

Standing Orders

Local Law

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City Of Nedlands

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Local Government Act 1995

City Of Nedlands

Standing Orders Local Law 2009

Under the powers of the *Local Government Act 1995* and by all the others, the Council of the City of Nedlands resolved on 22 February 2011 to make the following local law.

Part 1—Preliminary

1.1 Citation

- (1) This local law may be cited as the *City of Nedlands Standing Orders Local Law 2009*
- (2) In the clauses to follow, this local law is referred to as “the Standing Orders.”

1.2 Content and intent

- (1) This local law provides the rules and guidelines for the conduct of Council and committee meetings.
- (2) The rules and guidelines (standing orders) are intended to provide for
 - (a) better decision making by the Council and committees;
 - (b) the orderly and efficient conduct of Council and committee meetings; and
 - (c) greater understanding by the community of the way in which the Council and its committees conducts its meetings and makes decisions.

1.3 Application

All meetings of the Council or a committee and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and this local law.

1.4 Interpretation

- (1) In these Standing Orders unless the context otherwise requires:

“absolute majority” has the same meaning as given to it in the *Local Government Act 1995*;
“Act” means the *Local Government Act 1995*;
“CEO” means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the City of Nedlands;
“committee” means a committee of the Council;
“Council” means the Council of the City of Nedlands;
“elector” has the same meaning as given to it in the Act;
“Mayor” means the Mayor of the Local Government;

“member” has the same meaning as given to it in the Act;

“motion” means a proposition presented to Council for its deliberation;

“Presiding Member” means the Presiding Member of a committee or the deputy Presiding Member, or a member of the committee when performing a function of the Presiding Member in accordance with the Act;

“quorum” means the number of members who must be present at a meeting of the Council or a committee before it may consider any business (at least 50% of the number of offices, whether vacant or not, of members of the Council or the committee);

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

“simple majority” is 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.

- (2) Unless otherwise defined herein the terms and expressions used in these Standing Orders are to have the meaning given to them in the Act and Regulations.

1.4 Repeal

The *City of Nedlands Standing Orders Local 2003* published in the Government Gazette on 5 January 2004, and as amended and published in the *Government Gazette* on 3 September 2004 are repealed.

Part 2—Calling and Convening Meetings

2.1 Councillors to receive notice

Notice required to be given for Council and Committee meetings is dealt with in the Act.

2.2 Notice of special council meetings

The calling of special council meetings and notice required to be given is dealt with in the Act.

2.3 Council and Committee meetings

The calling of Council and Committee meetings is dealt with in the Act.

Part 3—Business of the Meeting

3.1 Business to be specified on notice paper

- (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 a decision of 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) No business is to be transacted at a committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting, without the approval of the Presiding Member or a decision of the committee.
- (4) No business is to be transacted at an adjourned meeting of the Council or a committee other than that –
- (a) specified in the notice of the meeting which had been adjourned; and
 - (b) which remains unresolved;
- except in the case of an adjournment to the next ordinary meeting of the Council or the committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

3.2 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
 - (b) Apologies and leave of absence
 - (c) Public question time
 - (d) Addresses by members of the public
 - (e) Requests for leave of absence
 - (f) Petitions
 - (g) Disclosure of financial interests
 - (h) Disclosure of interests affecting impartiality
 - (i) Declaration by Members that they have not given due consideration to papers
 - (j) Confirmation of minutes
 - (k) Announcements by the Presiding Member without discussion
 - (l) Members announcements without discussion
 - (m) Matters for which the meeting may be closed
 - (n) Divisional Reports and Minutes of Council Committees and Administrative Liaison Working Groups
 - (o) Reports of the Chief Executive Officer

- (p) Motions of which notice has previously been given
 - (q) Urgent business approved by the Presiding Member or by decision
 - (r) Confidential items
 - (s) Closure
- (2) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the agenda of the meeting.
- (3) Notwithstanding subclauses (1) and (2) in the order of business for any meeting of the Council or a committee, 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) Unless stated otherwise in the Terms of Reference of that committee, the procedure for meetings of committees and the order of business shall be the same as the procedure and the order of business for Council meetings.
- (5) Notwithstanding subclause (1), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriately decided, by that meeting.

3.3 Public question time

- (1) Procedures for public question time are dealt with in the Act and Regulations.
- (2) Questions asked by members of the public are not to be accompanied by any statement reflecting adversely upon any member or employee.

