

**City of Stirling**

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**MEETING PROCEDURES LOCAL LAW 2021**

*Local Government Act 1995*

**City of Stirling**

**Meeting Procedures Local Law 2021**

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*Local Government Act 1995*

**City of Stirling**

**Meeting Procedures Local Law 2021**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Stirling resolved on 3 August 2021 to make the following local law.

**Part 1 - Preliminary**

**1.1 Citation**

- (1) This local law is the *City of Stirling Meeting Procedures Local Law 2021*.
- (2) This local law is referred to as “the” or “this” “Local Law.”

**1.2 Commencement**

This local law commences on 17 October 2021.

**1.3 Application and intent**

- (1) This Local Law contain the rules that 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) greater public access to the City’s decision-making process;
  - (b) better decision making by the Council and its committees;
  - (c) the orderly conduct of meetings dealing with Council business;
  - (d) better understanding of the process of conducting meetings; and
  - (e) more efficient and effective use of time at meetings.

**1.4 Interpretation**

In this Local Law, unless the context requires otherwise -

“**broadcast**” has the meaning given in Section 36C of the *Evidence Act 1906*;

“**clause**” means a clause of this Local Law;

“**Council**” means the Council of the City of Stirling;

“**district**” means the district of the local government;

“**meeting**” means a meeting of the Council or of a committee, or an electors’ meeting, as the context requires;

“**member**” -

- (a) has the same meaning given to it in the *Act*; and
- (b) includes a person who is a member of a committee listed under Section 5.9 of the *Act*.

“**minor amendment**”, in relation to a motion, means an amendment which does not alter the basic intent of the motion to which the amendment applies;

“**Local Government**” means the City of Stirling;

“**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*; and
- (c) in respect of an Electors’ Meeting the person presiding under Section 5.30 of the *Act*.

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

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

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

## 1.5 Repeal

The *City of Stirling Meeting Procedures Local Law 2009* published in the *Government Gazette* on 16 April 2009, and the *City of Stirling Meeting Procedures Amendment Local Law 2012* published in the *Government Gazette* on 18 May 2012, are repealed.

## Part 2 - Meetings of Council

### 2.1 Ordinary and special Council meetings

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

### 2.2 Convening Council meetings

- (1) Subject to subclause (2), 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.
- (2) Where, in the opinion of the Mayor or at least 1/3 of members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special meeting of the Council.

### **2.3 Calling committee meetings**

A meeting of a committee is to be held -

- (a) if called for in a verbal or written request to the CEO by the Mayor or the Presiding Member of the committee, advising the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) in accordance with a decision of the Council or the committee.

## **Part 3 - Quorum**

### **3.1 Where quorum not present prior to or during a meeting**

If at any time prior to or during a meeting a quorum is not present -

- (a) the Presiding Member must delay or suspend the proceedings of the meeting for a period of up to 15 minutes;
- (b) if a quorum is not present at the expiry of the delay or suspension period under subclause (a), the Presiding Member may either adjourn the meeting to some future time or date, or may extend the delay or suspension period for a further period up to 30 minutes; and
- (c) if a quorum is not present at the expiry of the extended period of delay or suspension under subclause (b), the Presiding Member must adjourn the meeting to a later time on the same day or to another day.

### **3.2 Names to be recorded**

At any meeting which is adjourned for want of a quorum, the names of the members then present must be recorded in the minutes.

## **Part 4 - Business of a meeting**

### **4.1 Business to be specified**

- (1) No business is to be transacted at any ordinary meeting of Council other than that specified in the agenda, without the approval of the Presiding Member or a decision of the Council.



- (2) No business is to be transacted at a special meeting of Council other than that given in the notice of the meeting as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda, or in the notice of the meeting as the purpose of the meeting, without the approval of the Presiding Member or a decision of the committee.
- (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council, the business unresolved at the meeting that is adjourned is to be given precedence at that meeting.
- (5) Where a committee meeting is adjourned to the next committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that meeting.
- (6) Where a Council or committee meeting is adjourned to a meeting not described in subclause (4) or (5), no business is to be transacted at that later meeting other than that -
  - (a) specified in the notice of the meeting that is adjourned; and
  - (b) which remains unresolved.

#### **4.2 Order of business**

- (1) Unless otherwise decided, the order of business at any ordinary meeting of Council is to be as determined by the Presiding Member.
- (2) Unless otherwise decided, the order of business at any committee meeting is to be as determined by the Presiding Member.
- (3) Unless otherwise decided, the order of business at any special meeting of the Council is to be as determined by the Presiding Member.
- (4) Notwithstanding subclauses (1), (2) and (3), the CEO may include on the agenda of a Council or committee meeting, in an appropriate place within the order of business, any matter which the CEO considers is appropriate to be considered or decided by that meeting.

#### **4.3 Acknowledgement of Country**

At every ordinary and special meeting of Council, the Presiding Member must ensure that there is an Acknowledgement of Country recognising the traditional owners of the land on which the meeting is being held, the Wadjak People of the Nyoongar Nation.

