

LOCAL GOVERNMENT ACT 1995

TOWN OF PORT HEDLAND

STANDING ORDERS LOCAL LAW 2014

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Port Hedland resolved on [insert adoption resolution date here] to make the following local law.

Part 1 - Preliminary

1.1 Citation

This local law is cited as the *Town of Port Hedland Standing Orders Local Law 2014*.

1.2 Commencement

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

1.3 Purpose and effect

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

1.4 Application

All meetings of the council, its committees and electors are to be conducted in accordance with the Act, the General Regulations and this local law.

1.5 Interpretation

- (1) In this local law unless the context otherwise requires:

75% majority has the meaning given to it in the Act;

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

Act means the *Local Government Act 1995*;

adjourned meeting means a meeting to deal with matters which were not completed when discussions or decision making at a prior meeting were postponed until another time;

CEO means the Chief Executive Officer or an acting Chief Executive Officer of the local government;

clause means a clause of this local law;

committee means a committee of the council established under the Act;

committee meeting means a meeting of a committee;

council means the council of the local government;

deputation means a verbal submission at a council or committee meeting on an agenda item made by a person who has a direct interest in the agenda item;

district means the district of the local government;

employee means a person employed by the local government;

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

implement, in relation to a decision, includes-

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) take action to give effect to the decision;

local government means the Town of Port Hedland;

Mayor means the Mayor of the local government or other Presiding member at a council meeting under section 5.6 of the Act;

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

member has the meaning given to it in the Act;

Minister means the Minister responsible for administering the Act;

Presiding member means-

- (a) in respect of the council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

resolution means a decision of council made by the appropriate majority;

revocation motion means a motion to revoke or change a decision made at a council or committee meeting;

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; and

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 in this local law, the terms and expressions used in this local law are to have the meaning given to them in the Act and the General Regulations.

1.6 Repeal

The *Town of Port Hedland Standing Orders Local Law*, as published in the *Government Gazette* on 25 March 1997, and amended in the *Government Gazette* on 2 October 1998, 8 June 2001, 29 January 2002 and 1 July 2005, is repealed.

Part 2 – Establishment and membership of committees

2.1 Establishment of committees

- (1) The establishment of committees is dealt with in the Act.
- (2) 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; and

- (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- (3) The provisions of this local law apply generally to the conduct of committee meetings, except for-
 - (a) clause 9.1; and
 - (b) clause 9.8.

2.2 Types of committees

The types of committees are dealt with in the Act.

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

2.5 Appointment of committee members

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

2.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

2.7 Resignation of committee members

The resignation of committee members is dealt with in the General Regulations.

2.8 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

2.9 Committees to report

A committee-

- (a) is answerable to the council; and
- (b) is to report on its activities when, and to the extent, required by the council.

Part 3 - Calling and convening meetings

3.1 Ordinary and special council meetings

- (1) Ordinary and special council meetings are dealt with in the Act.
- (2) 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.
- (3) 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.

3.2 Calling council meetings

The calling of council meetings is dealt with in the Act.

3.3 Convening ordinary and special council meetings

- (1) The convening of ordinary and special council meetings is dealt with in the Act.
- (2) Subject to subclause (3), the CEO is to give at least 72 hours' notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the council.
- (3) Where, in the opinion of the Mayor or at least one-third of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special council meeting.

3.4 Convening ordinary and special committee meetings

- (1) The CEO is to convene an ordinary meeting of a committee when requested by the Mayor, the Presiding member of a committee or any two members of that committee and give each member at least 72 hours notice of the date, time, place and an agenda for the meeting.
- (2) The CEO is to convene a special meeting of a committee by giving each member notice, before the meeting, of the date, time, place and an agenda for the meeting.
- (3) The CEO is to give notice of the meetings referred to in subclauses (1) and (2) to every member of the council.

3.5 Public notice of meetings

Public notice of meetings is dealt with in the General Regulations.

Part 4 – Presiding member and quorum

Division 1–Presiding member

4.1 Who presides at council meetings

Who presides at a council meeting is dealt with in the Act.

4.2 When the Deputy Mayor can preside

When the Deputy Mayor can preside is dealt with in the Act.

4.3 Who presides if no Mayor

Who presides if there is no Mayor is dealt with in the Act.

4.4 Election of Presiding members of committees

The election of Presiding members of committees is dealt with in the Act.