3.4 Addresses by members of the public

- (1) Any person may address the Council.
- (2) Each person wishing to address the Council is required to give written notice of his/her intention to do so to the Chief Executive Officer prior to the meeting by completing the form provided by the local government.
- (3) An address may relate to any subject that is within the Council's jurisdiction but should be restricted to matters of general community concern. In this regard, the Presiding Member may rule that the subject matter does not meet these criteria, and that the Public Address not be heard.
- (4) The Presiding Member will determine the order of speakers to address the Council and the number of speakers is to be limited to 2 in support and 2 against any particular item on the agenda or any other matter within Council's jurisdiction.
- (5) The public address session will be restricted to 15 minutes unless the Council, by resolution, decides otherwise.

- (6) Each person is restricted to one address of up to 3 minutes unless the Council, by decision, determines that they may speak for no more than a further 2 minutes.
- (7) The Presiding Member may suspend or adjourn the public address session at any time, and any person addressing the Council will resume their seat when called upon to do so by the Presiding Member.
- (8) The Presiding Member shall suspend the public address session if the person making the address resorts to personal denigration of any person or persons.
- (9) The Presiding Member may comment on the address given or call upon a Councillor or Officer to comment. They may decline and if the subject matter of the address has not been considered by the Council, no substantive comment shall be offered. Any comments shall not exceed 3 minutes.
- (10) Any breach of the Standing Orders may result in the person being prohibited from addressing the Meeting at which the breach occurs.

3.5 Petitions

- (1) Every petition shall be respectful and temperate in its language, and may be delivered either to the Mayor, a Councillor, or the Chief Executive Officer, who shall accept the petition and present it to the Council at the next Ordinary Council Meeting.
- (2) A petition must –
 - a. contain the name, address and signature of each petitioner; and
 - b. have the name of the person who lodged the petition with the Council shown at the top of each page thereof but need not otherwise be in any particular form
- (3) On presentation of a petition at a Council or committee meeting, the Chief Executive Officer or the elected member shall read the petition and the only motions that are in order are that the petition be received and, if necessary, that it be referred to a Committee or for an Administration report.

3.6 Confirmation of minutes

- (1) When minutes of a meeting are submitted to an ordinary meeting of the Council or committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to
 - (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.

- (2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

3.7 Announcements by the Presiding Member or members without discussion

- (1) At any meeting of the Council or a committee the Presiding Member or a member may announce or raise any matter of interest or relevance to the business of the Council or committee, or propose a change to the order of business.
- (2) The Presiding Member may propose a change in the order of business but the change must be carried by a majority of members present, otherwise the proposed change is not to take place.

3.8 Announcement of matters for which meeting may be closed

For the convenience of members of the public, the Council or committee may identify by decision, early in the meeting, any matter on the agenda of the meeting to be discussed behind closed doors, and that matter is to be deferred for consideration as the last item of the meeting.

3.9 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or these Standing Orders 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.
- (2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) The CEO –
 - (a) with the concurrence of the Mayor, may exclude from the notice paper any notice of motion deemed to be out of order; or
 - (b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
 - (c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) No notice of motion is to be out of order because the policy involved is considered to be objectionable.
- (6) A motion of which notice has been given is to lapse unless –
 - (a) the member who gave notice thereof, or some other member authorised by him or her 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 in the circumstances referred to in subclause (6)(a) a 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 such lapse.
- (8) When any Councillor has given a Notice of Motion, he or she shall provide to the CEO, at least 4 clear working days before the meeting at which that motion is to be considered, a paper setting out the reasons behind the proposed motion and the outcome it is attempting to achieve and the CEO shall cause to have copies distributed to all Members.

3.10 Urgent business approved by the Presiding Member or by decision

In cases of extreme urgency or other special circumstance, matters may, with the consent of the Presiding Member or a decision of members present, be raised without notice and decided by the meeting.

3.11 Deputations

- (1) A deputation wishing to be received by the Council or a committee is to apply in writing to the CEO who is to forward the written request to the Mayor, or the Presiding Member as the case may be.
- (2) The Presiding Member of Council or committee, whichever is applicable, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be, or may instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.
- (3) A deputation invited to attend a Council or committee meeting –
 - (a) is not to exceed 5 persons, only 2 of whom may address the Council or committee, although others may respond to specific questions from the members; and
 - (b) is not to address the Council or committee for a period exceeding 15 minutes without the agreement of the Council or the committee as the case requires.
- (4) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.

