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LOCAL GOVERNMENT ACT 1995

SHIRE OF MUNDARING

MEETING PROCEDURES LOCAL LAW 2015

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LOCAL GOVERNMENT ACT 1995

SHIRE OF MUNDARING

MEETING PROCEDURES LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Mundaring resolved on 8 December 2015 to make the *Shire of Mundaring Meeting Procedures Local Law 2015.*

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Mundaring Meeting Procedures Local Law 2015.*

1.2 Commencement

This local law commences on the fourteenth day after it is published in the *Government Gazette.*

1.3 Application

All meetings are to be conducted in accordance with the Act, the Regulations, the Rules of Conduct Regulations and this local law.

1.4 Interpretation

In this local law, unless the context requires otherwise—

absolute majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

amendment, in relation to a motion, means an amendment motion which does not alter the basic intent of the substantive motion to which the amendment applies;

CEO means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the local government;

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

Council means the Council of the local government;

councillor has the meaning given to it in the Act;

local government means the Shire of Mundaring;

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

member in respect of—

(a) the Council, has the meaning given to it in the Act;

(b) a committee, means a person appointed under section 5.10 of the Act.

Minister means the Minister responsible for administering the Act;

President means the president of the local government;

Deputy President means the deputy president of the local government;

presiding member means—

(a) in respect of the Council, the person presiding under section 5.6 of the Act;

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

revocation motion means a motion to revoke or change a decision made at a Council or committee meeting under Part 11 of this local law;

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

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

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

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

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

1.5 Repeal

The *Shire of Mundaring Standing Orders Local Law* published in the *Government Gazette* on 10 April 2003, as amended by publication in the *Government Gazette* on 16 June 2004, is repealed.

PART 2—CALLING AND CONVENING MEETINGS

2.1 Ordinary and special Council meetings

(1) An ordinary meeting of the Council held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.

(2) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

PART 3—QUORUM

3.1 Procedure when quorum not present during a meeting

(1) If at any time during a meeting a quorum is not present, the presiding member is to immediately suspend the proceedings of the meeting for a period of up to 15 minutes.

(2) If a quorum is not present at the expiration of the period in subclause (1), the presiding member may either suspend the proceedings of the meeting for a further period of up to 15 minutes or adjourn the meeting to a later time on the same day or to another date.

3.2 Names to be recorded

At any meeting at which there is no quorum present or which is adjourned under clause 3.1, the names of the members then present are to be recorded in the minutes.

PART 4—BUSINESS OF A MEETING

4.1 Business to be specified

(1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the presiding member or 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 of the meeting as the purpose of the meeting.

(3) Where a Council meeting is adjourned to the next ordinary meeting of the Council, then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be the first business to be considered at that ordinary meeting.

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

(5) The CEO may withdraw an item from the agenda of a meeting of the Council.

4.2 Order of business

(1) Unless otherwise decided by the Council, the order of business at an ordinary meeting of the Council is to be as follows—

1. Opening procedures
    - 1.1 Announcement of visitors
    - 1.2 Record of attendance/Apologies/Approved leave of absence
2. Announcements by presiding member without discussion
3. Declaration of interest
4. Response to previous public questions taken on notice
5. Public question time
6. Applications for leave of absence
7. Confirmation of minutes of previous meetings
8. Presentations
    - 8.1 Deputations
    - 8.2 Petitions
    - 8.3 Presentations
9. Reports of committees
10. Reports of employees
11. Elected members motions of which previous notice has been given
12. Urgent business (late reports)
13. Confidential reports
14. Closing procedures
    - 14.1 Date, time and place of the next meeting
    - 14.2 Closure of the meeting

(2) Unless otherwise decided by the members present, the order of business at any special meeting of the Council is to be the order in which that business stands in the notice of, or agenda for, the meeting.

4.3 Public question time

(1) A member of the public who raises a question during question time is to state their name and address.

(2) In this clause a question includes part of a question, so that a question in 3 parts is to be treated as 3 questions.

(3) A member of the public who wishes to ask a question at a meeting must be present at the meeting when the question is asked, however the person may seek approval from the presiding member for their nominated representative to ask the question on their behalf.

(4) A completed question time form must include—

(a) the name and address of the person who wishes to ask the question; and

(b) the question in a succinct and legible form.

(5) If more than 2 questions are submitted in writing by any one person, the presiding member shall allow that person, in the first instance, to ask a maximum of 2 questions.