#### **4.4 Announcements by the Presiding Member**

Announcements by the Presiding Member or a person nominated by the Presiding Member must -

- (a) be limited to informing the meeting of official duties performed, or functions attended, by a member or employee, or of other matters of importance to the meeting, of which it has not previously been informed;
- (b) be as brief and concise as practicable; and

- (c) unless the meeting resolves otherwise, be completed within 10 minutes.

#### 4.5 Notices of Motion

- (1) Unless the Act, Regulations or this Local Law otherwise provide, a member may move a motion at a Council meeting which must relate to the good governance of persons in the district, and of which notice has been given to the CEO under this clause.
- (2) A Notice of Motion under subclause (1) must -
  - (a) be in writing;
  - (b) be given at least 5 clear working days before the meeting at which the motion is moved;
  - (c) call for a further report to be submitted at an ordinary Council meeting no less than 15 clear working days after the meeting at which the motion is moved; and
  - (d) include a rationale as to how the Notice of Motion relates to the good governance of the district.
- (3) A Notice of Motion that does not comply with subclause (2)(c) may be approved by -
  - (a) the CEO in agreement with the Presiding Member in circumstances that have the same meaning as “**cases of extreme urgency or other special circumstances**” as defined in clause 4.6(1)(b); or
  - (b) Council in any circumstance.
- (4) The CEO -
  - (a) with the agreement of the Presiding Member, may rule a Notice of Motion out of order where it -
    - (i) is offensive or defamatory in nature;
    - (ii) makes unsubstantiated claims regarding the City, members, City employees, stakeholders or relevant organisations;
    - (iii) is similar in intent or substance to a Notice of Motion or motion which has been previously raised or resolved;
    - (iv) relates to matters that are administrative or operational; or
    - (v) may breach this Local Law or any other law.
  - (b) may make minor corrections and amendments to the motion, without altering the intent or substance of the motion.
- (5) If a Notice of Motion is ruled out of order under subclause (4), the Mayor or CEO must provide the reason for its exclusion to the member who gave notice of the motion as soon as practicable.

- (6) At the meeting at which the report required by the Notice of Motion is to be considered, the CEO may provide relevant material facts and circumstances including -
  - (a) strategic and risk implications;
  - (b) financial implications;
  - (c) sustainability implications; and
  - (d) policy and legal implications.
- (7) A Notice of Motion lapses unless -
  - (a) the member moves the motion and it is seconded;
  - (b) the member submits a written request to the Presiding Member prior to the meeting to defer consideration of the Notice of Motion to a specified later meeting and the Presiding Member consents to the deferral;
  - (c) the member who gave notice of it authorises another member in writing to move the Notice of Motion when called upon by the Presiding Member; or
  - (d) the Council or committee resolves to defer consideration of the motion to a later stage or date.
- (8) An amendment, to a motion of which notice has been given under this clause, must not be considered at a meeting unless -
  - (a) in the case of an amendment that is not a minor amendment, written notice of the amendment is received by the CEO no later than 12.00pm on the last working date preceding the day of the meeting at which the relevant motion is to be considered; or
  - (b) in the case of a minor amendment, the mover and seconder consent to the minor amendment.
- (9) The Presiding Member -
  - (a) may determine whether an amendment is a minor amendment; and
  - (b) must make that determination on the basis that a minor amendment is one which, in the Presiding Member's opinion, does not alter the basic intent of the primary motion.

*[Clause 4.5 amended by Government Gazette No. 6 of 2024].*

#### **4.6 New business of an urgent nature**

- (1) In this clause, “**cases of extreme urgency or other special circumstances**” means matters -
  - (a) that have arisen after the preparation of the agenda that are of such importance and urgency that they cannot be dealt with

administratively by the City and must be considered and dealt with by the Council before the next meeting; and

- (b) that, if not dealt with at the meeting, are likely to -
  - (i) have a significant adverse effect (financially or otherwise) on the City or the community; or
  - (ii) result in a contravention of a written law.
- (2) In cases of extreme urgency or other special circumstances, the Presiding Member may rule to -
  - (a) raise a matter without notice; and
  - (b) enable Council to consider and decide on the matter.
- (3) Before debate begins on a matter under this clause that is not the subject of a written employee report to the meeting, the CEO is to give a verbal report to the meeting.
- (4) The minutes of the meeting must include -
  - (a) a summary of the verbal report and any recommendations of the CEO; and
  - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO.

#### **4.7 Adoption by exception resolution**

- (1) In this clause “**adoption by exception resolution**” means -
  - (a) a resolution of the Council that has the effect of adopting, for each of a number of specifically identified reports, the committee recommendation, or if there is no committee recommendation, the employee recommendation, as the Council resolution; and
  - (b) a resolution of a committee that has the effect of adopting, for each of a number of specifically identified reports, the employee recommendation as the committee recommendation.
- (2) Council or a committee may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter -
  - (a) in which a financial or proximity interest has been disclosed;
  - (b) on which a member wishes to make a statement; or
  - (c) on which a member wishes to move a motion that is different to the recommendation.