3.12 Confidential items

- (1) Any item presented to Council for consideration, that meets the criteria as stipulated in section 5.23 of the Act and which Council, the CEO, or the Mayor in consultation with the CEO considers should be dealt with in confidence, shall be tabled under Confidential Business.

- (2) Council shall consider a motion to proceed behind closed doors prior to considering any item of Confidential Business. If such a motion is not forthcoming, or when voted on is lost, then the item of Confidential Business shall be considered with open doors as if it were not confidential.
- (3) When Council has concluded its consideration of any confidential business, the meeting should move a motion to re-open the meeting.

Part 4–Public Access to Agenda Material

4.1 Inspection entitlement

Members of the public have access to agenda material in the terms set out in regulation 14 of the Regulations.

4.2 Confidentiality of information withheld

- (1) Information withheld by the CEO from members of the public under regulation 14(2) of the Regulations is to be –
 - (a) identified in the agenda of a Council or committee meeting under the item “Matters for which meeting may be closed”; and
 - (b) marked “confidential” in the agenda.
- (2) A member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

Part 5–Disclosure of Interests

5.1 Separation of committee recommendations

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

5.2 Member with a financial interest may ask to be present

A request from a member with a financial interest to be present during any discussion is dealt with in the Act.

5.3 Member with a financial interest may ask permission to participate

A request from a member with a financial interest to participate during any discussion or to vote is dealt with in the Act.

5.4 Invitation to return to provide information

Where a member or employee has disclosed an interest in a matter and has left the room in accordance with the Act, the meeting may resolve to invite the member or employee to return to provide information in respect of the matter or in respect of the member's or employee's interest in the matter and in such case the member or employee is to withdraw after providing the information.

5.5 Member with an impartiality interest

Where a member has disclosed that they have an interest that would give rise to a reasonable belief that they may not deliberate upon the matter under consideration in an impartial way, they may remain in the meeting and deliberate and vote upon the matter provided they have made a declaration that their interest will not affect their impartiality.

5.6 Disclosures by employees

- (1) If an employee within the meaning of section 5.70 of the Act, presents a written report to a meeting, on a matter in which the employee has an interest, the nature of the interest is to be disclosed at the commencement of the report.
- (2) If such an employee makes a verbal report to a meeting on a matter in which the employee has an interest, the employee is to preface his or her advice to the meeting by verbally disclosing the nature of the interest.

Part 6—Quorum

6.1 Quorum to be present

- (1) The Council or a committee is not to transact business at a meeting unless a quorum of at least 50% of the eligible members, is present.

6.2 Loss of quorum during a meeting

- (1) If at any time during the course of a meeting of the Council or a committee a quorum is not present -
 - (a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either -
 - (i) a quorum is present to decide the matter; or
 - (ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under section 5.69 of the Act; or

- (b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the Presiding Member is to suspend the proceedings of the meeting for a period of five minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the Presiding Member is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or the Standing Orders when calling a meeting of that type.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) (b) –
- (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) in the case of a Council meeting
 - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 9.5 apply when the debate is resumed.

Part 7–Minutes

7.1 Content of minutes

In addition to the matters contained in Regulation 11 of the Regulations, the content of minutes of a meeting of the Council or a committee is to include, where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled, the reasons for the decision.

7.2 Preservation of minutes

Minutes including the agenda of each Council and committee meeting are to be kept as a permanent record of the activities of the local government and are to be transferred to the Public Records Office, being a directorate of the Library and Information Service of Western Australia, in accordance with the retention and disposal policy determined by that office from time to time.

Part 8–Conduct of Persons at Council and Committee Meetings

8.1 Official titles to be used

Members of the Council and employees are to speak of each other in the Council or committee by their respective titles (in the case of members, Mayor or councillor). Members of the Council, in speaking of or addressing employees, are to designate them by their respective official titles.

8.2 Members to occupy own seats

- (1) At the first meeting held after each ordinary election day, the CEO is to allot council members seats in accordance with policy adopted by Council.

- (2) At meetings of the Council each council member shall occupy the place assigned to that Council member within Council Chambers.

8.3 Leaving meetings

During the course of a meeting of the Council or a committee no member or employee is to enter or leave the meeting without first acknowledging the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

8.4 Adverse reflection at a meeting

- (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) It is an offence for a member of the Council or a committee to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.
- (3) If a member of the Council or committee specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the Presiding Member is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes, unless the words referred to above have been withdrawn immediately upon request to do so by the Presiding Member.