(6) After all other members of the public have asked their questions, and where time permits, the presiding member will allow members of the public who wish to ask more than 2 questions to sequentially ask one further question. This process will continue until the allotted time has expired.

(7) Where only one person wishes to ask more questions and where time permits, the presiding member will invite that person to ask their additional questions.

(8) The presiding member may decide that a public question shall not be responded to where—

(a) the same or a similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;

(b) the member of the public uses public question time to make a statement, provided that the presiding member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or

(c) the member of the public asks a question that is offensive or defamatory in nature, provided that the presiding member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.

(9) The presiding member may determine that any question requiring research or investigation be answered in writing as soon as practicable.

(10) Where the necessary information is available at the time the question is posed a response will be provided by either the CEO, relevant member or employee nominated by the presiding member.

(11) A question may be taken on notice by the Council for later response.

(12) When a question is taken on notice the CEO is to ensure that a written response is given to the member of the public and a summary of the response is included in the agenda of the next meeting of the Council.

(13) If the 15 minute period set aside for question time for the public is reached, Council may resolve by resolution that question time be extended for an additional 15 minutes.

(14) No more than two 15 minute extensions to public question time will be permitted.

(15) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes of the meeting.

4.4 Leave of absence

(1) A member seeking the Council's approval to take leave of absence shall give written notice to the CEO prior to the commencement of the meeting.

(2) The notice referred to in subclause (1) shall include the period of leave of absence required and the reasons for seeking the leave.

4.5 Confirmation of minutes

(1) When minutes of meetings are distributed for consideration prior to their confirmation at the next meeting, if a member is dissatisfied with the accuracy of the minutes, the member is to provide the CEO with a written copy of the alternative wording to amend those minutes prior to the commencement of the meeting.

(2) At the meeting where the minutes are to be confirmed, the member who provided the alternative wording shall, at the time for confirmation of the minutes—

(a) state the item or items with which he or she is dissatisfied; and

(b) propose a motion clearly outlining the alternative wording to amend the minutes.

(3) Members at the meeting must not discuss items of business contained in the unconfirmed minutes, other than discussion as to their accuracy as a record of the proceedings.

4.6 Deputations

(1) Members of the public may, during the deputations segment of the order of business and with the consent of the presiding member, make a public statement on any matter that appears on the agenda for that meeting provided that—

(a) the deputation is limited to a maximum of 3 minutes, unless otherwise determined by the presiding member;

(b) the deputation is not offensive or defamatory in nature, providing that the presiding member has taken all reasonable steps to assist the member of the public to phrase the statement in a manner that is not offensive or defamatory; and

(c) no discussion or questions relating to the deputation are permitted, unless otherwise determined by the presiding member.

(2) Fifteen minutes is to be allocated for deputations.

(3) Once all statements have been made, nothing prevents the unused part of the deputation time period from being used for other matters.

(4) If the 15-minute period set aside for deputations is reached, Council may resolve by resolution that statement time be extended for no more than two 15-minute extensions.

4.7 Petitions

(1) A petition is to—

(a) be addressed to the President;

(b) be made by electors of the district;

(c) state the request on each page of the petition;

(d) contain the legible names, addresses and signatures of the electors making the request;

(e) contain a summary of the reasons for the request;

(f) state the name of the person to whom, and an address at which, notice to the petitioners can be given; and

(g) not contain offensive or insulting language.

(2) On the presentation of a petition—

(a) the member presenting it or the CEO is confined to reading the petition; and

(b) the only motion that is in order is that the petition be received and that it be referred to the CEO for action.

(3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—

(a) the matter is the subject of a report included in the agenda; and

(b) the Council has considered the issues raised in the petition.

4.8 Presentations

(1) In this clause, a ***presentation*** means the acceptance of a gift, grant or award by the Council on behalf of the local government or the community.

(2) A presentation to the Council at a meeting may be made only with the prior approval of the presiding member.

4.9 Announcements by the presiding member without discussion

At any meeting of the Council the presiding member may announce or raise any matter of interest or relevance to the local government and there is not to be any discussion on the matter, unless the Council resolves otherwise.

4.10 Elected members motions of which previous notice has been given

(1) Unless the Act, Regulations or this local law provide otherwise, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.

(2) A notice of motion under subclause (1) is to be given at least seven clear working days before the meeting at which the motion is to be raised.

(3) A notice of motion is to be accompanied by supporting reasons and is to relate to the good governance of the district.

