

Local Government Act 1995

TOWN OF COTTESLOE



**Local Government (Meetings Procedure) Local
Law 2021**

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LOCAL GOVERNMENT ACT 1995

TOWN OF COTTESLOE

Local Government (Meetings Procedure) Local Law 2021

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Town of Cottesloe resolved on 23 February 2021 -24 November 2020 to make the following local law.

Part 1 - Preliminary

1.1 Citation

(+) This local law may be cited as the *Town of Cottesloe Local Government (Meetings Procedure) Local Law 2021*.

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1.2 Commencement

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

1.3 Application and intent

- (1) This local law provides rules and guidelines which apply to the conduct of meetings of the council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and this local law.
- (3) This local law is intended to result in -
 - (a) better decision-making by the council and committees;
 - (b) the orderly conduct of meetings dealing with council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) the more efficient and effective use of time at meetings.

1.4 Interpretation

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

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

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer or, if relevant, the acting chief executive officer of the local government;

Code of Conduct Regulations means the *Local Government (Model Code of Conduct) Regulations 2021*;

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

committee meeting means a meeting of a committee;

council means the council of the Town of Cottesloe;

Deputation means a verbal submission at a Council or committee meeting made by a person who has a direct interest in the agenda item;

district means the district of the local government;

local government means the Town of Cottesloe;

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;

officer is an employed member of the staff of the local government;

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;

quorum means a minimum of 50% of the total number of offices, whether vacant or not, of the council or the committee;

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; 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 Regulations.

1.5 Repeal

~~(1) The following local law is repealed:~~

~~The *Town of Cottesloe Standing Orders Local Law 2012* as resolved by council on 28 May 2012 and published in the *Government Gazette* on 12 July 2012 is hereby repealed.~~

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Part 2 – Establishment 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, officers and other persons to be appointed to the committee;
 - (c) the names or titles of the council members and officers 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) This local law is to apply to the conduct of committee meetings, except for –
 - (a) clause 7.1 (relating to seating); and
 - (b) clause 7.10 (relating to the limit on the number of speeches).

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 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.
- 2.10 Communications by Committees**
A committee must not communicate with any person or authority except through the mayor.

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 council meetings**
The convening of a council meeting is dealt with in the Act.
- 3.4 Calling committee meetings**
The CEO is to call a meeting of any committee when requested by the mayor, the presiding member of a committee or any two councillor members of that committee.
- 3.5 Public notice of meetings**
Public notice of meetings is dealt with in the Regulations.

Part 4 – Presiding member and quorum

Division 1: Who presides

- 4.1 Who presides**
Who presides at a council meeting is dealt with in the Act.
- 4.2 When the deputy mayor can act**
When the deputy mayor can act is dealt with in the Act.
- 4.3 Who acts if no mayor**
Who acts 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 and their deputies 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 acts if no presiding member**
Who acts 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 Regulations.
- 4.12 Procedure where quorum not present during a meeting**
If at any time during a meeting a quorum is not present, the presiding member is:
- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
 - (b) if a quorum is not present at the expiry of that period, the presiding member is to adjourn the meeting to some future time or date.
- 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.

Part 5 - Business of a meeting

5.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the council or at any committee meeting other than that specified in the agenda, without the approval of the presiding member or the council or committee.
- (2) If the presiding member at any meeting is of the opinion that any motion or business proposed is of an objectionable nature, the presiding member may, either before or after the matter is brought forward, declare that it shall not be considered.
- (3) 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.
- (4) Subject to subclause (5), 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.
- (5) Where a meeting is adjourned to the next ordinary meeting of the council then, unless the council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports (Item 10) at that ordinary meeting.

5.2 Order of business

- (1) Unless otherwise decided by the council the order of business at any ordinary meeting of the council is to be as follows:
 1. Declaration of opening/announcement of visitors/acknowledgement of country;
 2. Disclaimer;
 3. Attendance;
 - 3.1 Apologies;
 - 3.2 Approved leave of absence;
 - 3.3 Applications for leave of absence;
 4. Declarations of interests;
 5. Announcements by presiding member without discussion;
 6. Public question time;
 - 6.1 Response to previous public questions taken on notice;
 - 6.2 Public questions;
 7. Public statement time;
 8. Presentations;
 - 8.1 Petitions;
 - 8.3 Deputations;
 9. Confirmation of minutes;
 10. Reports;
 - 10.1 Reports of officers;
 - 10.2 Reports of committees;
 11. Elected members' motions of which previous notice has been given;
 12. New business of an urgent nature introduced by decision of meeting by:
 - 12.1 Elected members;
 - 12.2 Officers;
 13. Meeting closed to public;

- 13.1 Matters for which the meeting may be closed;
- 13.2 Public reading of recommendations that may be made public;

14. Meeting closure.

- (2) Unless otherwise decided by the council, the order of business at any special meeting of the council 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, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed. *[See section 5.24 of the Act; and regulations 6 & 7 of the Regulations]*

