2. Commencement

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

3. Purpose and effect

- (1) The purpose of this local law is to provide a set of procedures to assist in the good conduct of meetings of the Council, of committees and of the electors.
- (2) The effect of the local law is intended to result in -
 - (a) better decision making by the Council;
 - (b) orderly and efficient conduct of meetings dealing with business of the Council;
 - (c) greater community participation and understanding of the business of the Council; and
 - (d) more open and accountable local government.

4. Repeal

The following local laws are repealed on the day that this local law comes into operation:

- (1) *Town of Bassendean Standing Orders Local Law Relating to the Conduct of Proceedings and Business of the Council* as published in the *Government Gazette* on 17 April 1997.
- (2) *Municipality of the Town of Bassendean By-laws Relating to Meetings* as published in the *Government Gazette* on 2 September 1998.
- (3) *Municipality of the Town of Bassendean By-laws Relating to Meetings* as published in the *Government Gazette* on 2 October 1997.
- (4) *Municipality of the Town of Bassendean By-laws Relating to Meetings* as published in the *Government Gazette* on 10 June 1983.
- (5) *Municipality of the Town of Bassendean By-laws Relating to Meetings* as published in the *Government Gazette* on 9 October 1981.

5. Terms used in this local law

In this local law, unless the contrary intention appears -

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

“**CEO**” means the chief executive officer of the Town;

“**committee**” means a committee of the Council established under the Act;

“**Council**” means the council of the Town;

“**elected member**” means the mayor and councillors of the Town;

“**meeting**” means a meeting of the Council or a committee;

“**member**” means the mayor or a councillor and includes, in the case of a committee, a member of the committee who is not the mayor or a councillor;

“**presiding person**” means any person presiding at a meeting;

“**Regulations**” means the *Local Government (Administration) Regulations 1996*; and

“**Town**” means the Town of Bassendean.

6. Footnote references to other legislation in italics not part of the local law

A footnote reference to other legislation that is printed in italics at the end of any clause in this local law is not part of this local law.

PART 2—MEETINGS OF COUNCIL AND COMMITTEE

7. Calling of meetings

The calling of meetings is dealt with in section 5.4 of the Act.

8. Notice of meeting and notice of adjournment

- (1) The giving of notice of meetings of the Council is dealt with in section 5.5 of the Act and the giving of public notice of meetings is dealt with in regulation 12 of the Regulations.
- (2) How documents can be given to a person is dealt with in sections 9.50 and 9.54 of the Act and in sections 75 and 76 of the *Interpretation Act 1984*.
- (3) When a meeting is adjourned to a day and hour other than the next ordinary meeting, notice of the resumption of the adjourned meeting, if time permits, is to be given to each member specifying the nature of the business to be transacted.

9. Public access to agendas and supporting information

Public access to agendas and supporting documentation is dealt with in regulation 14 of the Regulations.

10. Public access to unconfirmed minutes of council or committee meetings – s. 5.25(i)

Public access to unconfirmed minutes of Council and committee meetings is dealt with in regulation 13 of the Regulations.

11. Quorum for meetings

The requirements for a quorum for a meeting are dealt with in sections 5.19 and 5.7 of the Act.

12. Procedure if quorum not present

The procedure where a quorum for a meeting is not present is dealt with in regulation 8 of the Regulations.

13. Lapse of quorum

- (1) If at any time during any meeting a quorum is not present, the presiding person upon becoming aware of the fact, is to suspend the proceedings of the meeting for a period of 15 minutes.
- (2) If a quorum is not present at the expiration of the 15 minutes suspension period the presiding person is to adjourn the meeting to a future time and date.

- (3) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment and be recorded in the minutes of the meeting.
- (4) Where the debate on any motion is interrupted at a meeting, which is adjourned due to lack of a quorum, that debate is to be resumed at the resumption of the meeting at the point where it was interrupted.
- (5) The members who have spoken on the motion at the adjourned meeting, must not speak again on resumption of that meeting, except the mover who retains the right of reply.
- (6) At any meeting where a quorum is not present or there is an adjournment due to the lack of a quorum the names of the members then present are to be recorded in the minute book.

14. Voting

- (1) Voting at meetings is dealt with in section 5.21 of the Act and in regulation 9 of the Regulations.
- (2) In taking the vote on any motion or amendment, the presiding person must put the question first in the affirmative and then in the negative and may do so as often as is necessary, to form and declare an opinion as to whether the affirmative or the negative has the majority.
- (3) For each motion and amendment moved at a Council meeting or committee meeting comprised wholly of Councillors or to which a local government power or duty has been delegated, the minutes are to record the names of the members voting in the affirmative and the names of members voting in the negative.