#### **4.8 Closure - time limits for Council or committee meetings**

- (1) Subject to subclause (2), a meeting is to proceed for no longer than three hours after its commencement.

- (2) The Presiding Member may rule to extend a meeting three hours after its commencement.

## **Part 5 - Public participation**

### **5.1 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 (other than any person specified in a resolution).
- (2) If a motion to close a meeting or part of a meeting to members of the public is carried -
  - (a) the Presiding Member is to direct everyone to leave the meeting except -
    - (i) members;
    - (ii) any City employee who is required to be in attendance or is specified in a resolution; and
    - (iii) any other person specified in a resolution.
  - (b) the meeting is to be closed to the public until, at the conclusion of the matter or matters, the Council or the committee resolves to reopen the meeting.
- (3) A person who fails to comply with a direction under subclause (3) may, by order of the Presiding Member, be removed from the meeting.
- (4) A resolution under this clause may be made without notice of the relevant motion.
- (5) Unless the Council or the committee resolves otherwise, once the meeting is reopened, and if any of members of the public return to the meeting, the Presiding Member must ensure that -
  - (a) any resolution of the Council or committee made while the meeting was closed is read out; and
  - (b) the vote of a member or members is recorded in the minutes.

### **5.2 Public Question Time**

- (1) In this clause -

**“question in advance”** means a written question or questions submitted by members of the public to the City by 9:00am the day before the meeting; and

**“question at the meeting”** means all other questions submitted by members of the public prior to or at the meeting.
- (2) The Presiding Member is responsible for the conduct of Public Question Time.

- (3) A member of the public asking a question during Public Question Time must -
  - (a) first state their name and suburb;
  - (b) direct the question to the Presiding Member;
  - (c) ask the question briefly and concisely;
  - (d) limit any preamble to matters directly relevant to the question; and
  - (e) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question.
- (4) Each member of the public who wishes to ask a question in advance is entitled to ask up to three questions before other members of the public will be invited to ask their questions.
- (5) Each member of the public who wishes to ask a question at the meeting is entitled to ask up to three questions before other members of the public will be invited to ask their questions.
- (6) Unless the Presiding Member rules otherwise, the priority order of Public Question Time is to be -
  - (a) a question in advance;
  - (b) a question at the meeting related to an agenda item;
  - (c) if time permits, a question at the meeting unrelated to an agenda item.
- (7) Nothing in this Local Law permits a person to ask both a question in advance and a question at the meeting unless the minimum time for public questions is not completed.
- (8) A question may be taken on notice for later response if -
  - (a) the Presiding Member or the CEO determines; or
  - (b) the question is unrelated to an agenda item.
- (9) When a question is taken on notice, the CEO must ensure that -
  - (a) a written response is provided to the person who asked the question; and
  - (b) a summary of the response is included in the minutes of the meeting or the agenda for the next meeting of the Council.
- (10) A question may be taken on notice if the person who gave prior written notice of it is not in attendance at the meeting.
- (11) Prior to the meeting a person may request that their question be read to the meeting by the Presiding Member or an employee.
- (12) A response to a question must -

- (a) be brief and concise; and
  - (b) not 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 a member of the public, then (through the Presiding Member) the member may correct or clarify the matter.
- (13) The Presiding Member may decide that a question is not to be responded to where -
- (a) the same or similar question was asked at a meeting, a response was provided and the person who asked the question is directed to the minutes of the meeting at which the response was provided;
  - (b) it is in the form of a statement, provided that the Presiding Member has taken reasonable steps to assist the person to phrase the statement as a question; or
  - (c) the question -
    - (i) is offensive or defamatory in nature provided that the Presiding Member has taken all reasonable steps to have the member of the public phrase the question in a manner that is not offensive or defamatory;
    - (ii) may compromise the integrity of the City;
    - (iii) may adversely reflect upon the City, members, City employees, stakeholders or relevant organisations;
    - (iv) requires a speculative answer;
    - (v) makes unsubstantiated claims or expression of opinions; or
    - (vi) may breach this Local Law or any other law.
- (14) The Presiding Member may rule to extend public question time.

### **5.3 Distinguished visitor**

If a distinguished visitor is present at a meeting of the Council or a committee, the Presiding Member -

- (a) may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting; or
- (b) may direct that the presence of the distinguished visitor be recorded in the minutes.