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5.3 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 10 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, but no notice shall be deemed invalid on the basis of the policy involved being considered objectionable, or because it relates to a matter not within the scope of the ordinary work of the local government so long as, in the opinion of the presiding member or the CEO, the matter is one of public interest, utility or importance.
- (4) No member shall have more than three notices of motion on the agenda at the same time unless express approval of the presiding member has been obtained.
- (5) Motions raised under this clause shall be limited to the text of the proposed motion and a succinct rationale.
- (6) A notice of motion lodged under this section, may, at the CEO's discretion, be accompanied by a report produced or authorised by the CEO to be submitted to the meeting at which the notice of motion is to be dealt with, with any such report providing relevant and material facts and circumstances pertaining to the notice of motion, and an officer recommendation.
- (7) All notices of motion shall be dated and numbered as received and shall be entered by the CEO upon the agenda in the order in which they are received.
- (8) The CEO –
 - (a) may, with the concurrence of the mayor, exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;
 - (b) will inform members on each occasion that a notice of motion 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) shall provide to the council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (9) Unless determined by the presiding member or agreed by resolution of the council without debate, notices of motion shall be called in the order in which they are written in the agenda.
- (10) After dealing with all unopposed motions on notice, the presiding member shall call on the movers of opposed motions on notice in their order on the agenda to speak. Where written notice of an amendment to a motion on notice is received by the CEO, it shall be dealt with prior to any other amendment motion being

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considered. Where more than one written notice of amendment is received, they shall be dealt with in the order in which they were received.

- (11) A motion of which notice has been given is to lapse and be abandoned 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 and another member seconds the motion; or
 - (b) the council on a motion agrees to defer consideration of the motion to a later stage or date.
- (12) If a notice of motion is given and lapses under subclause (11), 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.
- (13) No motion which has the same specific intent as one which has been lost within the preceding three months shall be moved under this clause unless it is presented as a notice of motion and the notice is signed by one third of the offices of members of council, whether present or not.

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5.4 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.

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 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried:
 - (a) the presiding member is to direct everyone to leave the meeting except:
 - (i) the members;
 - (ii) the CEO; and
 - (iii) any officer or individual specified by the presiding member; and
 - (b) the meeting is to be closed to the public and the media 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) A resolution under this clause may be made without notice.
- (6) Unless the council resolves otherwise, once the meeting is reopened to members of the public, if any members of the public or the media are present, the presiding member is to ensure that any resolution of the council made while the meeting was closed is to be read out including the names of those members who voted for and those who voted against the resolution.

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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 Regulations.

6.5 Minimum question time for the public

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

6.6 Procedures for question time for the public

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

6.7 Other procedures for question time for the public

(1) A member of the public who raises a question during question time, is to state his or her name and address [and ask a question or questions in a clear and precise manner](#).

(2) A question may be taken on notice by the council for later response.

(3) When a question is taken on notice the CEO is to ensure that:

- (a) a response is given to the member of the public in writing; and
- (b) a summary of the response is included in the agenda of the next meeting of the council, unless the response relates to a confidential matter and the CEO determines that confidentiality may be compromised by providing a summary.

(4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to:

- (a) declare that he or she has an interest in the matter; and
- (b) allow another person to respond to the question.

(5) Where a member of the public provides written questions then the presiding member will take these questions as a priority for response.

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

- (a) the same or 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;
- (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; or
- (d) the question does not relate to the business of the council.

(7) A member of the public shall have three (3) minutes to submit a question(s) and question(s) are to be responded to if possible immediately through the presiding member without further discussion, or taken on notice if research or further information is needed in order to provide a response.

(8) The presiding member may agree to extend public question time.

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

6.8 Public statement time

(1) At each meeting, members of public may request the opportunity to make a statement on any item of business on the agenda for that meeting.

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- (2) The presiding member, at their discretion, shall determine the order in which statements are made.
- (3) Each statement shall be no longer than 3 minutes;
- (4) The presiding member may require a statement to cease immediately if;
 - (a) The statement is deemed offensive towards, or to reflect adversely upon the character and/or any actions, of any member of the council, an employee of the local government or any other party;
 - (b) The statement exceeds the 3 minutes allowed; or
 - (c) The presiding member deems that the statement does not relate to any item on the agenda.
- (5) A maximum of 15 minutes shall be allocated to public statement time. If at the completion of this time there are requests for further statements, the presiding member, at their discretion, may permit an extension of time.

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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 is to either -
 - (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the presiding member, at the meeting, address the council.
- (2) If an application for a deputation is made to the CEO, s/he may either -
 - (a) approve the request and invite the deputation to attend a meeting; or
 - (b) deny the request and deal with the matter administratively.
- (3) A deputation invited to attend a council meeting -
 - (a) is not to exceed 5 persons, only 2 of whom may address the council, unless the presiding member agrees to allow more to speak, although others may respond to specific questions from members; and
 - (b) is not to address the council for a period exceeding 10 minutes without the consent of the presiding member.
- (4) For the purpose of determining who may address the council on an issue, all those people either in favour of or opposed to an item for consideration are deemed to comprise a single deputation.
- (5) Any matter which is the subject of a deputation to the council is not to be decided by the council until the deputation has completed its presentation.

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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;
 - (f) be respectful and temperate in its language; and
 - (g) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) A member presenting a petition to a council meeting shall be limited to a statement of the parties from whom it comes, of the number of the signatures attached to it, the material issues contained in it, and to the reading of the petition statement.