4.5 Election of Deputy Presiding members of committees

The election of Deputy Presiding members of committees is dealt with in the Act.

4.6 Functions of Deputy Presiding members

The functions of Deputy Presiding members are dealt with in the Act.

4.7 Who presides if no Presiding member

Who presides if no Presiding member is dealt with in the Act.

Division 2–Quorum

4.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

4.9 Reduction of quorum for council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

4.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

4.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the General Regulations.

4.12 Procedure where 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 expiry of the period in subclause (1), the Presiding member is to adjourn the meeting to a future time and date.
- (3) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

4.13 Names to be recorded

At any meeting-

- (a) at which there is not a quorum present; or
- (b) which is adjourned for want of a quorum,

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

4.14 Debate on motion to be resumed

- (1) Where the debate on any motion is interrupted at a council or committee meeting which is adjourned under clause 4.12, that debate is to be resumed at the next meeting at the point where it was so interrupted.
- (2) Where the interruption in subclause (1) occurs at an ordinary meeting the resumption is to be at the next ordinary meeting unless a special meeting is called earlier for the purpose.
- (3) Where the interruption in subclause (1) is at a special meeting, the resumption is to be at the next special meeting called to consider the same business or at the next ordinary meeting if it occurs before a special meeting can be called.

Part 5 - Business of a meeting

5.1 Business to be specified in agenda

- (1) No business is to be transacted at any ordinary meeting of the council or a committee other than that specified in the agenda, without the approval of the Presiding member or a decision of the council or committee, except matters which the Act or this local law permit to be dealt with without notice.
- (2) No business is to be transacted at a special meeting of the council other than that given in the notice as the purpose of the meeting.
- (3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the council other than that-
 - (a) specified in the notice of the meeting which had been adjourned; and
 - (b) which remains unresolved.
- (4) Where a meeting is adjourned to the next ordinary meeting of the council, unless the council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports at that ordinary meeting.

5.2 Order of business

- (1) The order of business of an ordinary meeting of the council or a committee shall be determined by the council from time to time.
- (2) Unless otherwise decided by the council, the order of business at any special meeting of the council or a committee is to be the order in which that business stands in the agenda of the meeting.
- (3) In determining the order of business for any meeting of the council or a committee, the provisions of the Act and the General Regulations relating to the time at which public question time is to be held are to be observed.

5.3 Granting of leave of absence

The granting of a leave of absence for a member is dealt with in the Act.

5.4 Motions of which previous notice has been given

- (1) Unless the Act, the General Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) 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 governance of the district.
- (4) The CEO -
 - (a) may, with the concurrence of the Presiding member, exclude from the agenda paper any notice of motion deemed to be, or likely to involve, a breach of this local law or any other written law;
 - (b) will inform members on each occasion that a notice has been excluded and the reasons for that exclusion;
 - (c) may, after consultation with the member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
 - (d) may provide to the council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless-
 - (a) the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on; or
 - (b) the council on a motion agrees to defer consideration of the motion to a later stage or date.
- (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.

5.5 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding member that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the Presiding member to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the council before the next meeting.

5.6 Adoption by exception resolution

- (1) In this clause-

adoption by exception resolution means a resolution of the council that has the effect of adopting, for a number of specifically identified reports, the employee recommendation as the council resolution.
- (2) Subject to subclause (3), the local government may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter-
 - (a) that requires a 75% majority or a special majority;
 - (b) in which an interest has been disclosed;
 - (c) that has been the subject of a petition or deputation;
 - (d) that is a matter on which a member wishes to make a statement; or
 - (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.

Part 6 - Public participation

6.1 Meetings generally open to the public

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

6.2 Procedure to close meetings to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried-
 - (a) the Presiding member is to direct everyone to leave the meeting except-
 - (i) the members;
 - (ii) the CEO; and
 - (iii) any employee 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 or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the Presiding member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 9.8 is to be suspended until the council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the council or committee resolves otherwise, once the meeting is reopened to members of the public, the Presiding member is to ensure that any resolution of the council or committee made while the meeting was closed is to be read out including a vote of a member to be included in the minutes.

6.3 Question time for the public

Question time for the public is dealt with in the Act.

6.4 Question time for the public at certain meetings

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

6.5 Minimum question time for the public

Minimum question time for the public is dealt with in the General Regulations.