PART 3—BUSINESS AT MEETINGS

15. Order of business

(1) The items of business to be dealt with at an ordinary meeting of the Council are set out in paragraphs (a) to (o) inclusive of this subclause. The order in which those items are to be dealt with is as resolved by the Council from time to time. In the absence of a resolution of the Council, the order is as follows -

- (a) Declaration of opening/announcement of Visitors
- (b) Public question time
- (c) Attendances, apologies and applications for leave of absence
- (d) Deputations
- (e) Confirmation of minutes
- (f) Announcements by the presiding person without discussion
- (g) Petitions
- (h) Declarations of interest
- (i) Business deferred from previous meeting
- (j) Reports
- (k) Public questions and right of reply
- (l) Motions of which previous notice has been given
- (m) Announcements of notices of motion for the next meeting
- (n) Confidential business
- (o) Closure

(2) The items of business to be dealt with at an ordinary meeting of a committee are set out in paragraphs (a) to (n) inclusive of this subclause. The order in which those items are to be dealt with, is as resolved by the committee, from time to time. In the absence of a resolution of the committee, the order is as follows -

- (a) Declaration of opening/announcement of Visitors
- (b) Public question time

- (c) Attendances, apologies and applications for leave of absence
 - (d) Deputations
 - (e) Confirmation of minutes
 - (f) Announcements by the presiding person without discussion
 - (g) Declarations of interest
 - (h) Business deferred from previous meeting
 - (i) Reports
 - (j) Public questions and right of reply
 - (k) Motions of which previous notice has been given
 - (l) Announcements of notices of motion for the next meeting
 - (m) Confidential business
 - (n) Closure
- (3) The order of business at any special meeting of the Council or a committee shall be in the order in which it appears in the agenda.
- (4) Unless otherwise decided by the members present, the items of business for a meeting of the Council or a committee shall be considered in the sequence that they are listed in the agenda.
- (5) At the resumption of an adjourned meeting the only business to be transacted is that which remains outstanding on the agenda of the adjourned meeting.

16. Public question time

- (1) Public question time at meetings is dealt with in section 5.24 of the Act and in regulations 5, 6 and 7 of the Regulations.
- (2) The presiding person is responsible for the conduct of public question time.
- (3) The presiding person is to endeavour to have every question responded to at the meeting at which it is asked but where this is not possible, the question is to be taken on notice and where practicable, a written response is to be provided to the person who asked the question.

- (4) A member of the public wanting to ask a question during public question time must first state their name and address.
- (5) Questions asked by the public are to relate to the business of the Council and are not to be in the form of a statement or a personal opinion.
- (6) The procedure for the asking of and responding to questions raised by members of the public may be determined by resolution of the Council.
- (7) Notwithstanding clause 15(2) (*Order of business*), unless the Council decides otherwise, there is to be no public question time in meetings of committees other than a committee to which the Town has delegated a power or duty.

17. Application for leave of absence from Council meeting

The requirements for members to obtain leave of absence from meetings of the Council are dealt with in section 2.25 of the Act.

18. Deputations - Council and committee meetings

- (1) Any person or persons wishing to be received as a deputation by the Council or a committee, must in the first instance, give a request in writing to the CEO setting out in concise terms the matter to be raised by the deputation.
- (2) When the CEO receives a request for a deputation to the Council or a committee, the request is to be brought to the attention of the presiding person of the Council or the relevant committee. The presiding person is to decide if a deputation is to be received and, if so, when it is to be received.
- (3) A deputation is not to exceed 5 persons in number and only 3 of those persons may address the meeting, but all may reply to questions from members of the Council or committee.
- (4) Members of a deputation are collectively to have a maximum of 15 minutes to address the meeting, unless an extension of time is granted by the Council or relevant committee.

19. Confirmation of minutes

- (1) The requirements for keeping minutes of meetings and the content of minutes are dealt with in section 5.22 of the Act and in regulation 11 of the Regulations.
- (2) When considering the minutes of a previous meeting, the only discussion permitted is that relating to the accuracy of the minutes.

20. Announcements by presiding person without discussion

At any meeting of the Council or a committee the presiding person may announce or raise any matter of interest or affecting the Town and there is not to be any discussion on the matter.