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- (3) The only question which shall be considered by the council on the presentation of any petition shall be:

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- ~~(a)i-~~ that the petition shall be accepted;
- ~~(b)ii-~~ that the petition shall not be accepted;
- ~~(c)iii-~~ that the petition shall be accepted and referred to the CEO for consideration and report; or
- ~~(d)iv-~~ that the petition be accepted and be dealt with by the full council.

6.12 Presentations

- (1) In this clause, a “presentation” means the acceptance of a gift 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 approval of the presiding member or CEO.

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) Other than a committee to which the council has delegated a power or duty, there is to be no public question time at committee meetings, ~~however the~~ The presiding member ~~may can however~~ consent to allowing a question time that is consistent with the Regulations and clause 6.7.

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 Regulations may be exercised at the Town of Cottesloe Administration Centre and on the Town’s website.

6.15 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations or regulation ~~216~~ of the Local Government (~~Model Code of Conduct~~~~Rules of Conduct~~) ~~Regulations 2021~~~~07~~ 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 officers and members until the council resolves otherwise.
- (2) A member, officer or committee member in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another member or an officer to the extent necessary for the purpose of carrying out his or her duties.

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- (3) Subclause (2) does not apply where a member or officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

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, notwithstanding that the meeting procedures are recorded for the purposes of record keeping.
- (2) If the council 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.

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 shall extend due courtesy and respect to the council and the processes under which it operates and shall comply with any direction by the presiding member.
- (3) A person observing a meeting 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) The presiding member may warn a person who fails to comply with this clause and if -
 - (a) after being warned, the person again acts contrary to this clause, or to the direction; 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.
- (5) 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.
- (6) A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the council or a committee.
- (7) A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.

6.19 Media

Media persons are to be permitted to attend meetings of the council or committees that are open to the public in such part of the Council Chamber or meeting room as may be set aside for their accommodation but must withdraw during any period when the meeting is closed to the public.

Part 7 – Conduct of members

7.1 Members to be in their proper places

- (1) At the first meeting after each Election Day, the CEO shall allot by random draw, a position at the council table to each member.
- (2) Each member shall, until such time as there is a call by a majority of members for a re-allotment of positions, occupy that position when present at meetings of the council.

7.2 Respect to the presiding member

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

7.3 Titles to be used

Members shall address each other during meetings by their respective titles of mayor or councillor. Members of the council, in speaking of or addressing officers, shall designate them by their respective official title or by their chosen title and surname.

7.4 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 of entry or departure. The presiding member will cause to have recorded in the minutes, any member entering, leaving or returning to the meeting.

7.5 Use of mobile phones and other communication devices

Mobile phones and other communication devices are to be used by members at meetings only as required for the purpose of considering matters then before council and are not to be used, without the consent of the presiding member, for the purposes of sending or receiving communications to or from any person.

7.6 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.

7.7 Priority of speaking

- (1) When invited by the presiding member to speak, members shall address the meeting through the presiding member.
- (2) 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.

~~(3) A decision of the presiding member under subclause (2) is not open to discussion or dissent.~~

- ~~(3)~~ (4) A Member is to cease speaking immediately after being asked to do so by the presiding member.

7.8 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.

7.9 Relevance

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

7.10 Limitation of number of speeches

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

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

7.11 Limitation of duration of speeches

- (1) A member is not to speak on any matter for more than 3 minutes without the consent of the presiding member or resolution of council without debate.
- (2) An extension under this clause cannot be given to allow a member's total speaking time to exceed 10 minutes.

7.12 No speaking after conclusion of debate

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

- (a) after the mover has replied; or
- (b) after the motion has been put.

7.13 No interruption

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

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 7.14; or
- (d) to move a procedural motion that the member be no longer heard (see clause 10.1(1)(e)).

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7.14 Personal explanation

- (1) The presiding member may allow a member to make a personal explanation if the member claims that something he or she has said at the meeting has been misunderstood in a material respect. A member making a personal explanation shall confine that explanation to a brief and concise explanation of that part of his or her statement which may have been misunderstood.
- (2) A member wishing to make a personal explanation of matters referred to by any other member then speaking, is entitled to be heard immediately, if the member then speaking consents at the time, but if the member who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech.
- (3) A personal explanation is not open to debate or amendment.

7.15 No reopening of discussion

A member is not to reopen discussion on any council decision, except to move that the decision be revoked or changed (see Part 15).

7.16 Adverse reflection

- (1) A member is not to reflect adversely on a decision of the council except on a motion that the decision be revoked or changed unless the meeting resolves, without debate, that the matter before the meeting cannot otherwise be adequately considered (see Part 15).
- (2) A member is not:
 - (a) to reflect adversely on the character or actions of another member, officer or any other person unless the meeting resolves, without debate, that the matter before the meeting cannot otherwise be adequately considered; or
 - (b) to impute any motive to a member, officer or any other person, unless the meeting resolves, without debate, that the ~~matter or motion then~~ before the meeting cannot otherwise be adequately considered.
- (3) A member is not to use offensive or insultingobjectionable expressions in reference to any member, officer or any other person.