### **5.4 Deputations**

- (1) A deputation may be made to a committee in accordance with this clause.
- (2) A person or group who wish to make a deputation to a committee must -

- (a) apply in writing to the City on the form provided;
  - (b) state the agenda item that is to be the subject of the deputation; and
  - (c) state if the deputation is 'in favour' of, or 'opposed' to the report recommendation.
- (3) The CEO must refer to the Presiding Member a copy or summary of the application.
  - (4) A deputation may be made for up to four minutes.
  - (5) The Presiding Member may allow that period of four minutes to be shared between participants of the deputation and, in the absence of agreement, the Presiding Member must determine which participants are to address the committee and for how long within the total period of four minutes.
  - (6) Any matter which is the subject of a deputation to the committee must not be decided by the committee until the deputation is completed.
  - (7) Where a deputation is received by the committee, the participant must address the meeting through the Presiding Member.
  - (8) The Presiding Member may change the order of business to bring forward any item of business that is the subject of a deputation at a committee meeting
  - (9) Following a deputation, the Presiding Member may allow members to ask questions of the participant.
  - (10) The Presiding Member may rule a question asked under subclause (9) out of order where it -
    - (a) is not relevant to the deputation or the report subject;
    - (b) is considered offensive or defamatory in nature;
    - (c) adversely reflects upon the City, members, City employees, stakeholders or relevant organisations;
    - (d) makes unsubstantiated claims or expressions of opinions
    - (e) requires a speculative answer; or
    - (f) may breach this Local Law or any other law.

## **5.5 Petitions**

- (1) A petition may be submitted -
  - (a) online using the ePetition module on the City's website; or
  - (b) in hard copy form.
- (2) A signatory to an ePetition submitted under subclause (1)(a) must -
  - (a) be made by an elector of the City;



- (b) state their full name; and
  - (c) agree to the terms and conditions on the City’s website.
- (3) A hard copy petition must -
- (a) be addressed to the Mayor, a member or the CEO;
  - (b) be made by electors of the district;
  - (c) state the full request and a summary of the reasons for the petition on each page;
  - (d) contain the legible names, addresses and signatures of the electors making the request, and the date each elector signed;
  - (e) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
  - (f) be respectful and temperate in its language; and
  - (g) comply with any form prescribed by the *Act* or any other written law.
- (4) On the presentation of a petition -
- (a) the member is confined to reading a summary of the petition; and
  - (b) the only motion that is in order is that the petition be received and that it be referred to the CEO for the appropriate action.
- (5) At any meeting, the Council must not vote on any matter that is the subject of a petition presented to that meeting, unless -
- (a) the matter is the subject of a report included in the agenda; and
  - (b) the Council has considered the issues raised in the petition.

*[Clause 5.5 amended by Government Gazette No. 6 of 2024].*

## **5.6 Confidentiality of information withheld**

- (1) Information withheld by the CEO from the public in accordance with the Regulations must be -
- (a) identified in the agenda of a meeting under the item “Matters behind closed doors”; and
  - (b) marked “Confidential” in the agenda.
- (2) A member or an employee who has -
- (a) confidential information under subclause (1); or
  - (b) information that is provided or disclosed for the purposes of 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 the member's or employee's duties.

- (3) Subclause (2) does not prevent a member or employee from disclosing information -
  - (a) at a closed meeting;
  - (b) in order to implement the decision of Council and subject to any conditions as Council decides;
  - (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.

#### **5.7 Recording of proceedings**

- (1) Unless otherwise ruled by the Presiding Member -
  - (a) the CEO must ensure that an audio recording is taken of the proceedings of each meeting; and
  - (b) the CEO may also record and publish the proceedings of a meeting in any other way considered to be appropriate, including the audio or video broadcast of meetings.
- (2) Unless with the written authorisation of the Presiding Member, a person must not use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting.
- (3) The City is not liable to an action for defamation in relation to a matter published through or linked on its website as part of the broadcast, audio recording or video recording proceedings of a meeting.

#### **5.8 Prevention of disturbance**

- (1) A reference in this clause to a "person" is to a person other than a member.
- (2) A person must ensure that mobile telephones or electronic devices do not disrupt any meeting of the Council or a committee.
- (3) A person addressing the Council or a committee must -
  - (a) extend due courtesy and respect to the Council or committee and the processes under which it operates; and
  - (b) comply with any direction by the Presiding Member.

- (4) A person must not create a disturbance by interrupting or interfering with the orderly conduct of the proceedings of a meeting, whether by expressing approval or dissent, by conversing or by any other means.
- (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 in a manner contrary to this clause, or to 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 the person 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 rules, from the premises.

## **Part 6 - Questions by members**

### **6.1 Questions on Notice**

- (1) A member who wishes to submit a Question on Notice at a meeting of the Council must give to the CEO written notice of the question at least five clear working days before the meeting.
- (2) With the agreement of the CEO, the Mayor may rule a Question on Notice out of order that -
  - (a) is considered offensive or defamatory in nature;
  - (b) makes unsubstantiated claims regarding the City, members, City employees, stakeholders or relevant organisations;
  - (c) relates to matters that are administrative or operational;
  - (d) requires a speculative answer; or
  - (e) may breach this Local Law or any other law.
- (3) A ruling made under subclause (2) may be overturned with the written agreement of a majority of members.
- (4) A Question on Notice that is not withdrawn or excluded under subclauses (1) or (2) must be included in the agenda of the meeting along with an answer from the CEO.
- (5) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed, unless with the consent of the Presiding Member.