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the General Regulations.

6.7 Other procedures for question time for the public

- (1) In this clause—
 - (a) **person** means a member of the public; and
 - (b) **question** includes a part of a question (so that a question in 3 parts is to be treated as being 3 questions).
- (2) Unless the Presiding member determines otherwise, a person may ask up to 3 questions at a meeting.

- (3) A person who wishes to ask a question at a meeting must prior to the completion of public question time, complete a question form provided by the local government and place the completed question form in the question tray provided by the local government.
- (4) A completed question form must include—
 - (a) the name and residential or contact address of the person who wishes to ask the question; and
 - (b) the terms of no more than 3 questions that the person wishes to ask.
- (5) In cases of disability or other extenuating circumstances—
 - (a) the local government, if requested to do so, is to assist a person to complete a question form; and
 - (b) in the absence of that assistance, the Presiding member may permit a person to ask a question that was not included on a question form.
- (6) The Presiding member may decide that a question is out of order, and is not to be recorded or responded to—
 - (a) if the same or a similar question was asked at a previous meeting, a response was provided and the person is directed to the minutes of the meeting at which the response was provided;
 - (b) if it is not in the form of a question or, having regard to its content and length, is essentially a statement or expression of opinion rather than a question;
 - (c) if, in respect of a council meeting, the question does not relate to a matter affecting the local government;
 - (d) if, in respect of a special meeting of the council, the question does not relate to the purpose of the meeting;
 - (e) if, in respect of a committee meeting, the question does not relate to a function of the committee; or
 - (f) if the question uses an offensive or objectionable expression or is defamatory.
- (7) If, in the opinion of the Presiding member, a question requires further research or cannot be answered satisfactorily at the meeting, or if a question form does not contain the name and residential or contact address of the person who wishes to ask the question—
 - (a) the Presiding member may determine that the question is to be treated as correspondence or is to be taken on notice;
 - (b) the CEO, unless of the opinion that a response would divert a substantial and unreasonable portion of the local government resources away from its other functions, is to ensure that a written response is given as soon as practicable after the meeting to the person who asked the question; and
 - (c) if a question is treated as correspondence, the question, but not the response, is to be recorded in the minutes of the meeting.
- (8) Unless subclause (6) or (7) applies—
 - (a) the Presiding member is to respond personally or is to ask another member or an employee to respond to the question; and
 - (b) a summary of the question and response is to be recorded in the minutes of the meeting.
- (9) A response to a question is not to be the subject of any discussion, except that if, in the opinion of a member, false information or any adverse reflection is contained in any question asked or

comments made by any member of the public, then (through the Presiding member) the member may correct or clarify the matter.

- (10) The Presiding member may extend question time for up to 60 minutes after the end of the minimum time for questions.

6.8 Public Statement time

- (1) The Presiding member is responsible for the conduct of public statement time.
- (2) The procedure for the making of statements by members of the public may be determined by resolution of the council.
- (3) A member of the public wanting to make a public statement must first state their name and full address.
- (4) A member of the public, who has been invited by the Presiding member to make a public statement, is not to speak for more than 5 minutes.
- (4) Public statements made by the public at an ordinary meeting are to relate to the business of the local government.
- (5) Public statements made by the public at a special meeting are to relate to the business for which the meeting has been called.
- (6) The Presiding member may decide that a statement is out of order, and is not to be recorded—
 - (a) if a question the same or similar in content was asked at a previous meeting, a response was provided and the person is directed to the minutes of the meeting at which the response was provided;
 - (b) if the statement uses an offensive or objectionable expression or is defamatory; or
 - (c) if the statement relates to the personal affairs or actions of a council member or employee.

6.9 Distinguished visitors

If a distinguished visitor is present at a meeting of the council, the Presiding member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

6.10 Deputations

- (1) Any person or group wishing to be received as a deputation by the council or a committee is to either-
 - (a) apply, before the meeting, to the Mayor or CEO for approval; or
 - (b) with the approval of the Presiding member, at the meeting, address the council or committee.
- (2) The Mayor or CEO may either-
 - (a) approve the request and invite the deputation to attend a meeting of the council or committee; or
 - (b) refuse the request to receive the deputation.
- (3) Unless the council resolves otherwise, a deputation invited to attend a council or committee meeting-
 - (a) is not to address the council or committee for a period exceeding 10 minutes without the agreement of the council or committee; and
 - (b) additional members of the deputation may be allowed to speak with the leave of the Presiding member.
- (4) Any matter which is the subject of a deputation to the council or committee is not to be decided by the council or committee until the deputation has completed its presentation.