7.17 Withdrawal of offensive language

- (1) A member who, in the opinion of the presiding member, uses an expression which in the absence of a resolution under clause 7.16:
 - (a) reflects adversely on the character or actions of another member or officer;
 - (b) imputes any motive to a member or officer; or
 - (c) is offensive or insulting,when directed by the presiding member, must withdraw the expression and make an apology satisfactory to the presiding member.
- (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.

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Part 8 - Preserving order

8.1 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, 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 7.8, but to preserve order.

8.2 Point of order

- (1) The following shall be recognised as valid points of order -
 - (a) drawing attention to the violation of any written law, local law or standing order of the council, providing that the member raising the point of order shall state the written law, local law or standing order believed to be breached;
 - (b) that the discussion is of a question not before the council;
 - (c) that offensive or insulting language is being used; and
 - (d) irrelevance.
- (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.
- (3) Raising a difference of opinion or contradicting a speaker shall not be recognised as raising a point of order.

8.3 Procedures on a point of order

A member interrupted on a point of order is to cease speaking until:

- (1) the member raising the point of order has been heard; and
- (2) the presiding member has ruled on the point of order, and, if permitted, the member who has been interrupted may then proceed.

8.4 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 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,-
 - (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.

8.5 Continued breach of order

If a member:

- (1) persists in any conduct that the presiding member had ruled is out of order; or
- (2) refuses to make an explanation, retraction or apology required by the presiding member under clause 8.4(3),

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

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8.6 Right of presiding member to adjourn

- (1) If a meeting ceases to operate in an orderly manner, the presiding member may use discretion to adjourn the meeting for a period of up to 15 minutes without explanation, for the purpose of regaining order.
- (2) The adjourning of a meeting to regain order cannot be challenged by any member of council.
- (3) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (4) 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 adjourn the meeting for a period of no longer than 7 days.

Part 9 - Debate of substantive motions

9.1 Motions to be stated and in writing

Every substantive motion or amendment, but not procedural motions, shall be written and shall be provided to the presiding member and the CEO immediately upon being seconded.

9.2 Complex motions to be broken down

The presiding member or council by resolution without debate may order that any complex motion or amendment shall be broken down into several motions which shall be dealt with in sequence.

9.3 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.
- (3) No motion which has the same specific intent to one which has been lost within the preceding 3 months shall be moved unless it is presented as a notice of motion and the notice is signed by one third of the members, whether present or not.

- (4) No motion or amendment shall be proposed which is the same in substance as a motion or amendment which has been resolved during the same meeting, except by agreement of the majority of members present.
- (5) A motion that is not carried by the majority required for that motion (a “lost” motion) does not form a decision of council or a committee for the purposes of sub-clause (2).

9.4 Unopposed business and adoptions “en-bloc”

- (1) Immediately after a substantive motion or amendment has been moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the presiding member may declare it carried without debate and without taking a vote.
- (3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the council.
- (4) If a member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a council meeting ([see Part 15](#)).
- (6) A member may move a motion to adopt by one resolution, all the recommendations or a group of recommendations from a committee, or all or a group of reports, without amendment or qualification after having first identified those recommendations, if any -
 - (a) which require adoption by an absolute majority vote;
 - (b) in which an interest has been disclosed;
 - (c) which any member has indicated the wish to debate; and
 each of those recommendations referred to in paragraphs (a), (b) and (c) must be considered separately.

9.5 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.

9.6 Order of call in debate

- (1) The presiding member is to call speakers to a substantive motion in the following order:
 - (a) the mover to state the motion;
 - (b) a seconder to the motion;
 - (c) the mover to speak to the motion;
 - (d) the seconder to speak to the motion;
 - (e) a speaker against the motion;
 - (f) a speaker for the motion;
 - (g) other speakers against and for the motion, alternating where possible; and
 - (h) mover takes right of reply which closes debate.
- (2) The seconder may request the right to speak at a later time in debate, however the moving of any procedural motion which will close debate, will automatically deny the seconder the right to speak to the substantive motion.

9.7 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 and provided no member has previously indicated an intention to speak against the motion.

9.8 Member may require motion to be read

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

9.9 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder and may not do so after any member other than the mover and seconder has spoken to the motion.

9.9 Moving amendment to substantive motion

Any member other than the mover of a substantive motion may move an amendment to the substantive motion.

9.10 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.

9.11 Form of an amendment

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

9.12 Amendment must not negate original motion

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

9.13 Speaking to amendment

Any member may speak to a motion to amend a substantive motion.

9.14 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 who has not previously spoken on the substantive motion may speak and any further amendment may be moved.

9.15 Withdrawal of motion or amendment

- (1) Subject to subclause (2), the presiding member may 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, provided there is no voice expressed to the contrary by any member, in which case debate on the motion or amendment is to continue.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by resolution of council, until the amendment proposed has been withdrawn or lost.

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

9.17 Questions during debate

- (1) At any time during the debate on a motion before the motion is put, but not when another member is speaking, a member may ask a question.
- (2) Questions asked by a member and responses are to be brief and concise and are not to be accompanied by –
 - (a) expression of opinion, statement of fact or other comment, except where necessary to explain the question or response; or
 - (b) any discussion or further question, except with the consent of the presiding member.

