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LOCAL GOVERNMENT ACT 1995

CITY OF SWAN

**MEETING PROCEDURES
LOCAL LAW 2019**

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MEETING PROCEDURES LOCAL LAW 2019

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LOCAL GOVERNMENT ACT 1995

CITY OF SWAN

MEETING PROCEDURES LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the City of Swan resolved on 16 January 2019 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Swan Meeting Procedures Local Law 2019*.

1.2 Commencement

This local law commences 14 days after it is published in the *Government Gazette*.

1.3 Purpose and effect

(1) The purpose of this local law is to provide for the proper conduct of Council meetings, Committee meetings, agenda forums and briefing sessions.

(2) The effect of this local law is intended to result in the orderly and efficient conduct of the business of the Council.

1.4 Application

All meetings, agenda forums and briefing sessions are to be conducted in accordance with the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996*, *Local Government (Rules of Conduct) Regulations 2007* and this local law.

1.5 Terms used

(1) In this local law, unless the contrary intention appears—

Act means the *Local Government Act 1995*;

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

adoption of recommendations contained in items not withdrawn means a resolution for a number of specifically identified reports that has the effect of adopting the recommendation as the resolution;

agenda forum means a forum open to the public (except for matters of a confidential nature), held prior to an ordinary Council meeting for the purpose of receiving questions and deputations and for Councillors to seek additional information on items on the agenda for an ordinary Council meeting and at which no decisions are made;

amendment motion is a proposal to alter a motion while it is being debated;

briefing session means a session closed to the public, held to update Council on matters relevant to its role and at which no decisions are made;

business day means a day that the City of Swan Administration Centre is open to the public;

chamber means the area within a meeting room where Council or committee members are seated, and excludes any public gallery;

Council means the Council of the City of Swan;

local government means the City of Swan;

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

meeting room means the room or area in which a meeting, agenda forum or briefing session is being held and includes the public gallery and chamber;

member in respect of—

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

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

petition means a request from electors of the district for action on a matter on which the Council has the power to act;

point of order means an allowable interjection that directs the Presiding Member's attention to an apparent or alleged breach of order;

Presiding Member means—

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

procedural motion means a motion that relates to how the meeting is conducted;

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

substantive motion means a motion (an original motion or an original motion as amended) which the meeting is dealing with at a given time but does not include an amendment or a procedural motion.

(2) Unless otherwise provided in this local law, the terms and expressions used in this local law are to have the meaning given to them in the Act, Administration Regulations and Rules of Conduct Regulations.

1.6 Repeal

This local law repeals the *City of Swan Meeting Procedures Local Law 2015* as published in the *Government Gazette* on 15 January 2016.

PART 2—BUSINESS OF A MEETING

2.1 Business to be specified

- (1) No business is to be transacted at a meeting other than that specified in the agenda, except matters which the Act or clause 2.10 permit to be dealt with.
- (2) No business is to be transacted at a special meeting of Council or a committee other than that specified in the agenda, and to which notice as to the purpose of the meeting has been given.
- (3) No business is to be transacted at an adjourned meeting other than that specified in the notice of the meeting which had been adjourned which remains unresolved, except in the case of an adjournment to the next ordinary meeting of the Council or the committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.
- (4) No business is to be considered at an agenda forum other than that which relates to the respective ordinary meeting of Council agenda.

2.2 Order of business

Unless otherwise decided, the order of business at any Council or committee meeting is to be the order in which that business stands in the agenda of the meeting.

2.3 Confirmation of minutes

- (1) On considering the minutes of a previous meeting a question of accuracy of those minutes arising under subclause (2) is permitted.
- (2) If a member identifies an inaccuracy in the minutes, then the member is to—
 - (a) state the item or items with which the member is dissatisfied;
 - (b) identify the inaccuracy with precision; and
 - (c) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.

2.4 Public statement time

- (1) Time is allocated at Council meetings for public statements by members of the public.
- (2) Issues to be raised during public statement time must relate to a matter concerning the local government.
- (3) A public statement is not to exceed two minutes.