8.5 Recording of proceedings

No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council or committee.

8.6 Prevention of disturbance

- (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 failure to take direction from the Presiding Member whenever called upon to do so is an offence.

Penalty \$1,000

- (2) A person observing a meeting is not to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

Penalty \$1,000

8.7 Distinguished visitors

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

8.8. Protection of employees

- (1) For the purpose of this clause -
“complaint” means any expression of censure or dissatisfaction raised with the object of having remedial or disciplinary action taken against the employee concerned, whether expressed or implied.
- (2) If at a meeting of the Council or a committee, a complaint is received from a member of the Council or any other person about the ability, character or integrity of any employee or of any act or omission of an employee, and the person making the complaint has provided or is prepared to provide details of the complaint in writing and sign the complaint, the Council or committee may –
 - (a) if the complaint is about the CEO, direct the signed written complaint to the Mayor who is to refer the complaint to the committee deemed most appropriate by the Mayor to investigate and report upon the matter following the procedure provided for in the City of Nedlands Corporate Code of Conduct; or
 - (b) if the complaint is about any other employee, refer the signed written complaint to the CEO, who is to investigate the matter, following the procedure provided for in the City of Nedland’s Corporate Code of Conduct, and report any action taken by him or her to the Council or committee
- (3) Where a complaint is received by the Council or a committee and becomes the subject of an investigation and report under subclause (2), the employee about whom the complaint is made, is to be given the opportunity to answer the complaint in writing.

Part 9—Conduct of Members During Debate

9.1 Members wishing to speak

Every member of the Council wishing to speak is to indicate by show of hands or other method agreed upon by the Council. When invited by the Presiding Member to speak, members are to rise and address the Council through the Presiding Member, provided that where any member of the Council is unable to stand by reason of sickness or disability he or she may sit while speaking.

9.2 Priority

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

9.3 The Presiding Member to take part in debates

Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in these Standing Orders, the Presiding Member may take part in a discussion of any matter before the Council or committee as the case may be.

9.4 Relevance

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

9.5 Limitation of number of speeches

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

9.6 Member may ask questions

A member may ask any question that is relevant to the motion under debate at any time during the debate on a motion, before the motion is put, but no discussion thereon is permitted.

9.7 Limitation of duration of speeches

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

9.8 Members not to speak after conclusion of debate

No member of the Council or a committee is to speak to any motion after it has been put by the Presiding Member.

9.9 Members not to interrupt

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

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 10.17; or
- (d) to move a motion under clause 11(1)(e) that the member be no longer heard.

9.10 Presiding Member may interrupt a member

If a member in debate continues to be repetitious, uses unbecoming language, or introduces matter irrelevant to the motion under debate, the Presiding Member may interrupt the member and direct them to cease speaking and to resume their seat.

9.11 Re-opening discussion on decisions

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

Part 10–Procedures for Debate of Motion

10.1A Alternative motions/amendments

- (1) Elected members are to submit material amendments and alternative resolutions to recommendations on Council agendas to the Chief Executive Officer, with supporting reasons, by 12 noon on the day before each Council meeting, so they can be distributed to other elected members to give them an opportunity to reflect on the proposed changes.
- (2) Material amendments and alternative resolutions submitted under subclause (1) must not conflict with the stated purpose of a Special Council Meeting.

10.1 Permissible motions on report recommendations

A recommendation contained in a report to Council may be adopted without amendment or modification, failing which, it may be –

- (a) rejected by the Council and replaced by an alternative decision; or
- (b) amended or modified and adopted with such amendment or modification; or
- (c) referred back to Council or a committee for further consideration.

10.2 Motions to be stated

Any member of the Council or a committee who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it.

10.3 Motions to be supported

- (1) A motion or amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change the decision made at a Council or a committee meeting is not open to debate until the motion demonstrates the support required under regulation 10 of the Regulations.

10.4 Unopposed business

- (1) Upon a motion being moved and seconded, the Presiding Member may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the Presiding Member will put the motion to a vote.
- (3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.

- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) The Presiding Member may also put any unopposed business before the meeting *en bloc* including those matters that must be decided by an absolute majority.
- (6) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

10.5 Only one substantive motion considered

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

10.6 Breaking down of complex questions

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

10.7 Order of call in debate

The Presiding Member is to call speakers to a substantive motion in the following order:

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) The seconder to speak to the motion unless the seconder reserves the right to speak later in the debate;
- (e) A speaker against the motion;
- (f) A speaker for the motion;
- (g) Other speakers against and for the motion, alternating in view, if any;
- (h) Mover takes right of reply which closes debate.