## **6.2 Questions during debate**

- (1) At any time during the debate on a motion before the motion is put, a member may ask questions with the consent of the Presiding Member.
- (2) The Presiding Member may decide that a question is not to be responded to where -
  - (a) a response to the question has been previously provided; or
  - (b) it is in the form of a statement, provided that the Presiding Member has taken reasonable steps to assist the member to phrase the statement as a question.
- (3) The Presiding Member may rule a question out of order that -
  - (a) is considered offensive or defamatory in nature;
  - (b) makes unsubstantiated claims regarding the City, members, City employees, stakeholders or relevant organisations;
  - (c) relates to matters that are administrative or operational;
  - (d) requires a speculative answer; or
  - (e) may breach this Local Law or any other law.

## **6.3 Restrictions on questions and answers**

- (1) Questions asked by a member, and responses given must -
  - (a) be brief and concise;
  - (b) not be accompanied by expressions of opinion; and
  - (c) not be accompanied by any discussion or further question, except with the consent of the Presiding Member.
- (2) In answering any question, a member or an employee may qualify an answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend the original answer.

# **Part 7 - Conduct of members**

## **7.1 Members to occupy own seats**

- (1) At Council meetings, members must be seated in the order as determined by Council following each ordinary election.
- (2) At committee meetings, committee members must be seated in their designated positions.

## **7.2 Official titles to be used**

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

## **7.3 Entering or leaving a meeting**

- (1) A member must not enter or leave a meeting, or take or leave their seat, after the Presiding Member has put a motion to the meeting.
- (2) When permitted under subclause (1), a member may enter or leave a meeting by first giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

## **7.4 Members who wish to speak**

- (1) A member who wishes to speak at a Council meeting -
  - (a) must indicate an intention to speak by raising their hand, or by any other method determined by the Presiding Member; and
  - (b) when invited by the Presiding Member to speak, and unless otherwise determined by the Council, must stand and address the meeting through the Presiding Member.
- (2) A member who is unable to stand may sit while speaking.

## **7.5 Priority of speaking**

- (1) At a Council meeting, where two or more members indicate, at the same time, their intention to speak, the Presiding Member is to decide which member is to be heard first.
- (2) At a committee meeting, the Presiding Member is first to invite committee members to speak followed, at the discretion of the Presiding Member, by other members and attendees.
- (3) A decision of the Presiding Member under this clause is not open to discussion or dissent.

## **7.6 The Presiding Member may take part in debate**

- (1) Subject to compliance with procedures for the debate of motions contained in this Local Law, the Presiding Member may take part in a discussion of any matter before the meeting.
- (2) The Presiding Member must vacate the chair to move or second a motion in relation to any matter before the meeting.
- (3) In the absence of the Deputy Presiding Member another member elected by the meeting shall preside while the Presiding Member takes part in a discussion of which the Presiding Member has moved or seconded a motion.

## **7.7 Relevance**

- (1) A member must restrict 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 any irrelevant or repetitious remarks by a member; or
  - (b) direct that member, if speaking, to discontinue doing so.
- (3) A member must comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

## **7.8 Duration of speeches**

- (1) A member must not speak on any matter for more than five minutes without the consent of the Presiding Member which, if given, is to be given without discussion.
- (2) The Presiding Member may allow the member to speak for a further five minutes.
- (3) No member shall speak for more than 10 minutes without resolution of the Council by absolute majority.

## **7.9 Speaking twice**

- (1) A member must not address the Council or a committee 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;
  - (c) to address a minor amendment to a substantive motion that has been adopted with the consent of the mover and the seconder; or
  - (d) to make a personal explanation.
- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.

## **7.10 No speaking after conclusion of debate**

A member must not speak on any motion or amendment -

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

## **7.11 No interruption**

A member must not 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; or
- (d) to move a procedural motion that the member be no longer heard.

#### **7.12 No reopening of discussion**

A member must not reopen a discussion on any Council or committee decision, including by raising a Notice of Motion for consideration at a future meeting, except to move that the decision be revoked or changed.

#### **7.13 Offensive language**

- (1) A member must not disparage a decision of the Council or a committee except on a motion that the decision be revoked or changed.
- (2) A member must not -
  - (a) disparage the character or actions of another member, employee or person;
  - (b) impute any motive to a member or employee; or
  - (c) use an expression that is offensive or objectionable.

*[Clause 7.13 amended by Government Gazette No. 6 of 2024].*

#### **7.14 Withdrawal of offensive language**

A member who, in the opinion of the Presiding Member, has infringed clause 7.13 must withdraw a reflection, imputation or expression and, if required, make a satisfactory apology.

#### **7.15 Personal explanation**

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

#### **7.16 No disturbance**

A member must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, by conversing or by any other means.

## **Part 8 - Preserving order**

### **8.1 Presiding Member to preserve order**

- (1) The Presiding Member is to preserve order and, whenever considered necessary, may call any member to order.
- (2) When the Presiding Member rises or speaks during a debate, any member then speaking, or indicating an intention to speak, is immediately to sit down and every member present must 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 7.6, but to preserve order.