2.5 Petitions

- (1) A petition may be presented to a Council meeting by—
 - (a) a member or the CEO who are confined to reading the request contained in the petition; or
 - (b) a member of the public who is confined to reading the request contained in the petition and making a brief accompanying statement not to exceed 2 minutes.
- (2) Where required, a petition must comply with any form prescribed by the Act or any other written laws.
- (3) The motions that may be moved in regard to petitions received are that the petition be—
 - (a) received;
 - (b) referred to the CEO and a report be submitted to a future Council meeting;
 - (c) dealt with in conjunction with a specific matter;
 - (d) dealt with in conjunction with an item on the agenda for the meeting; or
 - (e) referred to the CEO for consideration and response.

2.6 Deputations

- (1) Time is allocated at agenda forums and special council meetings for members of the public to provide a deputation on a matter listed on the agenda for the relevant Council meeting.
- (2) Deputations in respect to late items or urgent business which are not available to the public at the time of the agenda forum may be provided at the ordinary meeting of Council.
- (3) Any person wishing to make a deputation is to apply to the CEO for approval at least 8 hours prior to the commencement of the agenda forum, or meeting as the case may be.
- (4) The CEO may either—
 - (a) approve a request; or
 - (b) refer a request to the Presiding Member.
- (5) The Presiding Member may either—
 - (a) approve a request; or
 - (b) refer a request to the agenda forum or meeting, as the case may be, to decide by simple majority whether or not to hear a deputation.
- (6) A person making a deputation—
 - (a) is not to address the agenda forum or meeting for more than 10 minutes; or
 - (b) may by decision of the Presiding Member be restricted to speaking for less than 10 minutes if the pressure of business for that agenda forum or meeting so requires.
- (7) Following a speaker's deputation, members may ask the speaker questions relating to the item or seek clarification of issues raised by the speaker but no discussion will be allowed.

2.7 Announcements by the Presiding Member

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

2.8 Members' questions

- (1) A member may raise questions at a meeting relating to the business of the Council with an employee.
- (2) Whenever possible, questions are to be submitted in writing to the CEO at least 10 business days prior to the meeting.
- (3) The question and the answer, so far as is practicable, are to be included in the agenda of the meeting, or otherwise tabled at that meeting.
- (4) Where possible the employee shall endeavour to answer the question at the meeting, however, questions may be taken on notice and an answer placed in the agenda for the following meeting.
- (5) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed without the consent of the Presiding Member.

2.9 Adoption of recommendations contained in items not withdrawn

- (1) A meeting may pass a resolution for the adoption of recommendations contained in items not withdrawn.
- (2) An adoption of recommendations contained in items not withdrawn 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 speak; or
 - (c) on which a member wishes to move a motion that is different to the recommendation.

2.10 Urgent business

- (1) A member, at a meeting, may move a motion involving business that is not included in the agenda for that meeting if either—
 - (a) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or
 - (b) the delay in referring the business to the next meeting could have adverse implications for the local government,provided that the Presiding Member has first consented to the business being raised.
- (2) If at a meeting a member objects that a motion introduced as urgent business and moved without notice does not deal with urgent ordinary business within the scope of subclause (1) above, the motion shall be of no effect unless it is supported by a majority of the members at the meeting.
- (3) Before debate begins on a matter under this clause that is not the subject of a written report from the CEO to the meeting the Presiding Member is to ask the CEO, or the CEO's nominee, to give an oral report to the meeting.
- (4) Where urgent business is considered at the meeting under this clause, the minutes of the meeting are to include—
 - (a) a summary of the oral report and any recommendations of the CEO, or the CEO's nominee; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO, or the CEO's nominee.