Part 10 - Procedural motions

10.1 Permissible procedural motions

- (1) In addition to the right to move an amendment to a substantive motion (under Part 9), a member may move the following procedural motions:
 - (a) that council proceed to the next business;
 - (b) that the debate be adjourned;
 - (c) that the meeting now adjourn;
 - (d) that the motion be now put;
 - (e) that the member be no longer heard;
 - (f) that the ruling of the presiding member be disagreed with;
 - (g) that the meeting be closed to the public ([see clause 6.2](#));
 - (h) that council move into a committee of the whole.
- (2) Procedural motions are not required to be presented in writing.
- (3) The mover, seconder and result of all procedural motions shall be recorded in the minutes of the meeting. Any procedural motion shall be carried upon the majority of members present voting in the affirmative.
- (4) No procedural motion can be moved which would cause the election of the Deputy Mayor to be unresolved.

10.2 No debate

- (1) Save as provided in subparagraph 10.1 (2), the mover of a procedural motion 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. Formatted: Font: Not Bold
- (2) There is to be no debate in respect of a motion under subparagraph 10.1 (1) (d) or (e). Formatted: Font: Not Bold
- (3) There shall be no right of reply on any procedural motion.

10.3 Who may move motion closing down debate

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.

10.4 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.

10.5 Meeting to proceed to the next item of business

The motion “that the meeting proceed to the next item of 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.

10.6 Debate to be adjourned

A motion “that the debate be adjourned” -

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

10.7 Meeting now adjourn

- (1) A member is not to move or second more than one motion of adjournment of the meeting during the same sitting of the council.
- (2) Before putting the motion for the adjournment of the meeting, the presiding member may seek leave of the council to deal first with matters that may be the subject of an en bloc resolution ([see clause 9.3](#)).
- (3) A motion “that the meeting now adjourn” -
 - (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the presiding member or the council determines otherwise.

10.8 Motion to be put

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

10.9 Member to be no longer heard

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

10.10 Ruling of the presiding member to be disagreed with

- (1) 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.
- (2) This motion may not be moved:

- (a) where the presiding member has made a decision under clause 7.7(2) (Priority of speaking) ~~or clause 8.5 (Refrain from taking part in the matter under discussion);~~
- (b) where the presiding member has adjourned the meeting in accordance with clause 8.6 (Adjournment to regain order);
- (c) where this local law provides that the ruling of the presiding member shall not be open to dissent; or
- ~~(d) where the presiding member has given a ruling in strict accordance with the Act.~~

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10.11 Council to move into a committee of the whole

This motion, having been carried, will suspend the standing orders which restrict the number of times, and length of time for which, each member may speak provided that normal courtesy and order is maintained.

Part 11 - Disclosure of interests

11.1 Disclosure of interests

Disclosure of interests is dealt with in the Act.

Part 12 - Voting

12.1 Motion - when put

- (1) 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.
- (2) A member is not to leave the meeting when the presiding member is putting any motion.

12.2 Voting

Voting is dealt with in the Act and the Regulations.

12.3 Majorities required for decisions

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

12.4 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) may accept a vote by a show of hands; and,
 - (d) is, subject to this clause, to declare the result.
- (2) If a member calls for a show of hands, the result of the vote is to be determined on the count of raised hands. Where a member is unable to raise his or her hand to vote, the presiding member may accept that member's vote by another means.
- (3) Unless the vote is unanimous the CEO is to record in the minutes of the meeting which members voted and whether they voted for or against.

Part 13 – Minutes of meetings

13.1 Keeping of minutes

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

13.2 Content of minutes

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

13.3 Public inspection of unconfirmed minutes

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

13.4 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 10 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 14 - Adjournment of meeting

14.1 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;

When a meeting is adjourned, if time permits, notice of the adjourned meeting shall be forwarded to each member in the manner provided in Part 3.

14.2 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 no additional business shall be discussed at an adjourned meeting except that which was on the original agenda for that meeting; and
- (c) the provisions of clause 7.10 (speaking twice) apply when the debate is resumed.

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Part 15 – Revoking or changing decisions

15.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

15.2 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 15.3 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.

15.3 Implementing a decision

- (1) In this clause:
- (a) "authorisation" means a licence, permit, approval or other means of authorising a person to do anything;
 - (b) "implement", in relation to a decision, includes -
 - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
 - (ii) take any other action to give effect to the decision; and
 - (c) "valid notice of revocation motion" means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and this local law and may be considered, but has not yet been considered, by the council 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 16 - Suspension of Local Law

16.1 Suspension of local law

- (1) A member may at any time move that the operation of one or more of the provisions of this local law be suspended. A suspension of local law motion is not required to be presented in writing.
- (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.

16.2 Where local law does 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 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 is moved and carried under clause 10.10.

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Part 17 - Meetings of electors

17.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

17.2 Matters for discussion at electors' general meetings

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

17.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

17.4 Requests for electors' special meetings

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

17.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

17.6 Who presides at electors' meetings

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

17.7 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.
- (2) 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 this local law.

17.8 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 do so.

17.9 Voting at electors' meetings

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

17.10 Minutes of electors' meetings

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

17.11 Decisions made at electors' meetings

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

Part 18 - Enforcement

18.1 Penalty for breach

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

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

18.2 Who can prosecute

Who can prosecute is dealt with in the Act.