### **8.2 Point of order**

- (1) A member may object, by way of a point of order, only to a breach of -
  - (a) any clause in this Local Law; or
  - (b) any other written law.
- (2) A point of order -
  - (a) takes precedence over any discussion; and
  - (b) until determined, suspends the consideration or discussion of any other matter.
- (3) A member who is addressing the Presiding Member must not be interrupted except on a point of order.
- (4) A member interrupted on a point of order must resume sitting 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.

### **8.3 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 final except where a motion of dissent is moved and carried under subclause 10.10.
- (3) Unless a procedural motion of dissent is carried, the Presiding Member may rule that -
  - (a) any motion, amendment or other matter before the meeting that is out of order must not be considered further; and



- (b) if a statement or act by a member is out of order, the member makes an explanation, retraction or apology.

#### **8.4 Continued breach of order**

If a member -

- (a) persists in any conduct that the Presiding Member has ruled is out of order; or
- (b) fails or refuses to comply with a direction from the Presiding Member,

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

#### **8.5 Presiding Member may adjourn meeting**

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate must 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 9 - Debate of substantive motions**

### **9.1 Substantive Motions to be stated and in writing**

- (1) A member who wishes to move a substantive motion, or an amendment to a substantive motion -
  - (a) must state the substance of the motion before speaking to it; and
  - (b) must put the motion or amendment in writing if required to do so by the Presiding Member.
- (2) The written terms of the motion or amendment are to be recorded in the minutes.

### **9.2 Motions to be supported**

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

### **9.3 Unopposed business**

- (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 put the motion to the vote without debate.

- (3) If a member opposes a motion, the motion must be dealt with under this Part.
- (4) This clause does not apply to a motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

#### **9.4 Only one substantive motion at a time**

The Council or a committee must not -

- (a) accept a substantive motion while another substantive motion is being debated; and
- (b) consider more than one substantive motion at any time.

#### **9.5 Complex motions**

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

#### **9.6 Order of call in debate**

The Presiding Member must 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) other speakers against and for the motion; and
- (f) mover takes right of reply which closes debate.

#### **9.7 Limit of debate**

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

#### **9.8 Member may require motion to be read**

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

#### **9.9 Order of amendments**

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

#### **9.10 Amendments must not negate original motion**

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

#### **9.11 Relevance of amendments**

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

#### **9.12 Moving an amendment**

A member may amend a motion by -

- (a) stating the amendment, and with the agreement of the mover and seconder of the original motion, the amendment becomes part of the substantive motion without the need to put the amendment in accordance with this Part; or
- (b) moving the amendment and having it considered and resolved in accordance with this Part.

#### **9.13 Debate of amendment**

In relation to a motion moved under clause 9.12(b) -

- (a) any member may participate in the debate of an amendment; and
- (b) following conclusion of debate of an amending motion, the amendment is to be put and decided by simple majority.

#### **9.14 Effect of an amendment and debate on substantive motion**

If an amendment to a motion is accepted then -

- (a) the motion as amended then becomes the substantive motion; and
- (b) any member may speak to the amended substantive motion and any further amendment may be moved.

#### **9.15 Withdrawal of substantive motion and amendments**

- (1) The Presiding Member may, without debate, accept the withdrawal of a substantive motion or amendment at the request of the mover of the motion or amendment if -
  - (a) it has the approval of the seconder; and
  - (b) there is no other opposition from any other member.
- (2) If either paragraph (a) or (b) of subclause (1) does not apply, the discussion on the motion or amendment is to continue.
- (3) 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.

## **9.16 Right of reply**

- (1) The mover of a substantive motion has the right of reply.
- (2) The right of the reply may be exercised only -
  - (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.
- (3) After the mover of the substantive motion has commenced the reply -
  - (a) no other member is to speak on the motion; and
  - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (4) The right of the reply must be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (5) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, must immediately be put to the vote.

## **Part 10 - Procedural motions**

### **10.1 Permissible procedural motions**

- (1) In addition to the right to move an amendment to a substantive motion, a member may move any of the following procedural motions -
  - (a) that the meeting proceed to the next item of business;
  - (b) that the item be referred;
  - (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; and
  - (g) that the meeting be closed to members of the public (see clause 5.1).
- (2) A procedural motion requires a seconder.
- (3) Prior to any procedural motion being put, the CEO may provide advice on any implications of the procedural motion.
- (4) The Presiding Member must put a procedural motion which is raised by asking if there is any dissent to the procedural motion.

- (5) If the Presiding Member rules there is no dissent then the procedural motion is carried.
- (6) If there is dissent to the procedural motion, the motion must immediately be put for decision by simple majority.
- (7) A ruling by the Presiding Member on a procedural motion -
  - (a) must not be the subject of debate or comment; and
  - (b) is to be final unless the majority of members then present and voting dissent from the ruling.

**10.2 No debate**

The mover of a motion stated in clause 10.1 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.