21. Petitions

- (1) A petition received by a member or the CEO is to be presented to the next ordinary Council meeting.
- (2) Any petition to the Council is -
 - (a) to be addressed to the Council and forwarded to a member or the CEO; and
 - (b) to state the name and address of the person to whom correspondence in respect of the petition may be served.
- (3) Once a petition is presented to the Council, a motion may be moved to receive the petition and refer it to the CEO for action.

22. Disclosure of financial and proximity interests

The requirements for disclosure of any interest as defined in section 5.60 are dealt with in sections 5.59 to 5.70 of the Act.

23. Disclosure of interest affecting impartiality

The disclosure of interests affecting impartiality is dealt with by regulation 34C of the Regulations and Clause 1.3 of the Code of Conduct adopted by the Council. Clause 1.3 of the Code of Conduct reads:

1.3 Disclosure of Interests Affecting Impartiality

In regard to disclosure of interests affecting impartiality, an "interest" means an interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected.

- (a) Councillors and Committee Members are to disclose any interest affecting their impartiality that they may have in any matter to be discussed at a Council or Committee meeting that will be attended by the Councillor or Committee Member by written notice to the CEO prior to the meeting or at the meeting immediately before the matter is discussed.
- (b) Employees are to disclose any interest affecting their impartiality that they may have in any matter to be discussed at a Council or Committee

meeting in respect of which the Employee has given, or will give a report, advice or comment upon.

- (c) A disclosure of an interest as outlined above is to be made at the meeting no later than immediately before the matter is discussed or at the time the advice is given.
- (d) The disclosure is to be recorded in the minutes of the relevant meeting.

24. Reports

- (1) The functions of the CEO, including to advise the Council and implement decisions, are dealt with in section 5.41 of the Act.
- (2) The CEO may prepare or cause to be prepared any report that in the CEO's opinion requires consideration by the Council, including any report of a late or urgent nature.
- (3) A committee may make a recommendation which -
 - (a) is relevant to the purpose for which the committee is established by the Council; and
 - (b) the committee considers requires consideration by the Council.
- (4) Where a committee makes a recommendation for consideration by the Council, the CEO shall prepare or cause to be prepared a report to the Council with respect to the recommendation.

25. Public questions and right of reply

- (1) Members of the public may ask questions after reports have been dealt with by the Council or committee.
- (2) This second public question time is to be conducted in the same manner as the public question time dealt with in clause 16 (*Public question time*) except that, unless extended by the person presiding:
 - (a) the total time permitted will be 10 minutes; and
 - (b) any member of the public wishing to speak will be allocated a maximum of 3 minutes to do so.

26. Motions of which previous notice has been given

- (1) A member may raise at a meeting any business that the member considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.

- (2) Subject to subclause (3) a notice of motion under subclause (1) is to be signed by the member and given to the CEO at least 7 clear days before the meeting at which it is to be moved.
- (3) The requirement to give notice of a motion under subclause (1) does not apply where the proposed motion is 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) The Council may, by an absolute majority, dispense with the requirement to give notice under subclause (1) where the Council 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.
- (5) A notice of motion lapses unless the member who gave the notice or some other member authorised in writing by the member who gave the notice, moves the motion at the meeting at which it is to be considered.
- (6) Where a notice of motion is given and lapses in circumstances referred to under subclause (5), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of the lapse.
- (7) A motion of which previous notice has been given is to relate to the good government of persons in the district.
- (8) A notice of motion of which the subject matter does not relate to a matter affecting the Town, may be ruled out of order by the presiding person.
- (9) Where a notice of motion under subclause (1) contains any word or words which -
 - (a) reflect adversely on the character or actions of a member, officer or other person; or
 - (b) impute any motive to any member or officer; or
 - (c) are offensive or insulting,then the CEO -
 - (i) after consultation with the mayor, may reject the motion; or

- (ii) after consultation with the member who submitted the motion, may amend the form but not the substance of the motion so as to delete the offensive or insulting word or words.
- (10) Where, prior to a meeting, a member has given notice of motion in accordance with this clause or a member has given notice of a revocation motion in accordance with clause 58 (*Revocation motions*) and
- (a) the member is present at the meeting, the member must read the motion or revocation motion to the meeting; or
 - (b) the member is not present at the meeting, the CEO must read the motion or revocation motion to the meeting.