6.11 Petitions

- (1) A petition is to-
 - (a) be addressed to the Mayor;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request; and
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) The presentation of the petition shall be confined to the reading of the petition.
- (3) Subject to subclause (4), upon receiving a petition, the local government is to submit the petition to the relevant employee to be included in his or her deliberations and report on the matter that is the subject of the petition.
- (4) At any meeting, the council is not to vote on any matter that is the subject of a petition presented to that meeting, unless the matter is the subject of a report included in the agenda, detailing the issues raised in the petition.

6.12 Presentations

- (1) In this clause-

presentation means the acceptance of a gift, grant or an award by the council on behalf of the local government or the community.
- (2) A presentation may be made to the council at a meeting only with the prior approval of the Presiding member.

6.13 Participation at committee meetings

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

6.14 Public Inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the General Regulations may be exercised at the Town of Port Hedland Administration Centre and on the local government's website.

6.15 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the General Regulations is to be-

- (a) identified in the agenda of a council meeting under the item “Matters for which meeting may be closed”;
 - (b) marked “Confidential” in the agenda; and
 - (c) kept confidential by employees and members until the council or committee resolves otherwise.
- (2) A member or an employee in receipt of—
- (a) confidential information under subclause (1); or
 - (b) information that is provided or disclosed for the purposes of or during a meeting, or part of a meeting, that is closed to the public,
- must not disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not prevent a member or employee from disclosing information—
- (a) at a closed meeting;
 - (b) to the extent specified by the council and subject to such other conditions as the council determines;
 - (c) that is already in the public domain;
 - (d) to an officer of the Department;
 - (e) to the Minister;
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

6.16 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 or CEO gives permission under subclause (1), he or she 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.

6.17 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 or a committee shall extend due courtesy and respect to the council or the committee and the processes under which it operates and shall comply with any lawful direction by the Presiding member.
- (3) A person present at or 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 telephone is not switched on or used during any meeting of the council or a committee.
- (5) The Presiding member may warn a person who fails to comply with this clause.
- (6) If—
 - (a) after being warned, the person again acts contrary to this clause, or to a provision of this local law; or
 - (b) a person refuses or fails to comply with a direction by the Presiding member,

the Presiding member may expel the person from the meeting by ordering him or her to leave the meeting room.

- (7) 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 orders, from the premises.

Part 7 - Disclosure of interests

7.1 Disclosure of financial and proximity interests

Disclosure of direct and indirect financial interests and proximity interests at meetings is dealt with in the Act .

7.2 Disclosure of impartiality interests

The disclosure of impartiality interests at meetings is dealt with in the Rules of Conduct Regulations.

7.3 Ongoing disclosure required

The obligation to disclose an interest under this Part applies in regard to each meeting at which the matter the subject of the interest arises.

7.4 Approval by Minister to be recorded

If the Minister approves of the participation in a meeting of a disclosing member, the condition of the approval are to be recorded in the minutes of the meeting and the register of financial interests.

Part 8 - Questions by members

8.1 Questions by members

- (1) Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.
- (2) A member requesting general information from the CEO at a council meeting may ask a question without notice and with the consent of the Presiding member, may ask one or more further questions of the CEO.
- (3) Where possible the CEO shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the CEO may ask that -
 - (a) the question be placed on notice for the next meeting of council; and
 - (b) the answer to the question be given to all members within 14 days.
- (4) Every question and answer -
 - (a) is to be brief and concise; and
 - (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.
- (5) In answering any question, the CEO may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

Part 9 – Conduct of members

9.1 Members to be in their proper places

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

9.2 Titles to be used

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

9.3 Advice of entry or departure

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

9.4 Members to indicate their intention to speak

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

9.5 Priority of speaking

- (1) Where two or more members indicate, at the same time, their intention to speak, the Presiding member is to decide which member is entitled to be heard first.
- (2) A decision of the Presiding member under subclause (1) is not open to discussion or dissent.
- (3) A member is to cease speaking immediately after being asked to do so by the Presiding member.