**10.3 Who may move**

A member who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, cannot move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

**10.4 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 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 meeting moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

**10.6 Item to be referred**

Unless otherwise stated in the motion, a motion “that the item be referred” has the effect, if carried, of -

- (a) discontinuing debate of the item at the meeting; and
- (b) referring discussion of the item to the next meeting of the same type.

## **10.7 Meeting now adjourn**

- (1) A member must not move or second more than one motion of adjournment during the same meeting.
- (2) Before putting the motion for the adjournment, the Presiding Member may seek leave of the meeting to deal first with matters that may be subject of an adoption by exception resolution under clause 4.7.
- (3) A motion “that the meeting now adjourn” -
  - (a) must state the time and date to which the meeting is 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 meeting determines otherwise.

## **10.8 Motion to be put**

- (1) If the motion “that the motion be now put”, is carried during discussion on a substantive motion without amendment, the Presiding Member must offer the right of reply and then immediately put the motion to the vote without further debate.
- (2) If the motion “that the motion be now put” is carried during debate of the amendment, the Presiding Member must put the amendment to the vote without further debate.
- (3) 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 the speaker is the mover of the substantive motion.

## **10.10 Ruling of the Presiding Member 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.

# **Part 11 - Disclosure of interests**

## **11.1 Separation of committee recommendations**

Where, at a committee meeting, a member discloses a financial interest in a matter, and the matter is included in the recommendations (or part of the recommendations) of the committee to a Council or committee meeting that will or may be attended by the member, the agenda of that Council or committee meeting is to separate the relevant

recommendation (or the relevant part of the recommendation) from other recommendations of the committee.

## **Part 12 - Voting**

### **12.1 Motion - when put**

Immediately after the debate on any motion is concluded and the right of reply has been exercised, the Presiding Member -

- (a) must put the motion to the meeting; and
- (b) if requested by a member, is again to state the terms of the motion.

### **12.2 Question – method of taking vote**

In taking the vote on any motion, the Presiding Member -

- (a) must put the motion in the affirmative;
- (b) may, if necessary, put the motion in the negative;
- (c) 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;
- (d) must count and determine the votes of members in any way that enables a record to be taken of each member's vote; and
- (e) subject to this clause, must declare the result.

## **Part 13 - Minutes**

### **13.1 Content of minutes**

In addition to the matters required by the Regulations, the minutes of a meeting are to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is otherwise withheld or cancelled, the reasons for the decision.

### **13.2 Confirmation of minutes**

- (1) The CEO must publish -
  - (a) the unconfirmed minutes of each Council meeting - within 10 clear working days after the meeting; and
  - (b) the unconfirmed minutes of a committee meeting - within five clear working days after the meeting.
- (2) If a member is dissatisfied with the accuracy of the draft minutes, the member must provide to the CEO a written copy of the alternative wording to amend the draft minutes no later than three clear working days before the meeting where the minutes are to be confirmed.

- (3) At that meeting, the member who provided the alternative wording must, at the time for confirmation of minutes -
  - (a) state the item or items with which the member is dissatisfied; and
  - (b) propose a motion clearly outlining the alternative wording to amend the minutes.

## Part 14 - Implementing decisions

### 14.1 Meaning of terms

In this Part -

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

**"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 any other action to give effect to the decision; and

**"valid notice of revocation motion"** means a notice of a motion to revoke or change a decision that -

- (a) 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; and
- (b) if carried and implemented, would result in the decision being revoked or being substantially different.

### 14.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee must not 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 14.3 to implement the decision;
  - (b) where the decision concerns the grant of an authorisation, and where that authorisation has been communicated in writing by the City to the applicant; or
  - (c) 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) or (b) if the motion is accompanied by a written statement, by or on behalf of the CEO, of the legal and financial consequences of the motion being carried.



### **14.3 Implementing a decision**

- (1) Subject to subclause (4), and unless a resolution is made under subclause (2), a decision made at a meeting must not be implemented by the CEO or any other person until after 12 noon of the first clear working day after the commencement of the meeting at which the decision was made.
- (2) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, request the CEO to take immediate action to implement the decision.
- (3) A decision made at a meeting must not 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.
- (4) The CEO must ensure that members of the public attending a 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 15 - Suspension and non-application of Meeting Procedures**

### **15.1 Suspension of Meeting Procedures**

- (1) A member may, at any time, move that the operation of one or more of the clauses of this Local Law be suspended.
- (2) A member moving a motion under subclause (1) may identify the clause or clauses to be suspended, and state the reasons for the motion, but no other discussion is to take place.
- (3) If the member moving the motion under subclause (1) does not identify the clause or clauses to be suspended, a motion under subclause (1) has the effect of suspending clauses 7.4(1)(b), 7.8, 7.9, and 9.6.
- (4) A motion under subclause (1) which is carried suspends the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

### **15.2 Where Meeting Procedures do not apply**

- (1) In situations where -
  - (a) clauses 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 must rule on questions relating to the conduct of the meeting.

- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 10.10.

## **Part 16 - Committees**

### **16.1 Establishment and appointment of committees**

- (1) A Council resolution to establish a committee in accordance with the *Act* is to include -
  - (a) the terms of reference or functions of the committee;
  - (b) either -
    - (i) the names or titles of the members, City employees and any other persons to be appointed to the committee; or
    - (ii) the number of members, City employees and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
  - (c) details of the delegation of any powers or duties to the committee in accordance with the *Act*.

### **16.2 Meeting Procedures to apply**

This Local Law applies generally to committees except for clause 7.4, in respect of the requirement to stand when speaking.

### **16.3 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 under subclause (2);
  - (b) attends a committee meeting; and
  - (c) is not a member of that committee.
- (2) A person who is not a committee member or deputy of a committee member may attend a meeting as an observer but is to sit in an area set aside by the CEO for observers separated from the committee members.
- (3) A person may participate in the committee meeting with the consent of the Presiding Member including asking questions and speaking.
- (4) A person may address the committee for up to three minutes with the consent of the Presiding Member.
- (5) A person addressing the committee with the consent of the Presiding Member must cease that address immediately after being directed to do so by the Presiding Member.

- (6) A person must not move or second any motion, raise a point of order or vote.
- (7) A person must disclose any interests they may have in any item considered at a meeting as if they were member of a committee.
- (8) A person who fails to comply with a direction of the Presiding Member under subclause (5) may, by order of the Presiding Member, be removed from the committee room.
- (9) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

#### **16.4 Questions without debate**

- (1) Prior to a motion being moved, the Presiding Member may ask for questions without debate.
- (2) Any member, followed by any other persons, may ask a question without debate or discussion.

#### **16.5 Committee to report**

A committee -

- (a) is answerable to the Council;
- (b) must report on its activities when, and to the extent, required by the Council; and
- (c) must prepare and submit to the Council a report containing recommendations.

#### **16.6 Presentation of committee reports**

- (1) A committee recommendation to Council must be moved -
  - (a) by the person who presided at the meeting of the committee; or
  - (b) if the person who presided at the meeting of the committee is not a Council member or is absent – by a member of the committee who was present at the committee meeting and is also a Council member; or
  - (c) otherwise - by a Council member who is not a member of the committee.
- (2) Notwithstanding subclause (1), with the consent of both the Presiding Member of Council and the Presiding Member of the committee at which the committee recommendation was made, a member may move an alternative motion to that which was recommended by the committee.

#### **16.7 Reports of committees - questions**

Where a recommendation of a committee is submitted for adoption by the Council, any Council member may ask questions directly relating to the recommendation, through

the Presiding Member, to the Presiding Member of the committee or to any member of the committee in attendance.

#### **16.8 Permissible motions on committee recommendations**

A recommendation made by a committee may be -

- (a) adopted by the Council without amendment;
- (b) replaced by an alternative motion; or
- (c) amended, and adopted as amended, by the Council.

### **Part 17 - Meeting of electors**

#### **17.1 Electors' meetings**

In exercising discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to this Local Law.

#### **17.2 Participation of non-electors**

A person who is not an elector or ratepayer of the City must not take part in any discussion at an electors' meeting unless permitted by the Presiding Member.

### **Part 18 - Enforcement**

#### **18.1 Penalty for breach**

A person who breaches a provision of this Local Law commits an offence.

**Penalty – as listed in the First Schedule or if not otherwise provided: \$1,000, and a daily penalty of \$100 if the offence continues.**

### **Part 19 - Common Seal**

#### **19.1 Custody of the Common Seal**

The CEO is to have charge of the common seal of the City and is responsible for the safe custody and proper use of it.

## FIRST SCHEDULE - PENALTIES

(Refer subclause 18.1)

Item No.	Clause No.	Nature of offence	Maximum penalty \$
1	5.6(2)	Disclosure of confidential information under clause 5.6(1) or;- disclosure of 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 to any person other than another member or an employee to the extent necessary for the purpose of carrying out the member's or employee's duties.	\$1000
2	5.8(3)	Failure to extend due courtesy and respect to the Council or committee and the processes under which it operates and to comply with any direction by the Presiding Member	\$1000
3	5.8(4)	Creating disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.	\$1000
4	7.13(2)	Reflecting adversely on the character or actions of another member or employee; imputing any motive to a member or employee; or using an expression that is offensive or objectionable.	\$1000
5	7.16	A member present at a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, by conversing or by any other means.	\$1000
6	8.1(2)	When the Presiding Member rises or speaks during a debate, any member then speaking, or indicating an intention to speak, is immediately to sit down and every member present must preserve strict silence so that the Presiding Member may be heard without interruption.	\$500

Dated 18 August 2021

The Common Seal of the City of Stirling )  
was affixed by authority of a resolution )  
of the Council in the presence of: )

.....  
MARK IRWIN  
MAYOR

.....  
STUART JARDINE  
CHIEF EXECUTIVE OFFICER