10.8 Limit of debate

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

10.9 Motions may be read during debate

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

10.10 Consent of seconder required to accept alteration of wording

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

10.11 Order of amendments

- (1) Any number of amendments may be proposed to a motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn or lost.
- (2) Only 1 amendment shall be discussed at a time, but as often as an amendment is lost, another amendment may be moved before the original motion is put to the vote. There shall be no more than 2 successful amendments and on the adoption of the second successful amendment the substantive motion as it then stands shall be put.
- (3) The Presiding Member may require any member moving an amendment to provide a written copy.

10.12 Amendments must not negate original motion

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

10.13 Mover of motion may speak on an amendment

- (1) On an amendment being moved, any member may speak to the amendment.
- (2) If the person who moved the substantive motion does choose to speak to the amendment, the right of reply is not forfeited by that person.

10.14 Substantive motion

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

10.15 Withdrawal of motion and amendments

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

10.16 Limitation of withdrawal

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.

10.17 Personal explanation

No member is to speak at any meeting of the Council or a committee, except upon the matter before the Council or committee, unless it is to make a personal explanation. Any member of the Council or committee who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a member of the Council or committee rises to explain, no reference is to be made to matters unnecessary for that purpose.

10.18 Personal explanation - when heard

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

10.19 Ruling on questions of personal explanation

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

10.20 Right of reply

- (1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the question.
- (2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

10.21 Right of reply provisions

The right of reply is governed by the following provisions:

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

10.22 Amendments to be relevant

Every amendment shall be relevant to the motion upon which it is moved and be framed to show precisely which words need to be deleted, added or altered.

10.23 Negated motions

A motion to the same effect as any motion that has been negated by the Council or committee, except those motions provided for in clause 14.1 of the Standing Orders, shall not again be entertained within a period of 3 months except with the consent of an absolute majority of the Council or committee members.

Part 11—Procedural Motions

11.1 Permissible procedural motions

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

- (a) that the Council (or committee) proceed to the next business;
- (b) that the motion be adjourned;
- (c) that the Council (or committee) do now adjourn;
- (d) that the motion be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with;
- (g) that the Council (or committee) meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under section 5.23 of the Act.

11.2 No debate on procedural motions

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

11.3 Procedural motions - closing debate - who may move

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

11.4 Procedural motions - right of reply on substantive motion

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

Part 12–Effect of Procedural Motions

12.1 Council (or committee) to proceed to the next business - effect of motion

The motion “that the Council (or committee) proceed to the next business”, if carried, causes the debate to cease immediately and for the Council (or committee) to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

12.2 Motion to be adjourned - effect of motion

- (1) The motion “that the motion be adjourned”, if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.
- (2) If the motion 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 9.5 apply when the debate is resumed.

12.3 Council (or committee) do now adjourn - effect of motion

- (1) The motion “that the Council (or committee) now adjourn”, if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the Presiding Member or a simple majority of members upon vote, determine otherwise.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) –
 - (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) in the case of a Council meeting -
 - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 9.5 apply when the debate is resumed.

12.4 Motion to be put - effect of motion

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

12.5 Member to be no longer heard - effect of motion

The motion “that the member be no longer heard”, if carried, causes the Presiding Member to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

12.6 Ruling of the Presiding Member disagreed with - effect of motion

The motion “that the ruling of the Presiding Member be disagreed with”, if carried, causes the ruling of the Presiding Member about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

12.7 Council (or committee) to meet behind closed doors - effect of motion

- (1) Subject to any deferral under clause 3.7 or other decision of the Council or committee, the motion “that Council or (Committee) to meet behind closed doors”, if carried, causes the general public and any officer or employee as the Council or committee determines, to leave the room.
- (2) While a decision made under this clause is in force the operation of clause 9.5 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.
- (3) Upon the public again being admitted to the meeting the Presiding Member, unless the Council or committee decides otherwise, is to cause the motions passed by the Council or committee 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.
- (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.
- (5) Prohibition under (4) does not extend to the actual decision, except any decision that involves matters of commercial confidentiality, made as a result of such discussion and other information properly recorded in the minutes.

12.8 Meeting be reopened to members of the public

The motion “that the meeting be reopened to the public” when carried, will result in members of the public being again admitted to the meeting.