(4) The CEO—

(a) with the concurrence of the presiding member, may exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of this local law or any other written local law;

(b) will inform all members on each occasion that a notice has been excluded and the reason for that exclusion;

(c) may, after consultation with the submitting member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and

(d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

(5) A motion of which notice has been given is to lapse unless—

(a) the member who gave notice or another member authorised by him or her in writing, moves the motion when called on and the motion is seconded; or

(b) the Council on a motion agrees to defer consideration of the motion to a later date.

(6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

4.11 Urgent business (late reports)

A member may move a motion to consider an item of urgent business that is not included in the agenda for that meeting provided that—

(a) the presiding member has first consented to the business raised;

(b) the presiding member considers that either—

(i) the urgency of the business is such that the business cannot await inclusion in the agenda for the next meeting of the Council; or

(ii) the delay in referring the business to the next meeting of the Council could have adverse legal or financial implications for the local government; and

(c) the item of urgent business is presented in the form of a detailed staff report, a copy of which is to be provided to members prior to the commencement of the meeting.

4.12 Confidential reports

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

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

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

(a) the presiding member is to direct everyone to leave the meeting except—

(i) the members;

(ii) the CEO; and

(iii) any employee specified by the presiding member; and

(b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council, by resolution, decides otherwise.

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

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

(6) Once the meeting is reopened to members of the public, the presiding member is to ensure that any resolution of the Council made while the meeting was closed is read aloud including the details of any voting recorded.

PART 5—PUBLIC PARTICIPATION

5.1 Recording of proceedings

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

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

5.2 Prevention of disturbance

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

(2) A person addressing the Council shall be courteous and respectful to the Council and the processes under which it operates and shall comply with any direction by the presiding member.

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

(4) A person shall ensure that his or her mobile device or audible pager is not switched on or used during any meeting of the Council.

(5) A person who fails to comply with the provisions of this clause when so directed by the presiding member shall immediately leave the meeting room.

(6) A person who is ordered to leave the meeting room and fails to do so, may by order of the presiding member be removed from the meeting room and, if the presiding member so orders, from the premises.

PART 6—CONDUCT OF MEMBERS

6.1 Members to occupy own seats

At Council meetings, members must be seated in the order as determined by the CEO following each ordinary election.

6.2 Official titles to be used

A speaker, when referring to the President or Deputy President, or a member or employee, must use the title of that person's office.

6.3 Entering or leaving a meeting

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

6.4 Crossing Council chamber

(1) When the presiding member is putting any motion or amendment to the vote, a member shall not leave or cross the Council chamber.

(2) Whilst another member is speaking a member shall not pass between the speaker and the presiding member.

6.5 No conversing with the public during meetings

A member must not converse with any member of the public in the public gallery during a Council meeting.

6.6 Members who wish to speak

(1) A member who wishes to speak—

(a) must indicate their intention to speak by raising their hand or by another method agreed by the Council; and

(b) when invited by the presiding member to speak, must address the meeting through the presiding member.

6.7 Priority of speaking

(1) Where 2 or more members indicate at the same time their intention to speak, the presiding member will decide which member is to be heard first.

(2) A decision of the presiding member under this clause is not open to discussion, dissent or point of order.

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

6.8 Presiding member may take part in debate

Subject to compliance with this local law's procedures for the debate of motions, the presiding member may take part in a discussion of any matter before the meeting.

6.9 Relevance

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

(2) The presiding member at any time may call the attention of the meeting to any irrelevant or repetitious remarks by a member.

6.10 Speaking twice

(1) A member must not address the Council more than once on any motion or amendment except—

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

(b) to raise a point of order; or

(c) to make a personal explanation.

(2) A member who asks a question before speaking, has not addressed the meeting for the purposes of this clause.

6.11 Duration of speeches

A member may speak on a motion or amendment, or reply for a period of three minutes, unless an extension of time is granted by the Council without debate, but a member's total speaking time must not exceed six minutes.

6.12 Questions during debate

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

(2) Questions asked by a member and responses given by an employee—

(a) are to be brief and concise; and

(b) are not to be accompanied by argument, expression of opinion, or statements, except where necessary to explain the question or answer.

(3) In answering any question an employee may qualify his or her answer and may at a later time in the meeting or at a later meeting, alter, correct, add to or otherwise amend his or her original answer.

6.13 No speaking after conclusion of debate

A member must not speak on any motion or amendment—

(a) after the mover has replied; or

(b) after the motion or amendment has been put to the vote.

6.14 No interruption

A member must not interrupt another member who is speaking other than—

(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 6.15; or

(d) to move a procedural motion that the member be no longer heard (refer to clause 9.9).