27. Confidential business

- (1) Section 5.23 of the Act and regulation 4A of the Regulations deal with when meetings may be closed to members of the public.
- (2) Any report prepared or caused to be prepared by the CEO on any matter that may be dealt with at a meeting closed to the public may, at the discretion of the CEO, contain a recommendation to the Council or committee that the matter be dealt with behind closed doors.
- (3) Any report containing such a recommendation will not be made available for inspection by members of the public with the notice paper and agenda for the meeting.
- (4) Any reports containing a recommendation that the matter be dealt with behind closed doors will, unless the Council or committee decides otherwise, be dealt with at the completion of all other business and prior to the closure of the meeting.
- (5) The Council or committee will make a decision in regard to each recommendation that a matter be dealt with behind closed doors before considering the substance of any report the subject of such a recommendation.
- (6) If the Council or committee resolves to deal with any matter behind closed doors, the presiding person is to direct all persons, other than members and employees, to leave the meeting room and every person to which the direction applies must comply with it.
- (7) Subclauses (4) to (7) of clause 68 (*Council sit behind closed doors – effect of motion*) will then apply.

28. Meeting closure

At the conclusion of all business or when otherwise determined by the meeting, the presiding person is to declare the meeting closed and state the closing time.

PART 4—CONDUCT OF MEETINGS

29. Official titles to be used

Members, when referring to others, must refer to them by their titles of mayor, deputy mayor, presiding member, councillor, or in the case of an employee by the employee's title.

30. Seating

- (1) At the first meeting following each ordinary election, the CEO is to allocate a seat in the Council chamber to each member.
- (2) The seat to the left of the mayor is to be made available for seating of any distinguished visitor.
- (3) Each member must occupy his or her allocated position when present at a meeting of the Council until the Council decides to reallocate positions.
- (4) The CEO is to sit immediately to the right of the mayor.
- (5) If the Mayor is not the presiding person of a committee the Mayor is to be allocated the seat nearest to the presiding person.

31. Distinguished visitor seating

If a distinguished visitor is present at a meeting of the Council or a committee, the presiding person may invite that person to sit beside the presiding person or at the meeting table.

32. Media attendance and seating

Media representatives are permitted to attend meetings of the Council and be seated in that part of the Council chamber or meeting room that may be set aside for their use, but must leave the meeting during any period when the meeting is closed to the public.

33. Order of speakers

When 2 or more members indicate their desire to speak at the same time the presiding person is to decide who is entitled to priority.

34. Members not to interrupt

A member shall not -

- (a) make any noise or disturbance or converse in a loud manner whilst any other member is addressing a meeting; or

- (b) cause any interruption or speak out of turn during a meeting, other than to raise a point of order, make a personal explanation or move a procedural motion.

35. No member to cross the floor

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

36. Presiding person may participate in discussion

- (1) The voting entitlement of a presiding person at a meeting is dealt with in section 5.21 of the Act.
- (2) The presiding person may participate in the discussion of any motion before the meeting provided that the presiding person addresses the meeting before the right of reply is exercised.

37. Presiding person to be heard without interruption

Whenever the presiding person signifies a desire to speak at any time during the meeting, any member speaking or offering to speak must be silent, so that the presiding person may be heard without interruption.

38. No adverse reflection

- (1) No member of the Council or a committee is to reflect adversely upon a decision of the Council or committee except on a motion that the decision be revoked or changed.
- (2) No member of the Council or a committee is to use an objectionable expression in reference to any member, employee of the Council or any other person.
- (3) A member of the Council or a committee may request that any words used by a member, be recorded in the minutes immediately after their use.

39. Withdrawal of offensive language

- (1) A member who uses an expression which, in the opinion of the presiding person -
 - (a) reflects adversely on the character or actions of a member, officer or other person; or
 - (b) imputes any motive to any member or officer; or

- (c) is offensive or insulting, must, when directed by the presiding person, unreservedly withdraw the expression and make an unconditional apology.
- (2) Where a member fails to comply with a direction of the presiding person under subclause (1), the presiding person may refuse to hear the member further on the matter then under discussion and call on the next speaker.

40. Relevance to debate

When addressing a meeting on any motion or other business, members must confine their remarks to the motion or other business and not digress.

41. Presiding person to draw attention of meeting to unbecoming behaviour

The presiding person may call the attention of the meeting to continued irrelevance, tedious repetition, unbecoming language or any breach of order, or decorum on the part of a member, and may direct the member, if speaking, to discontinue speaking, and the member must immediately cease speaking and if standing be seated.