Part 19 ~~2~~ Administrative matters

19.1 Duty of CEO

It is the _____ duty of the CEO to draw the attention of the meeting to any breach or likely breach of this local law even if it requires interrupting any person speaking, including the presiding member.

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19.23 Custody and use of Common Seal

The use and custody of the Common Seal is dealt by the Act and Regulations.

~~19.4 Custody of corporate property~~

~~All property whatsoever belonging to, or held in trust by the council shall be in the custody of CEO, who shall be responsible to the council therefore.~~

Dated: [INSERT DATE]

The Common Seal of the Town of Cottesloe was affixed by the authority of a resolution of council in the presence of:

Philip Angers
Mayor

Matthew Scott
Chief Executive Officer

Existing Standing Order Clauses abandoned

~~8.1 Questions of Which Due Notice Has to be Given~~

~~(1) — Any councillor seeking to ask a question at any meeting of the council shall give written notice of the specific question to the chief executive officer at least 24 hours before publication of the business paper.~~

~~(2) — All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.~~

~~Reason: The WALGA model does not include this provision. Councillor questions should be dealt with in the normal course of business, on an “as requested” basis, and if warranted, followed up with a Councillor Notice of Motion.~~

~~8.2 Questions Not to Involve Argument or Opinion~~

~~In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.~~

~~Reason: As per above (for clause 8.1).~~

~~10.2 Register of Notices~~

~~The CEO shall, immediately upon the receipt of any notice of motion, enter it in a register to be provided and kept for the purpose. This register shall be open to the inspection of every member of the council.~~

~~Reason: No longer required as this is now captured in the normal Records protocols.~~

~~10.3 Closing of Notice Register~~

~~In order to give every facility for the due issuing of notices to members of the council by the CEO, the notice register shall be closed at noon on the day preceding the day fixed for publication of the notice paper.~~

~~Reason: No longer required as this is now captured in the normal Records protocols.~~

~~14.1 Permissible Procedural Motions~~

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

~~(a) — that the council proceed to the next business;~~

~~(b) — that the question be adjourned;~~

~~(c) — that the council do now adjourn;~~

~~(d) — that the question be now put;~~

~~(e) — that the question be not now put;~~

~~(f) — that the council moves into a committee of the whole;~~

~~(g) — that the member be no longer heard;~~

~~(h) — that the ruling of the mayor (or person chairing the meeting) be disagreed with;~~

~~(i) — that the motion lie on the table;~~

~~(j) — that the council meet behind closed doors;~~

~~(k) — that the item be removed from the committee report;~~

~~Reason: WALGA list in its Model Meeting Procedures seemed to cover all relevant issues.~~

~~15.6 That the Council Move into a Committee of The Whole – Effect of Motion~~

~~(1) This motion, having been carried, will allow free and open discussion on the matter before the meeting. The normal restrictions on the number of times each councillor may speak are suspended, provided that normal courtesy and order is maintained.~~

~~(2) Any decisions made during the time that the council sits in committee of the whole must be formally agreed by a substantive motion when the council moves out of committee of the whole.~~

~~Reason: Now addresses by clause 6.2.~~

~~15.11 That the Item be Removed From the Report – Effect of the Motion~~

~~This motion, if carried, will have the effect of enabling the item in question to be dealt with as though it was a matter coming to council with no recommendation.~~

~~Reason: Difficult to interpret. Noticed of Motion now proposed to follow WALGA guideline Standing Orders.~~

~~16.10 Authority for Withdrawal~~

~~A motion or amendment to a motion shall not be withdrawn in the absence of any member of the council who proposed it, except with their written authority.~~

~~Reason: Now addresses by clause 9.15(1) “on the request of the mover”.~~

~~18.5 Withdrawal of Motion for Adjournment of Council~~

~~A motion or an amendment relating to the adjournment of a meeting may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal the motion must continue to be debated.~~

~~Reason: This was the only procedural motion with this clause. WALGA's Standing Orders model at Clause 10.2 states that for an adjournment notice of motion, other than for the mover to put their position, there is no debate and a majority vote would prevail on the question.~~

~~21.1 Copies of Acts and Standing Orders and Papers to Members of the Council~~

~~The CEO shall provide to each member of the council as soon as convenient after being elected to office a copy of the Acts and local laws regulating and governing the administration of the district.~~

~~Reason: There are effectively a couple of hundred relevant documents required to meet this provision. On the basis that the clause refers to Councillors being provided with a “hard paper copy”, it is considered that the State Government's www.legislation.wa.gov.au site is the preferred way of providing this important information.~~

Dear Mr Collie

This email is in response to your letter dated 7 December 2020 addressed to the Minister for Local Government regarding the Town's proposed local law.

The Department's comments are noted below. Please contact me if you have any queries regarding the comments.

Town of Cottesloe Local Government (Meeting Procedure) Local Law 2021

1. Page numbering and footer

It is suggested that page numbers in the footer and contents page be removed from the local law as they will not be necessary when the local law is published in the *Government Gazette*.

In the event that the Town chooses to maintain a public version of the local law in hard copy or electronic format, the Town can choose to retain the page numbers in that version.

This will be undertaken at Gazettal stage.

2. Clause 1.5 – Repeal

Clause 1.5 has been redrafted for the Town's consideration:

1.5 Repeal

The *Town of Cottesloe Standing Orders Local Law 2012* published in the *Government Gazette* on 12 July 2012 is repealed.