9.6 Presiding member may take part in debates

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

9.7 Relevance

- (1) A member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Presiding member, at any time, may-
 - (a) call the attention of the meeting to-
 - (i) any irrelevant, repetitious, offensive or insulting language by a member; or
 - (ii) any breach of order or decorum by a member; and
 - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member is to comply with the direction of the Presiding member under subclause (2) by immediately ceasing to speak.

9.8 Speaking twice

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

- (a) as the mover of a substantive motion, to exercise a right of reply;
- (b) to raise a point of order; or
- (c) to make a personal explanation.

9.9 Duration of speeches

- (1) A member is not to speak on any matter for more than 5 minutes without the consent of the council which, if given, is to be given without debate.
- (2) An extension under this clause cannot be given to allow a member's total speaking time to exceed 10 minutes.

9.10 No speaking after conclusion of debate

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

- (a) after the mover has replied; or

- (b) after the question has been put.

9.11 No interruption

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

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 9.12; or
- (d) to move a procedural motion that the member be no longer heard (see clause 12.1(g)) .

9.12 Personal explanations

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking is to indicate to the Presiding member his or her intention to make a personal explanation.
- (2) The Presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

9.13 No reopening of discussion

A member is not to reopen discussion on any council decision, except to move that the decision be revoked or changed (see Part 17).

9.14 No adverse reflection

- (1) A member is not to reflect adversely on a decision of the council except on a motion that the decision be revoked or changed (see Part 17).
- (2) A member is not-
 - (a) to reflect adversely on the character or actions of another member or employee; or
 - (b) to impute any motive to a member or employee,unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.

9.15 Offensive language not to be used

- (1) A member is not to use offensive or objectionable expressions in reference to any member, employee or other person.
- (2) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes-
 - (a) the Presiding member is to cause the words used to be taken down and read to the meeting for verification; and
 - (b) the council may, by resolution, decide to record those words in the minutes.

9.16 Withdrawal of offensive language

- (1) A member who, in the opinion of the Presiding member, uses an expression which-
 - (a) in the absence of a resolution under clause 9.15-
 - (i) reflects adversely on the character or actions of another member or employee; or
 - (ii) imputes any motive to a member or employee; or
 - (b) is offensive or insulting,

must, when directed by the Presiding member, withdraw the expression and make a satisfactory apology.

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

Part 10 - Preserving order

10.1 Presiding member to preserve order

- (1) The Presiding member is to preserve order, and, whenever he or she considers necessary, may call any member to order.
- (2) When the Presiding member speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every member present is to preserve strict silence so that the Presiding member may be heard without interruption.
- (3) Subclause (2) is not to be used by the Presiding member to exercise the right provided in clause 9.6, but to preserve order.

10.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of-
 - (a) any provision of this local law; or
 - (b) any other written law.
- (2) Despite anything in this local law to the contrary, a point of order-
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

10.3 Procedures on a point of order

- (1) A member who is addressing the Presiding member is not to be interrupted except on a point of order.
- (2) A member interrupted on a point of order is to resume his or her seat 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.

10.4 Calling attention to breach

A member may, at any time, draw the attention of the Presiding member to any breach of order.

10.5 Ruling by the Presiding member

- (1) The Presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the Presiding member on a point of order-
 - (a) is not to be the subject of debate or comment; and
 - (b) is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the Presiding member rules that-
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the Presiding member may require the member to make an explanation, retraction or apology.

10.6 Continued breach of order

If a member-

- (a) persists in any conduct that the Presiding member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the Presiding member under clause 10.5(3),

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

10.7 Right of Presiding member to adjourn

- (1) For the purpose of preserving or regaining order, the Presiding member may adjourn the meeting for a period of up to 30 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 11 - Debate of substantive motions

11.1 Motions to be stated and in writing

Any member who wishes to move a substantive motion or an amendment to a substantive motion-

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

11.2 Motions to be seconded

- (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 the General Regulations.

11.3 Unopposed motions

- (1) Immediately after a substantive motion has been moved and seconded, the Presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the Presiding member may declare it carried without debate and without taking a vote.
- (3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the council or committee.
- (4) If a member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a council meeting (see Part 17).

11.4 Only one substantive motion at a time

The council or a committee-

- (a) is not to accept a substantive motion while another substantive motion is being debated; and
- (b) is not to consider more than one substantive motion at any time.