6.15 Personal explanations

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

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

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

6.16 No reopening of discussion

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

6.17 Adverse reflection and offensive language

(1) A member must not reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed (refer to Part 11).

(2) A member must not—

(a) reflect adversely on the character or actions of another member or employee;

(b) attribute any motive to a member or employee; or

(c) use an expression that is offensive in reference to any member, employee or other person,

unless the meeting resolves, without debate, that the matter before the meeting cannot otherwise be adequately considered.

6.18 Withdrawal of adverse reflection or offensive language

A member who, in the opinion of the presiding member—

(a) reflects adversely on the character or actions of another member or employee;

(b) attributes any motive to a member or employee; or

(c) uses an expression that is offensive,

must when directed by the presiding member, withdraw the reflection, attribution or expression and make a satisfactory apology.

6.19 Smoking and consumption of alcohol

Smoking and the consumption of alcoholic beverages are prohibited in any meeting.

PART 7—PRESERVING ORDER

7.1 Presiding member to preserve order

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

(2) When the presiding member speaks during a debate, every member present must be silent so that the presiding member may be heard without interruption.

(3) Subclause (2) is not to be used by the presiding member to exercise his or her right to take part in the debate (see clause 6.8), but to preserve order.

7.2 Points of order

(1) Any of the following acts may be considered to constitute a point of order for the purpose of this local law—

(a) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 6.9);

(b) a speaker's use of offensive expressions (see clause 6.17);

(c) the breach of any written law, including this local law, provided that the member making the point of order specifies the written law believed to be breached; or

(d) insinuations about the character, morality, honesty or motives of a member or employee.

(2) A member raising a point of order shall specify one of the grounds in subclause (1) before speaking further on the matter.

(3) A member who expresses a difference of opinion or contradicts a speaker is not to be taken as raising a point of order.

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

(a) takes precedence over any discussion; and

(b) until determined by the presiding member, suspends the consideration or discussion of any other matter.

7.3 Procedures on a point of order

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

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

(a) the member raising the point of order has been heard; and

(b) the presiding member has ruled on the point of order,

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

7.4 Ruling by the presiding member

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

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

(a) is not to be the subject of debate or comment; and

(b) is to be final unless the majority of members then present and voting, on a procedural motion moved immediately after the ruling, dissent from the ruling.

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

(a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and

(b) a statement made or act done by a member is out of order, the presiding member may require the member to make an explanation, retraction or apology.

7.5 Continued breach of order

If a member—

(a) persists in any conduct that the presiding member had ruled is out of order; or

(b) fails or refuses to comply with a direction from the presiding member,

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

7.6 Presiding member may adjourn the meeting

(1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.

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

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

PART 8—MOTIONS AND AMENDMENTS

8.1 Motions to be stated and in writing

(1) A member who wishes to move a substantive motion or an amendment to a substantive motion—

(a) must state the substance of the motion before speaking to it; and

(b) must put the motion or amendment in writing if—

(i) if in the opinion of the presiding member, the motion or amendment is significantly different to the relevant written recommendation of a committee or an employee; or

(ii) he or she is otherwise required to do so by the presiding member.

(2) The written terms of the motion or amendment are to be given to the CEO who is to ensure that they are recorded in the minutes.

8.2 Motions to be supported

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

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

8.3 Unopposed business

(1) Immediately after a substantive motion has been moved and seconded, the presiding member shall ask the meeting if any member opposes it, wishes to speak or wishes to ask a question.

(2) If no member opposes the motion, or wishes to speak or ask a question the presiding member may put the motion to the vote without debate.

(3) If a member opposes a motion, the motion is to be dealt with in accordance with clause 8.6.

8.4 Only one substantive motion at a time

When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.

8.5 Complex motions

The presiding member may require that a complex substantive motion, or a complex amendment to a substantive motion, is to be broken down and put in the form of more than one motion, each of which is to be put to the vote in sequence.

8.6 Order of call in debate

The presiding member is to call speakers to a substantive motion in the following order—

(a) the mover to state the motion;

(b) a seconder to the motion;

(c) the mover to speak to the motion;

(d) the seconder to speak to the motion;

(e) a speaker against the motion, if any;

(f) a speaker for the motion;

(g) other speakers against and for the motion, alternating where possible; and

(h) mover exercises the right of reply, which closes the debate.