42. Personal explanation

- (1) A member of the Council or a committee must not speak at any meeting, except on the matter then before the Council or committee, unless it is to make a personal explanation.
- (2) A member of the Council or a committee wishing to make a personal explanation of matters referred to by any other member of the Council or committee then speaking, is entitled to be heard -
 - (a) immediately if the member then speaking consents at the time; or
 - (b) at the conclusion of the speech if the member then speaking declines to give way.
- (3) A member of the Council or a committee permitted to make a personal explanation must confine comments to a succinct statement relating to a specific part of the former speech that may have been misunderstood and the member is not to refer to matters not strictly necessary for that purpose and is not to seek to strengthen his or her former argument by new matter or by replying to other members.

43. Ruling on questions of personal explanation

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

44. Point of order

- (1) A member may direct the presiding person's attention to a breach of this local law by any other member and is to specify the grounds of the breach.
- (2) A member expressing a difference of opinion with, or contradicting, a speaker is not to be recognised as raising a point of order.
- (3) The presiding person is to decide all points of order and the decision of the presiding person is final and must be accepted by the meeting without argument or comment, unless in any particular case, the Council then resolves that a different ruling is to be substituted for the ruling given by the presiding person.
- (4) A motion, amendment or other business ruled to be out of order, is to be no longer discussed and requires no resolution.
- (5) Where anything said or done by a member is ruled out of order, the presiding person may require the member to make an explanation, retraction or apology as the case may be.

45. Preservation of order - Council members

- (1) The presiding person is to preserve order at all times and may call any member to order whenever in the presiding person's opinion, there is cause to do so.
- (2) Any member who acts in breach of this clause may be ruled by the presiding person to be out of order.
- (3) Where a member persists in any conduct which the presiding person deems is out of order, or refuses to make any explanation, retraction or apology required by the presiding person, then the presiding person may direct the member to refrain from taking any further part in that meeting, other than by recording the member's vote and the member must comply with that direction.

46. Preservation of order - members of the public

- (1) Any member of the public addressing the Council or a committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the presiding person whenever called upon to do so.
- (2) No person observing a meeting, is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

- (3) Where a person is considered by the presiding person or the Council to be in breach of subclauses (1) or (2) the presiding person or the Council may direct the offending person to leave the meeting room and the person must immediately comply with that direction.
- (4) A person failing to comply with a direction given under subclauses (1) or (3) may, by order of the presiding person, be removed by the police from the meeting room.
- (5) A person who fails to comply with a direction given under subclause (3) commits an offence.

Maximum penalty: \$1,000.

47. Serious disorder

- (1) If the presiding person is of the opinion that by reason of serious disorder or otherwise, the business of the meeting cannot effectively be continued, the presiding person may adjourn the meeting for a period of not less than 5 minutes but no more than 15 minutes.
- (2) If, having once adjourned the meeting, the presiding person is again of the opinion that the business of the meeting cannot effectively be continued the presiding person may adjourn the meeting to another date.

PART 5—MOTIONS AND AMENDMENTS

48. Recommendations in reports

- (1) Where a motion, if carried, would be significantly different from the relevant written recommendation of a committee or an employee (but not a motion to only note the matter or to return the recommendation for further consideration), the motion shall include the reasons for the motion.
- (2) The requirements for recording in the minutes of a meeting, written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee are dealt with in regulation 11(da) of the Regulations.
- (3) A recommendation made by or contained in a report may, but need not be, moved.
- (4) A motion may be moved that a recommendation made by or contained in a report be referred back for further consideration.

49. Adoption of recommendations en bloc

A member may move a motion to adopt by one resolution, all the recommendations or a group of recommendations from a committee or several reports, without amendment or qualification after having first identified those recommendations, if any -

- (a) which require adoption by absolute or special majority vote,
- (b) in respect of which there is a disclosure of interest;
- (c) which any member has indicated the member wishes to debate; and
- (d) in respect of which any member has indicated the wish to ask a question or to raise a point of clarification,

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

50. Motions

- (1) A member proposing a primary motion or amendment must state its substance before addressing the meeting and if so required by the presiding person must put the motion or amendment in writing.
- (2) The presiding person or the meeting by resolution, may require a complicated motion to be divided into 2 or more motions.

51. No opposition to motions

- (1) On a motion being moved and seconded, the presiding person may then ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the presiding person may then take the vote without debate.
- (3) If a member signifies opposition to a motion, the motion shall be dealt with according to this local law.