Part 13–Making Decisions

13.1 Motion - when put

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

13.2 Motion - method of putting

If a decision of the Council or a committee is unclear or in doubt, the Presiding Member shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no vote is secret, before declaring the decision.

13.3 Recording the names of members against the motion

The names of those members voting against the motion are to be recorded in the minutes.

Part 14–Implementing Decisions

14.1 Implementation of a decision

- (1) If a notice of motion to revoke or change a decision of the Council or a committee is received in the form required by the Standing Orders before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that –
 - (a) if a notice of motion to revoke or change a decision of the Council or a committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of council members required to support the motion under Regulation 10 of the Regulations indicate their support for the notice of motion at that meeting; and
 - (b) if a notice of motion to revoke or change a decision of the Council or a committee is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless the notice of motion has the support in writing of the number of council members required under Regulation 10 of the Regulations
- (2) When giving notice of motion of revocation or change the council member giving notice shall state in writing in clear terms:

- (a) the motion of revocation or change identifying the substantive resolution proposed to be revoked or changed;
 - (b) the reason or reasons for seeking the revocation or change; and
 - (c) provide or cause to be provided sufficient signed statements of support for the notice of motion of revocation or change as are required by paragraphs (4) and (5) of this clause, in sufficient time to comply with the requirements for a notice of motion, whether at the same time as the notice of motion of revocation or change or separately.
- (3) The CEO shall not accept a notice of motion of revocation or change which does not comply with these requirements, and the requirements for a notice of motion.
- (4) If the CEO receives a notice of motion to revoke or change a substantive resolution:
- (a) before the close of the meeting at which the substantive resolution was passed, then provided the notice complies with the preceding subclauses, the CEO shall forthwith deliver the notice to the Presiding Member who shall at the earliest opportunity notify the meeting of the notice, and thereafter at the first available opportunity the Presiding Member shall bring on the motion before the close of the meeting.
 - (b) after the closure of the meeting at which the substantive resolution was passed, then provided the notice complies with the preceding subclauses the CEO shall do all things necessary to ensure that the motion is considered at a Special or Ordinary Meeting of the Council held at the earliest opportunity after the meeting at which the substantive resolution was passed.
- (5) If a notice of motion to revoke or change is received by the CEO before any step has been taken to implement the substantive resolution, then no step shall be taken to implement or give effect to the substantive resolution until the motion to revoke or change has been dealt with.

Part 15—Preserving Order

15.1 The Presiding Member to preserve order

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

15.2 Demand for withdrawal

A member at a meeting of the Council or a committee or a person who asks a question or makes an address may be required by the Presiding Member, or by a decision of the Council or committee, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on any other person, and if the member or person declines or neglects to do so, the Presiding Member may refuse to hear the member or person further upon the matter then under discussion and call upon the next speaker.

15.3 Points of order - when to raise – procedure

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

15.4 Points of order - when valid

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

- (a) that the discussion is of a matter not before the Council or committee;
- (b) that offensive or insulting language is being used;
- (c) drawing attention to the violation of any written law, provided that the member making the point of order states the written law believed to be breached.

15.5 Points of order - ruling

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

15.6 Points of order - ruling conclusive, unless dissent motion is moved

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

15.7 Points of order take precedence

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

15.8 Precedence of Presiding Member

- (1) When the Presiding Member rises during the progress of a debate, any member of the Council or committee then speaking, or offering to speak, is to immediately sit down and every member of the Council or committee present shall preserve strict silence so that the Presiding Member may be heard without interruption.
- (2) It is an offence to disobey or fail to abide by a direction from the Presiding Member whenever called upon to do so.
- (3) Subclause (1) is not to be used by the Presiding Member to exercise the right provided in clause 9.3, but to preserve order.

15.9 Right of the Presiding Member to adjourn without explanation to regain order

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

15.10 No communication with members during meetings

- (1) A person, not being a Councillor, shall not at any meeting of the Council interrupt the proceedings of the Council, including attempting to communicate, whether verbally or electronically or by passing written material, with Councillors while a Council meeting is in progress.
- (2) Councillors may communicate with each other verbally or by passing written material provided it does not unnecessarily distract other Councillors.

Part 16—Adjournment of Meeting

16.1 Meeting may be adjourned

The Council or a committee may decide to adjourn any meeting to a later time on the same day, or to any other day.