8.7 Limit of debate

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

8.8 Member may require motion to be read

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

8.9 Amendments

(1) A member may move an amendment to a substantive motion at any time during debate on the motion, except—

(a) if the mover has been called by the presiding member to exercise the right of reply;

(b) if the member has already spoken to the substantive motion;

(c) if another amendment is being debated, or has not been withdrawn, carried or lost;

(d) during debate on a procedural motion.

(2) An amendment must be relevant to the substantive motion to which it is moved and must not have the effect of negating the substantive motion.

(3) An amendment to a substantive motion is to take only one of the following forms—

(a) that certain words be omitted;

(b) that certain parts be omitted and others substituted or added; or

(c) that certain words be added.

(4) Only one amendment at a time is to be debated, but as often as an amendment is withdrawn, carried or lost, another amendment may be moved before the substantive motion is put to the vote.

(5) Where an amendment is carried, the substantive motion as amended is, for all purposes of subsequent debate, to be treated as the substantive motion.

(6) The mover of an amendment has the right of reply at the conclusion of the discussion on the amendment and the right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

8.10 Withdrawal of a motion or amendment

(1) The Council may, without debate, grant leave for a motion or amendment to be withdrawn by the mover, with the consent of the seconder, provided there is no objection by any member.

(2) If a member objects, discussion on either the motion or amendment shall continue.

8.11 Right of reply

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

(2) The mover of any amendment to a substantive motion has a right of reply.

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

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

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

(4) After the mover of an amendment or the substantive motion has commenced the reply, no other member is to speak on the amendment or motion, ask a question or propose a further amendment.

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

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

PART 9—PROCEDURAL MOTIONS

9.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 8) a member may move any of the following procedural motions—

(a) that the debate on the motion be adjourned;

(b) that the motion be now put;

(c) that the meeting now adjourn;

(d) that the meeting now be closed to members of the public;

(e) that the member be no longer heard; or

(f) that the ruling of the presiding member be disagreed with.

9.2 No debate

(1) The mover of a motion specified in paragraph (a), (c), (d) or (f) of clause 9.1 may speak to the motion for not more than 3 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) the mover of a motion specified in paragraph (b) or (e) of clause 9.1 must 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.

9.3 Who may move

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

9.4 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 or amendment.

9.5 Debate to be adjourned (clause 9.1(a))—effect of motion

A motion "that the debate on the motion be adjourned"—

(a) is to state where in the order of business, or to which future meeting the debate is to be adjourned; and

(b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues when the presiding member reintroduces the matter at the time in the order of business stated in the motion.

9.6 Motion be now put (clause 9.1(b))—effect of motion

(1) If the motion "that the motion be now put", is carried during debate on a substantive motion without amendment, the presiding member is to offer the right of reply and then put the motion to the vote without further debate.

(2) If the motion "that the motion be now put", is carried during discussion of an amendment, the presiding member is to offer the right of reply in relation to the amendment and then put the amendment to the vote without further debate.

(3) If lost, this motion allows debate to continue.

9.7 Meeting now adjourn (clause 9.1(c))—effect of motion

(1) A motion "that the meeting now adjourn"—

(a) is to state the time and date to which the meeting is to be adjourned; and

(b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.

(2) A meeting adjourned under subclause (1) is to continue from the point at which it was adjourned, unless the presiding member or the Council determines otherwise.

9.8 The meeting now be closed to members of the public (clause 9.1(d))—effect of motion

If a motion "that the meeting now be closed to members of the public" is carried, then the presiding member is to close the meeting in accordance with clause 4.12.

9.9 Member to be no longer heard (clause 9.1(e))—effect of motion

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

9.10 Ruling of the presiding member to be disagreed with (clause 9.1(f))—effect of motion

(1) The motion 'that the ruling of the presiding member be disagreed with", having been carried, will cause the ruling of the presiding member to be reversed and for the meeting to proceed accordingly.

(2) Where the presiding member has adjourned the meeting in accordance with clause 7.6, the motion "that the ruling of the presiding member be disagreed with" must not be moved.

PART 10—VOTING

10.1 Motion—when put

Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member—

(a) is to put the motion to the Council; and

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

10.2 Dividing motions for voting

Where a report to the Council contains more than one motion, the presiding member may put the motions individually, in groups or as one.

10.3 Method of taking vote

In taking the vote on any motion or amendment, the presiding member—

(a) is to put the motion or amendment, first in the affirmative, and then in the negative;

(b) may put the motion or amendment as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;

(c) is to count and determine the votes of members in any way (such as electronically or by show of hands) that enables a record to be taken of each member's vote; and

(d) subject to this clause, is to declare the result.