52. Motions to be seconded

- (1) Subject to subclause (2) a motion or amendment is not to be discussed or put to the vote unless seconded.
- (2) A nomination to any position is not required to be seconded.
- (3) A member seconding a motion is to speak on the motion immediately following the mover.

53. Withdrawing motions

A motion or amendment may be withdrawn by the mover, with the consent of the Council, and no member is to speak on it after it has been withdrawn.

54. One motion at a time

Only one motion is to be debated at any one time.

55. Limitation on members speaking

- (1) Only the mover of a motion may speak twice on the same motion.
- (2) The mover of a motion -
 - (a) is to speak to that motion first, after it has been seconded; and
 - (b) has the right of reply and in exercising that right is to confine the reply to previous speakers' comments and not introduce any new matters.
- (3) Following the mover and seconder speaking to the motion, the presiding person will call two other speakers against the motion and then other speakers for and against the motion.
- (4) A member must not speak on any motion after the mover has replied.

- (5) Unless an extension of time is granted by a simple majority -
 - (a) The mover of a motion may only speak to the motion for a maximum of 5 minutes;
 - (b) any other member may only speak on the motion for a maximum of 3 minutes; and
 - (c) the mover of a motion exercising a right of reply may speak for a maximum of 3 minutes.
- (6) The Council may suspend the operation of this clause during debate on a motion.

56. Questions during debate

- (1) Subject to clause 55(3) (*Limitation on members speaking*) a member may ask a question at any time during the debate on a motion or an amendment before the mover of the motion or amendment has replied.
- (2) Subject to subclause (3) a member who asks one or more questions will not be taken to have spoken on the matter.
- (3) Where the presiding person considers a question asked is not succinct and to the point, but is prefaced by comment or other information, the presiding person may rule that the member has spoken on the matter and, in that event, the member must not speak again on the matter.

57. Amendments

- (1) A member may move an amendment to a primary motion, at any time during debate on the motion, except -
 - (a) when the mover has been called by the presiding person to exercise the right of reply; or
 - (b) during debate on a procedural motion.
- (2) Every amendment is to be relevant and not negate the motion in respect of which it is moved.
- (3) An amendment to a motion is to take only one of the following forms -
 - (a) that certain words be omitted;
 - (b) that certain words be omitted and others substituted or added; or
 - (c) that certain words be added.

- (4) Any member may speak to an amendment once it is moved but the mover of the amendment will not have a right of reply.
- (5)
 - (a) Only one amendment is to be discussed at a time, but as often as an amendment is lost, another amendment may be moved before the primary motion is put to the vote.
 - (b) Where an amendment is carried, one further successful amendment to the primary motion, as amended, and no more, may be carried.
- (6) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate and subject only to subclause (5), to be treated as a primary motion.

PART 6—REVOCATION MOTIONS

58. Revocation motions

- (1) The requirements for support of a motion for revocation or change of a Council decision are dealt with in section 5.25(1)(e) of the Act and regulation 10 of the Regulations.
- (2) In this clause -
 - (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 a Council or committee meeting.
- (3) This clause 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.
- (4)
 - (a) If, at the relevant meeting, a member who gave notice of a 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 clause 26 (*Motions of which previous notice has been given*) any member of the Council may move the revocation motion.
- (5) Where notice of a revocation motion is given in accordance with the requirements of regulation 10 of the Regulations, then the CEO must not implement or continue to implement, the decision the subject of the revocation motion until at the relevant meeting -

- (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.
- (6) A notice of revocation motion is to lapse when, at the relevant meeting -
- (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.
- (7) Subclauses (1), (2), (3), (4), (5) and (6) of clause 26 (*Motions of which previous notice has been given*) do not apply where the motion is a revocation motion.
- (8) For the avoidance of doubt subclauses (7), (8) and (9) of clause 26 (*Motions of which previous notice has been given*) are to apply where the motion is a revocation motion.
- (9) A motion that a revocation motion be deferred shall only be carried by the decision of an absolute majority.

PART 7—PROCEDURAL MOTIONS

59. Permissible procedural motions

In addition to proposing a properly worded amendment to a primary motion, a member may, at the conclusion of a speech of any other member or on the conclusion of any business, move any of the following procedural motions without notice, and if seconded, the procedural motion is to be dealt with immediately -

- (a) that the motion be deferred;
- (b) that the meeting do now adjourn;
- (c) that the debate be adjourned;
- (d) that the motion be now put;
- (e) that the meeting be now closed;
- (f) that the Council sit behind closed doors;
- (g) that the ruling by the presiding person be disagreed with.