Amended, no material impact.

3. Clause 7.16 - Adverse reflection

Clause 7.16(1) provides that a member must not reflect adversely on previous decisions of the council.

This clause may restrict debate in the Council, since it prevents members from voicing valid criticisms about previous decisions. In a worst case scenario, it may hinder the Council from reviewing past decisions.

Similarly, Clause 7.16(2) provides that a member must not reflect on the character or actions of other members of employees.

While this clause may help to keep order, it may also prevent the Council from addressing legitimate complaints or issues of concern.

The Delegated Legislation Committee has requested that the following phrase be added to the end of both subclauses:

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

This ensures that the majority of adverse reflections are avoided, while the Council still has the option of allowing them when necessary.

Amended, no material impact.

4. Clause 8.4 – Ruling by the Presiding Member

It is suggested that clause 8.4(2)(a) be deleted.

This paragraph states that a ruling may not be subject to “debate or comment”. This phrase potentially contradicts paragraph (b) which states that members can move a motion dissenting from the ruling. This would, by necessity, involve some form of comment or debate.

Amended, no material impact.

5. Brackets and references to clauses

Several clauses (for example clauses 7.13, 7.15, 7.16 and 9.4 etc) contain bracketed references to other parts of the local law.

The Delegated Legislation Committee has expressed concerns regarding this practice. It is suggested that the bracketed references be removed from the final draft of the local law prior to gazettal. These references can be retained on any unofficial versions of the local law kept on the Town’s website or issued to Council members.

Amended, no material impact.

6. Clause 10.10 – Rulings of the presiding member

The Department has noted two potential issues with clause 10.10:

- a. Subclause (2)(a) provides that if the presiding member directs another member to take no further part in proceedings due to being out of order, this ruling cannot be disagreed with. This means the presiding member can remove a person from proceedings even if the majority of the meeting believes the point of order shouldn’t be sustained. If the restriction is only intended to apply to the specific member who was ruled out of order, the Town may wish to clarify this in further detail.

~~A Point of Order can be put per clause 8.4 (2) which can be carried by the majority of members if the majority of members felt that the ruling was unreasonable. No change made Refer Clause 7.7(3).~~

- b. Subclause (2)(d) provides that a ruling can’t be disagreed with if it is made “in strict accordance with the Act”. This phrase is vague and might be subject to varying interpretations. The Town may wish to clarify further to avoid confusion as to what specific kind of rulings fall under this paragraph.

Amended, no material impact.

7. Clause 19.4 – Custody of counsel property

It is suggested that this clause be deleted, as the treatment of Town property is already addressed under the *Local Government Act 1995*.

Alternatively, it is suggested that the phrase “the Council” be replaced with “the local government”, to reflect the fact that the council is not a legal entity in its own right (i.e. any property “belonging to” the council would be Town property and the Town would be the trustee for any property “held in trust” by the council).

Amended, no material impact.

8. Minor edits

The following minor edits are suggested:

- Several clauses throughout the local law contain the designation “(1)” although there are no other subclauses in that clause. It is suggested that the Town delete these designations when they aren’t needed.
- Where a clause branches into multiple paragraphs, the branch should be indicated by the use of a dash rather than a colon (with the exception of clause 5.2(1))
- **Contents page:**
 - Include an item for clause 7.5.
 - Insert an item for the heading of Part 9.
- **Clause 1.1:** delete the designation “(1)” and italicise “Town of Cottesloe Local Government (Meeting Procedure) Local Law 2021”.
- **Clause 1.4:**
 - In the definition of **CEO**, replace “chief executive offer” with “Chief Executive Officer”.
 - In the definition of **simple majority**, delete the comma after “; and”.
- **Clause 5.3(12):** Change “subclause (12)” to “subclause (11)”.
- **Clause 6.11(3)** redesignate paragraphs i.to iv. as (a) to (d).
- **Clause 6.13(6)** merge the two sentences together. Alternatively, move the second sentence into a new subclause beginning with the words “Notwithstanding subclause (5)”.
- **Clause 6.15(1):** replace “Local Government (Rules of Conduct) regulations 2007” with “Rules of Conduct Regulations” to be consistent with the defined term in clause 1.4.
- **Clause 7.13:** Remove the bold from the two cross references.
- **Clause 7.4:** clauses should be formatted as a single sentence. The Town may wish to merge the two sentences or alternatively, split this clause into two separate subclauses.
- **Clause 7.9(3):** It is suggested that the term “or decorum” be deleted. This term is vague and can be subject to a variety of interpretations.
- **Clause 7.14(1):** subclauses should be formatted as a single sentence. The Town may wish to split this subclause into two separate subclauses.
- **Clause 7.16(3):** The term “objectionable” is vague, as it is unclear what comments would be considered “objectionable”. The Town may like to consider replacing “objectionable” with “insulting” to ensure it is consistent with clause 7.17(1)(c).
- **Clause 9.3(5):** replace “sub-clause” with “subclause”.
- **Clause 10.2:** Change both instances of “subparagraph 10.1” to “clause 10.1”.
- **Clause 10.1(3):** split this subclause into separate subclauses.
- **Clause 10.7:** Change the bracket reference to refer to clause 9.4.
- **Clause 14.2(c):** remove the bold from “7.10”.
- **Clause 16.2(2):** remove the bold from “10.10”.
- **Clause 15.3(1):** it is suggested that defined terms be formatted in bold, italics and without quotation marks to match the formatting in clause 1.4.
- **Part 19:** Clause 19.2 appears to be missing. The Town should ensure it hasn’t omitted a clause which was intended to be there. Alternatively, renumber clause 19.3 and 19.4 for consistency and update the contents page to reflect the new numbers.