10.4 Recording of votes

(1) The number of votes for and against a motion at a meeting of the Council shall be recorded in the minutes of that meeting.

(2) The names of all members voting for or against a motion shall be recorded, adjacent to the respective motion, in the minutes.

PART 11—IMPLEMENTING AND REVOKING OR CHANGING DECISIONS

11.1 Revoking or changing a decision at the same meeting

(1) The Council may at the same meeting at which it is carried, revoke or change a decision if all members who were present in the Council chamber at the time the decision was carried are also present in the Council chamber at the time the revoking or changing is proposed.

(2) A member who wishes to move a revocation motion at the same meeting where the decision was made must—

(a) clearly identify the decision to be revoked or changed; and

(b) clearly state the reason for the decision to be revoked or changed.

(3) If the CEO receives a notice of revocation motion to revoke a decision made at a meeting before the close of that meeting, the CEO must immediately advise the presiding member of the substance of the revocation motion and raise it as an item of urgent business under clause 4.11.

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

(a) advise the meeting of the notice;

(b) state the substance of the revocation motion;

(c) determine whether there is sufficient support as required under the Regulations; and

(d) if there is sufficient support, deal with the revocation motion.

11.2 Revoking or changing a decision after a meeting

(1) A member wishing to move a revocation motion at a future meeting of the Council must give notice to the CEO of the revocation motion, which is to—

(a) be in writing;

(b) specify the decision proposed to be revoked or changed;

(c) include a reason or reasons for the revocation motion;

(d) be supported by the number of members required under the Regulations;

(e) specify the date of the ordinary or special meeting of the Council where it is to be presented, as the case may be; and

(f) be given to the CEO in accordance with the notice of motions provisions in clause 4.10.

(2) Any notice of revocation motion given to the CEO must be dealt with in accordance with clause 4.10.

11.3 Limitations on powers to revoke or change decisions

The Council shall not consider a motion to revoke or change a decision of the Council if—

(a) at the time the motion is moved or notice is given, action has been taken under clause 11.4 to implement the decision; or

(b) where the decision is procedural in its form or effect,

without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.

11.4 Implementing a decision

(1) A decision of the Council shall not be implemented by the CEO or any other person until after 12 noon on the first working day following the Council meeting at which that decision was carried.

(2) The Council may, by resolution carried at the same meeting at which a decision was made, request the CEO to take immediate action to implement the decision.

(3) A decision made at a meeting is not to be implemented by the CEO or any other person—

(a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and

(b) unless and until the valid notice of revocation motion has been determined by the Council.

PART 12—SUSPENSION OF LOCAL LAW

12.1 Suspension of this local law

(1) A member may at any time move that the operation of one or more of the clauses of this local law be suspended.

(2) A member moving a motion under subclause (1) is to identify the clause or clauses to be suspended and state the reasons for the motion, but no other discussion is to take place.

(3) A motion under subclause (1) which is seconded and carried by absolute majority, is to suspend the operation of the clause or clauses to which the motion relates for the duration of the discussion on any matter, unless the meeting resolves otherwise.

12.2 When this local law does not apply

(1) In situations where—

(a) this local law has been suspended; or

(b) a matter is not regulated by the Act, the Regulations or this local law,

the presiding member is to decide questions relating to the conduct of the meeting.

(2) The decision of the presiding member under subclause (1) is final, except where a motion of dissent is moved under clause 9.10.

PART 13—COMMITTEES OF THE COUNCIL

13.1 Establishment of committees

A Council resolution to establish a committee under section 5.8 of the Act is to include—

(a) the terms of reference of the committee;

(b) the number of Council members, employees and other persons to be appointed to the committee;

(c) the names or titles of the Council members and employees to be appointed to the committee;

(d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments;

(e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

13.2 Local law applies to committees

This local law applies generally to committee meetings except for clause 6.1 in respect of members' seating and clause 6.11 in respect of limitation on members speaking.

PART 14—MEETINGS OF ELECTORS

14.1 Procedure for electors' meetings

In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to the Act, Regulations and this local law.

14.2 Participation of non-electors

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

PART 15—BREACH OF THIS LOCAL LAW

15.1 Penalty for breach

A person who breaches a provision of this local law commits an offence.

Penalty: $1,000 and daily penalty of $100.

Dated the 9th day of December 2015.

The Common Seal of the Shire of Mundaring was affixed by authority of a resolution of the Council in the presence of—

Cr DAVID LAVELL, President.
JONATHAN THROSSELL, Chief Executive Officer.