16.2 Limit to moving adjournment

No member is to move or second more than 1 motion of adjournment during the same sitting of the Council or committee.

16.3 Unopposed business - motion for adjournment

On a motion for the adjournment of the Council or committee, the Presiding Member, before putting the motion, may seek leave of the Council or committee to proceed to the transaction of unopposed business.

16.4 Withdrawal of motion for adjournment

A motion or an amendment relating to the adjournment of the Council or a committee may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal, debate of the motion is to continue.

16.5 Time to which adjourned

The time to which a meeting is adjourned for want of a quorum, by the Presiding Member to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

16.6 Notice of adjourned meeting

- (1) When a meeting is adjourned to another day, notice of the adjourned meeting shall be forwarded to each councillor as if it was notice of a special meeting, in the manner prescribed in Part 2 of these Standing Orders. The requirement to give 72 hours notice does not apply if there is insufficient time to satisfy this requirement.
- (2) If the adjourned meeting is to be open to the public it shall be regarded as a special meeting of the Council for the purpose of giving local public notice as required by the Regulations.

Part 17—Committees of the Council

17.1 Establishment and appointment of committees

The establishment and appointment of committees is dealt with in the Act.

17.2 Appointment of deputy committee members

The appointment of deputy committee members is dealt with in the Act.

17.3 Presentation of committee reports

When the report or recommendations of a committee are placed before the Council, the adoption of recommendations of the committee is to be first moved by

- (a) the Presiding Member of the Committee if the Presiding Member is a Council member and is in attendance; or
- (b) a Council member who is a member of the committee, if the Presiding Member of the Committee is absent; or
- (c) otherwise, by a Council member who is not a member of the committee.

17.4 Reports of committees - questions

When a recommendation of any committee is submitted for adoption by the Council, any member of the Council may direct questions directly relating to the recommendation through the Presiding Member to the Presiding Member or to any member of the committee in attendance.

17.5 Permissible motions on recommendation from committee

A recommendation made by or contained in the minutes of a committee may be adopted by the Council without amendment or modification, failing which, it may be

- (a) rejected by the Council and replaced by an alternative decision; or
- (b) amended or modified and adopted with such amendment or modification; or
- (c) referred back to the committee for further consideration.

17.6 Standing orders apply to committees

Where not otherwise specifically provided for in the committee's terms of reference, these Standing Orders apply generally to the proceedings of committees, except that the following Standing Orders do not apply to the meeting of a committee

- (a) clause 8.2, in regard to seating;
- (b) clause 9.1, in respect of the requirement to rise;
- (c) clause 9.5, limitation on the number of speeches.
- (d) Clause 10.7(g), in respect to standing orders in view.

17.7 Attendance by members as observers

Members have the right to attend meetings of committees as observers if they are not members or deputy members of the committees. The Presiding Member may allow them to speak on any matter under consideration by the committee but they shall not be entitled to vote.

Part 18—Administrative Matters

18.1 Suspension of standing orders

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

18.2 Cases not provided for in standing orders

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders and the Act and Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.1 (f).

18.3 Acts, policies and standing orders and papers for members of the council

The Chief Executive Officer shall provide to each council member as soon as convenient after being elected to office access to the Act, and associated regulations, policies and procedures and local laws regulating and governing the administration of the local government.

18.4 Penalty for breach of standing orders

Any person guilty of any breach of the Standing Orders or any of the provisions hereof, shall be liable upon conviction to a penalty not exceeding those penalties provided by the this local law.

18.5 Enforcement

- (1) The Presiding Member of any Council or committee meeting is authorised to enforce the Standing Orders during the course of the meeting and to liaise with the CEO where appropriate regarding the appropriate action to be taken for any breach.
- (2) No action shall be taken by the City of Nedlands to institute legal proceedings for an alleged breach of the Standing Orders unless by resolution of the Council.
- (3) Council may resolve to deal with any alleged breach of the Standing Orders through the application of the procedures contained within the *Local Government (Rules of Conduct) Regulations 2007*.
- (4) Penalties under the Standing Orders are as per the *Local Government Act 1995* and the Regulations.

Part 19–Common Seal

19.1 Use of common seal

The use of the common seal is dealt with in the Act.

- (1) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Penalty \$1,000

Dated this 29th day of April 2009.

The COMMON SEAL OF THE CITY OF NEDLANDS was affixed by authority of a resolution of the Council of 28 April 2009:

Mayor

Chief Executive Officer

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