The Town should also make a comprehensive check of the draft ensure that all references and cross references in the local law are accurate, particularly if any changes are made as a result of these comments.

Amended no material impact.

Minister's Directions – pursuant to s 3.12(7) of the Local Government Act 1995

Please note: once the Town has published a local law in the *Government Gazette*, the Town must comply with the requirements of the Minister's *Local Laws Explanatory Memoranda Directions 2010*. The Town must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee at the current address:

Committee Clerk
Joint Standing Committee on Delegated Legislation
Legislative Council Committee Office
GPO Box A11
PERTH WA 6837
Email: delleg@parliament.wa.gov.au
Tel: 9222 7404
Fax: 9222 7805

A copy of the Minister's Directions and Explanatory Memoranda forms can be downloaded from the Department of Local Government, Sport and Cultural Industries website at www.dlgsc.wa.gov.au. Failure to comply with the Directions may render the local law inoperable.

Please note that my comments:

- have been provided to assist the Town with drafting matters in relation to the local law;
- do not constitute legal advice;
- have been provided in good faith for the Town's consideration; and
- should not be taken as an approval of content.

The Town should ensure that a detailed editorial analysis of the proposed local law has been undertaken and that the content of the local law is in accordance with the Town's policies and objectives. Kind regards


Carmen Chia
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The Department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land, and we pay our respects to their Elders past and present.

From: Stephen Mellor <stephen.mellor@chalkface.net.au>
Subject: LOCAL GOVERNMENT (MEETINGS PROCEDURE) LOCAL LAW 2021
Date: 22 January 2021 at 4:18:41 pm AWST
To: <town@cottesloe.wa.gov.au>



Dear Matthew Scott

I refer to the consultation for comment regarding

LOCAL GOVERNMENT (MEETINGS PROCEDURE) LOCAL LAW 2021

Regrettably I have not spent enough time earlier to review the new Local Law so am writing in haste to meet the deadline. As you will know I am a Committee member of the Cottesloe Residents and Ratepayers Association but as we have not discussed this, the comments below are mine at this point. I will though forward this email and your response separately to my fellow committee members.

A/

6.7

The WA State Guidelines for meetings you referred me to in the past, state that a summary of any public questions and the answers given at the meeting will be included in the minutes of the meeting. (as per 6.7 (3) (b) for taken on notice public questions.

Does this need to be added in 6.7?

Clause 6.7 (9) reads as follows - "Where a response to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes of that meeting."

Managing Public Question Time

Local Government Operational Guidelines

Published 29 April 2019

Following the meeting

It is a requirement that the minutes of the meeting contain a summary of each question asked and the response given. Questions taken on notice should be researched and a written response provided to the questioner, assuming they have provided a name and contact details.

Responses to questions taken on notice must be included in the minutes of the following meeting.

B/

6.7 (6) and (8) (a)

I oppose strongly these two clauses. Whilst the Presiding Officer has meeting management and control of meeting process, the inclusion of these clauses could damage objectivity of discussion, transparency and public confidence in the process. The questioner may need to seek clarification of an answer given previously, either at the meeting or taken on notice or there may be new information discovered since asking the original question that needs to be tested in a further question. There can be further points on the same topic that need answering and such questioning is at risk of not being responded to.

There should be no clauses that put the Presiding Member into risk of being accused of not being objective or impartial.

Public questions opportunities are few and must not be hindered or constrained – if further questions are thought to be genuine by the questioner then the Council and Administration should be genuine in their openness to respond.

Clause 6.7 (6) relates to repeat questions, statements, defamatory and offensive questions and questions that do not relate to the local government. These matters are considered appropriate to be in the Local Law.

Clause 6.7 (8) (a) does not exist.

C/

6.8 (5) A maximum of 15 minutes shall be allocated to public statement time. If at the completion of this time there are requests for further statements, the presiding member, at their discretion, may permit an extension of time.

Should this sentence also be included in 6.7?

No, as this would just be repeating what is already in 6.8 (5). Additionally 6.7 relates to Public Questions and not Public Statements.

It would be helpful if the ToC had provided a list of changes from the 2012 Standing Orders Local Law.

Further to my experience at Public Question time I would like to further comment that Councillor late tabled/circulated motions or amendments without being made available to the Public in advance is not an openly transparent process. If such motions are carried what can the Public then ask after the event?

Elected members have a right to submit alternative motions. It is certainly preferable that they are made available in advance. Sometimes they are constructed on the spot or put forward very late making advance notice impossible.

Should I forward this email also to the Elected Members for their information or will you be discussing all comments received with them directly?

Your submission will be included as an attachment and referenced in the agenda item that goes to Council next week.

With best regards

Stephen Mellor