11.5 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;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

11.6 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.

11.7 Member may require question to be read

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

11.8 Consent of seconder required for alteration

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

11.9 Order of amendments

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

11.10 Form of an amendment

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

11.11 Amendment must not negate original motion

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

11.12 Relevance of amendments

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

11.13 Mover of motion may speak on amendment

Any member may speak during debate on an amendment.

11.14 Effect of an amendment

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

11.15 Withdrawal of motion or amendment

- (1) Subject to subclause (2), the council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

11.16 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 the reply may only be exercised-
 - (a) where no amendment is moved to the substantive motion – at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion – at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply-
 - (a) no other member is to speak on the motion;
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the 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 12 - Procedural motions

12.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 10), a member may move the following procedural motions-

- (a) that the meeting proceed to the next item of business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the motion be deferred;
- (e) that the motion lie on the table;
- (f) that the motion be now put;
- (g) that the member be no longer heard;
- (h) that the ruling of the Presiding member be disagreed with; or
- (i) that the meeting be closed to the public (see clause 6.2).

12.2 No debate on procedural motions

- (1) The mover of a motion specified in paragraph (a), (b), (c), (d), (e), (g) or (i) of clause 12.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion specified in paragraph (f) or (h) of clause 12.1 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.

12.3 Who may move

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

12.4 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 13 – Effect of procedural motions

13.1 Meeting to proceed to the next business – effect of motion

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

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

13.2 Debate to be adjourned – effect of motion

A motion “that the debate be adjourned”-

- (a) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion; and
- (b) is to state the time to which the debate is to be adjourned.

13.3 Meeting now adjourn – 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) Before putting the motion for the adjournment of the council, the Presiding member may seek leave of the council to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.6).

(3) 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.

(4) A member is not to move or second more than one motion of adjournment during the same sitting of the council.

13.4 The motion be deferred – effect of motion

(1) If a motion “that the motion be deferred”, is carried, then all debate on the substantive motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.

(2) A motion “that the motion be deferred” must not be moved in respect of the election of a Presiding member or Deputy Mayor.

(3) A member must not, at the same meeting, move or second more than one motion “that the motion be deferred” in respect of the same item.

13.5 The motion lie on the table

(1) If a motion “that the motion lie on the table”, is carried, debate on the substantive motion and any amendment must cease and the meeting is to proceed to the next item of business.

(2) Debate on the motion laid on the table is to be adjourned until such time (if any) as the meeting resolves to take the motion from the table.

(3) Where debate on a motion is interrupted by laying a motion on the table under subclause (1)—

(a) the names of members who have spoken on the matter are to be recorded in the minutes; and

(b) the provisions of clauses 9.8 and 9.9 apply when the debate is resumed.

(4) A motion “that the motion lie on the table” must not be moved in respect of the election of a Presiding member or Deputy Mayor.

- (5) A member moving the taking of the motion from the table is entitled to speak first on the resumption of the debate.

13.6 Motion to be put – effect of motion

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

13.7 Member to be no longer heard – 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.

13.8 Ruling of the Presiding member to be disagreed with

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

13.9 Meeting be closed to the public

If a motion “that the meeting be closed to members of the public” is carried then the Presiding member is to close the meeting in accordance with clause 6.2.

Part 14 - Voting

14.1 Motion - when put

- (1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding member-
 - (a) is to put the motion to the council; and
 - (b) if requested by any member, is to again state the terms of the motion.
- (2) A member is not to leave the meeting when the Presiding member is putting any motion.

14.2 Voting

Voting is dealt with in the Act and the General Regulations.

14.3 Majorities required for decisions

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

14.4 Method of taking vote

- (1) In taking the vote on any motion or amendment the Presiding member-
 - (a) is to put the motion, first in the affirmative, and then in the negative;
 - (b) may put the motion in this way 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 accept a vote on a show of hands; and,
 - (d) is, subject to this clause, to declare the result.
- (2) If a member of council or a committee specifically requests that there be recorded-
 - (a) his or her vote; or,
 - (b) the vote of all members present,

on a matter voted on at a meeting of the council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.

- (3) If a member calls for a division-
 - (a) those voting in the affirmative are to pass to the right of the Presiding member; and
 - (b) those voting in the negative are to pass to the left of the Presiding member.
- (4) For every division, the CEO is to record-
 - (a) the name of each member who voted; and
 - (b) whether he or she voted in the affirmative or negative.