60. No debate on procedural motions

- (1) The mover of a motion referred to in each of paragraphs (a), (b), (c), (e), (f), and (g) of clause 59 (*Permissible procedural motions*) 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 referred to in paragraph (d) of clause 59 (*Permissible procedural motions*) shall not speak to the motion, the seconder shall not speak other than to formally second the motion, and there is to be no debate on the motion.

61. Procedural motions - closing debate - who may move

- (1) No person who has moved, seconded, or spoken for or against the primary motion, or any amendment may move any procedural motion which, if carried, would close the debate on the primary motion or amendment.
- (2) At the same meeting, a member shall not move more than one procedural motion, except a motion referred to in paragraph (a), (f) or (g) of clause 59 (*Permissible procedural motions*).

62. Procedural motion² - right of reply on primary motion

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

63. The motion be deferred - effect of motion

- (1) If a motion “that the motion be deferred”, is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.
- (2) A motion that the motion be deferred shall not be moved in respect of the election of a presiding person or the mayor.

64. The meeting do now adjourn - effect of motion

- (1) If a motion “that the meeting do now adjourn”, is carried then the meeting is to stand adjourned to a time and date specified in the motion, or where no time and date is specified, to such time and date as the presiding person shall declare.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) -
 - (a) the debate is to be resumed at the date and time specified as required in subclause (1) and at the point where it was so interrupted; and
 - (b) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (c) the provisions of clause 55 (*Limitation of members speaking*) apply when the debate is resumed.

65. The debate be adjourned - effect of motion

- (1) If a motion “that the debate be adjourned”, is carried then all debate on the primary motion or amendment is to cease and is to continue at a time and date specified in the motion.
- (2) If the motion “that the debate be adjourned” is carried at a meeting of the Council -
 - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 55 (*Limitation on members speaking*) apply when the debate is resumed.

- (3) A motion that the debate be adjourned shall not be moved in respect of the election of a presiding person or the deputy mayor.

66. The motion be now put - effect of motion

- (1) If a motion “that the motion be now put”, is carried during discussion of a primary motion or amendment then the presiding person is to immediately put the matter under consideration without further debate (subject to clause 62 – *Procedural motions – right of reply on primary motion*).
- (2) If the motion “that the motion be now put” is lost then debate is to continue.

67. Meeting be now closed - effect of motion

- (1) If a motion “that the meeting be now closed”, is carried, then -
 - (a) the presiding person is to forthwith close the meeting, and no further business may be transacted; and
 - (b) any business outstanding on the agenda for that meeting shall be carried forward to the agenda for the next ordinary meeting of the Council.
- (2) If the motion “that the meeting be now closed” is carried at a meeting of the Council -
 - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 55 (*Limitation on members speaking*) apply when the outstanding business is resumed.

68. Council sit behind closed doors - effect of motion

- (1) The requirements for meetings to be open to the public and the reason that meetings may be closed are dealt with in clause 27 (*Confidential business*).
- (2) Notwithstanding clause 59 (*Permissible procedural motions*), a member may move at anytime during a meeting, that the meeting sit behind closed doors.
- (3) If a motion “that the Council sit behind closed doors”, is carried then the presiding person is to direct all persons, other than members, employees and other persons, as specified in the motion, to leave the meeting room and every person must immediately comply with that direction.
- (4) Subject to subclause (3), the meeting is to be closed to the public until the Council resolves to open the meeting to members of the public.

- (5) Upon the public again being admitted to the meeting, if any member of the public remains the presiding person is to cause the motions passed by the Council whilst it was proceeding behind closed doors to be read out including the details of any voting recorded.
- (6) A person who is a Council member, a committee member, or an officer or employee is not to publish, or make public any of the discussion which takes 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.
- (7) A person failing to comply with a direction made under subclause (3) may, by order of the presiding person, be removed by the police from the meeting room.

69. Ruling by the presiding person be disagreed with - effect of motion

If a motion “that the ruling by the presiding person be disagreed”, is carried then the ruling of the presiding person about which this motion was moved, is to have no effect and the meeting is to proceed accordingly.

PART 8—COMMITTEES

70. Appointment, types and membership of committees

The appointment, types and membership of committees is dealt with in sections 5.8 to 5.11 of the Act.