Part 15 – Minutes of meetings

15.1 Keeping of minutes

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

15.2 Content of minutes

The content of minutes is dealt with in the General Regulations.

15.3 Public inspection of unconfirmed minutes

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

15.4 Confirmation of minutes

- (1) When minutes of an ordinary meeting of the council are distributed for consideration prior to their confirmation at the next meeting, if a member is dissatisfied with the accuracy of the minutes, the member may provide the local government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the council.
- (2) At the next ordinary meeting of the council, the member who provided the alternative wording shall, at the time for confirmation of minutes-
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

Part 16 - Adjournment of meeting

16.1 Meeting may be adjourned

The council may adjourn any meeting-

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

16.2 Effect of adjournment

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

- (a) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 9.8 [speaking twice] apply when the debate is resumed.

Part 17 – Revoking or changing decisions

17.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in the General Regulations.

17.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the council or a committee is not to consider a motion to revoke or change a decision-
 - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 17.3 to implement the decision; or
 - (b) where the decision is procedural in its form or effect.
- (2) The council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

17.3 Implementing a decision

- (1) In this clause-

authorisation means a licence, permit, approval or other means of authorising a person to do anything;

valid notice of revocation motion means a notice of motion to revoke or change a decision that complies with the requirements of the Act, the General Regulations and this local law and may be considered, but has not yet been considered, by the council or a committee as the case may be.

- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
- (3) The council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
- (4) A decision made at a meeting is not to be implemented by the CEO or any other person-
 - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the council or the committee as the case may be.
- (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation-
 - (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

Part 18 - Procedural matters

18.1 Presiding member to ensure compliance

The Presiding member of a meeting is to ensure compliance with this local law.

18.2 Suspension of standing orders

- (1) A member may at any time move that the operation of one or more of the provisions of this local law be suspended.
- (2) A member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.

(3) A motion under subclause (1) which is-

- (a) seconded; and
- (b) carried by an absolute majority,

is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

18.3 Conduct of meeting where provisions of this local law do not apply

(1) In situations where-

- (a) one or more provisions of this local law have been suspended; or
 - (b) a matter is not regulated by the Act, the General 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 procedural motion is moved and carried under clause 12.1.

Part 19 - Meetings of electors

19.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

19.2 Matters for discussion at electors' general meetings

The matters to be discussed at electors' general meetings are dealt with in the General Regulations.

19.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

19.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the General Regulations.

19.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

19.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

19.7 Electors' meetings

- (1) The requirements for electors' meetings are dealt with in the Act and the General Regulations.
- (2) The Presiding member is to apply the provisions of this local law, in so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this local law and the provisions of the Act, the latter prevails.

19.8 Restriction on speaking at elector's meetings

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 do so.

19.9 Restriction on voting at electors' meetings

Voting at electors' meetings is dealt with in the General Regulations.

19.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

19.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

Part 20 – Briefings and other informal meetings

20.1 Briefings and other informal meetings

- (1) The council may conduct briefings, workshops and other informal meetings.
- (2) Where the council conducts briefings, workshops and other informal meetings, the CEO is to-
 - (a) advise all members of the time, date and place of the meeting; and,
 - (b) in respect of a council agenda briefing which is open to the public, advise a person who has made an application that is to be considered at the meeting, of the time, date and place of the meeting; and
 - (c) cause notes of the meeting to be kept.
- (3) A member or an employee who has an interest in a matter to be discussed at a briefing, workshop or other informal meeting is to deal with the interest in accordance with the provisions of regulation 11 of the Rules of Conduct Regulations.
- (4) The council is not to make a formal resolution at any meeting other than at a council meeting or at a meeting of a committee which has delegated authority to do so.
- (5) The council is not to meet except at-
 - (a) a council or committee meeting;
 - (b) a briefing, workshop or informal meeting under this clause.

Part 21 - Enforcement

21.1 Penalty for breach of this local law

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

Penalty: \$1,000.00 and a daily penalty of \$100.00.

21.2 Who can prosecute

Who can prosecute is dealt with in the Act.

Dated [date]

The Common Seal of the Town of Port Hedland was affixed by the authority of a resolution of Council in the presence of-

K HOWLETT, Mayor

M OSBORNE, Chief Executive Officer