71. Election of committee presiding person and deputy presiding person

The election of the presiding person and deputy presiding person of a committee is dealt with in sections 5.12 to 5.15 of the Act.

72. Delegation of some powers and duties to committees

- (1) The delegation of certain powers and duties to committees is dealt with in sections 5.16 to 5.18 of the Act.
- (2) The powers and duties of any committee are to be as determined by the Council on appointment of the committee and as otherwise considered necessary.

73. Calling of committee meetings

The CEO is to convene a meeting of a committee when requested by -

- (a) the presiding person of the committee, in writing;
- (b) a minimum of 1/3 of the members of the committee, but not less than 2 members of the committee, in writing;
- (c) the committee; or
- (d) the Council.

74. Elected member attending committee as observer

- (1) A member may attend any meeting of a committee as an observer, notwithstanding that the member is not a member of that committee.
- (2) A member attending a committee meeting as an observer, may speak with the permission of the presiding member and providing the member discloses any interest in the matter that the member would be required to disclose if he or she were a member of the committee, but is not to vote on any motion before the committee.

75. Disclosure by members who are observers at committee meetings

The requirements for disclosure of interests are dealt with in Clause 1.3 of the Code of Conduct adopted by the Council. Clause 1.3 of the Code of Conduct reads:

1.3 Disclosure of Interests Affecting Impartiality

In regard to disclosure of interests affecting impartiality, an "interest" means an interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected.

- (a) Councillors and Committee Members are to disclose any interest affecting their impartiality that they may have in any matter to be discussed at a Council or Committee meeting that will be attended by the Councillor or Committee Member by written notice to the CEO prior to the meeting or at the meeting immediately before the matter is discussed.
- (b) Employees are to disclose any interest affecting their impartiality that they may have in any matter to be discussed at a Council or Committee meeting in respect of which the Employee has given, or will give a report, advice or comment upon.
- (c) A disclosure of an interest as outlined above is to be made at the meeting no later than immediately before the matter is discussed or at the time the advice is given.
- (d) The disclosure is to be recorded in the minutes of the relevant meeting.

Footnote:

Where disclosure is required under this clause, the Act is to be used to inform the process.

76. Meetings closed to the public

All meetings of committees not required to be opened to the public under the Act are to be open to the public unless the Council decides otherwise.

77. Standing orders apply to committee meetings

Unless otherwise provided in this local law, the provisions of this local law shall apply to meetings of committees with the exception of -

- (a) clause 30 (*Seating*);
- (b) clause 55 (*Limitation on members speaking*); and
- (c) clause 58 (*Revocation motions*).

PART 9 - MISCELLANEOUS

78. Representation on public bodies

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

79. Improper use of information

The improper use of information is dealt with in section 5.93 of the Act.

80. Meetings of electors

The requirements for meetings of the electors are dealt with in sections 5.26 to 5.33 of the Act and regulations 15 to 18 of the Regulations.

81. Cases not provided for in the standing orders

Where there is no provision or insufficient provision made in this local law, the presiding person shall determine the procedure to be observed, providing it is in accordance with Section 3.7 of the Act.

82. Enforcement

The right to prosecute for any offence committed under this local law is dealt with in section 9.24 of the Act.

83. Custody and Use of the Common Seal

- (1) The CEO is to have charge of the common seal of the local government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the local government may only be used on the authority of the Council given either generally or specifically, and every document to which the seal is affixed must be signed by the Mayor and the CEO or a senior employee authorised by him or her.
- (3) The common seal of the local government is to be affixed to any local law which is made by the local government.
- (4) The CEO is to record in a register each date on which the common seal of the local government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.

- (5) Any person who uses the common seal of the local government or a replica thereof without authority commits an offence.

Penalty \$1,000.

84. Suspension of Standing Orders

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

85. Penalty for Breach of Standing Orders

Any person guilty of any breach of these Standing Orders or any of the provisions therefore, shall be liable to a penalty not exceeding \$1,000.

Dated this 30th day of November 2006.

The Common Seal of the Town of Bassendean was hereunto affixed and signed by the authority of a resolution of the Council in the presence of:



A handwritten signature in black ink, appearing to read "Wouterina Klein". The signature is written in a cursive style with a long horizontal stroke extending to the left.

WOUTERINA GODELIVA KLEIN JP
MAYOR

A handwritten signature in black ink, appearing to read "Gary Evershed". The signature is written in a cursive style with a long horizontal stroke extending to the left.

GARY EVERSLED
CHIEF EXECUTIVE OFFICER