2.11 Notices of motions

- (1) A member may raise at a meeting business, relating to the good government of persons in the district, in the form of a motion.
- (2) A notice of motion must be given in writing to the CEO at least 15 business days before the meeting at which the notice of motion is to be included on the agenda.
- (3) At the time of giving the notice of motion, the member must also provide a reason for the motion.
- (4) The CEO may—
 - (a) with the concurrence of the Presiding Member, exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of any written law; or
 - (b) after consultation with the member, where this is practicable, make such amendments to the form but not the substance to bring the notice of motion into due form.
- (5) If a notice of motion is excluded under subclause (4)(a), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (6) The CEO may provide Council relevant and material facts pertaining to the notice of motion in the agenda for the meeting at which the notice of motion is to be considered.
- (7) When two notices of motion dealing with the same matter are included on the agenda, the Presiding Member is to determine the order in which they are put.
- (8) A motion of which notice has been given is to lapse unless—
 - (a) the member who gave the notice, or another member authorised by him or her, moves the motion when called on; or
 - (b) the meeting resolves to defer consideration of the motion to a later stage or date.
- (9) Where a notice of motion—
 - (a) is not moved;
 - (b) lapses for the want of a seconder;
 - (c) is lost; or
 - (d) is not deferred for consideration to a later stage or date by a resolution,

at the meeting at which it is listed, the same or similar motion is not to be put before a meeting for at least 3 months from the date of that meeting.

2.12 No business to be conducted if quorum not present

- (1) If at any time during the course of a meeting a quorum is not present due to a member leaving the chamber as a result of the declaration of an interest, the Presiding Member shall adjourn the matter to a later meeting and continue the meeting.
- (2) If at any time during the meeting a quorum is not present for a purpose other than as a result of the declaration of an interest the Presiding Member is to—
 - (a) Immediately adjourn the proceedings of the meeting for a period not exceeding 30 minutes.
 - (b) If a quorum is not present at the expiration of the adjournment in subclause (2)(a), either adjourn the meeting to some future time or date or adjourn the meeting for a further period not exceeding 30 minutes.
 - (c) If a quorum is not present at the expiry of the extended period of adjournment under subclause (2)(b), adjourn the meeting to a later time on the same day or to another day.
- (3) Where the debate on any motion is interrupted due to the adjournment of a meeting, that debate is to be resumed at the next meeting at the point at which it was so interrupted.
- (4) Members who have spoken on the motion at the adjourned meeting, must not speak again on the motion on resumption of that meeting, except the mover who retains the right of reply.

2.13 Names to be recorded

At any meeting—

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

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

PART 3—DISCLOSURE OF INTERESTS

3.1 Disclosure at agenda forums and briefing sessions

The requirements of the Act, Administration Regulations and Rules of Conduct Regulations in regard to the disclosure of interests at meetings shall apply to agenda forums and briefing sessions.

3.2 Disclosures by a member of a committee who is not a member of Council

The requirements of the Rules of Conduct Regulations apply to a member of a committee who is not a member of the Council.

3.3 Disclosure by Councillors who are observers at committee meetings

The requirements of the Act, Administration Regulations and Rules of Conduct Regulations shall apply to Councillors who attend committee meetings as observers.

PART 4—CONDUCT OF MEMBERS**4.1 Members to occupy own seats**

At the first meeting held after each election day, the Council is to allot a position at the Council table to each member and each member is to occupy that position at each Council meeting.

4.2 Official titles to be used

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

4.3 Members to address the Presiding Member

At a meeting a member shall at all times address the Presiding Member.

4.4 Entering, crossing or leaving a meeting

(1) During the course of a meeting, a member is not to enter or leave the chamber without making the Presiding Member aware of the fact in order to facilitate the recording in the minutes the time of entry or departure.

(2) When the Presiding Member is putting a motion to the vote, a member shall not walk out of or across the chamber.

4.5 Members who wish to speak

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

4.6 Priority of speaking

(1) If two or more members indicate at the same time their intention to speak, the Presiding Member shall decide the order of speaking.

(2) A decision of the Presiding Member under this clause is not open to discussion or dissent.

4.7 Relevance

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

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

4.8 No interruption

A member must not interrupt another member who is speaking unless permitted by a clause of this local law.

4.9 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 may interrupt the speaker and indicate to the Presiding Member his or her intention to make a personal explanation.

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

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

4.10 No reopening of discussion

A member must not reopen a discussion on any decision of a meeting, except for the purposes of moving a revocation motion.

4.11 Adverse reflection

Unless the meeting resolves, without debate, that the matter before the meeting cannot otherwise be adequately considered—

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

(2) A member must not, in a meeting open to the public—

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

(b) impute any improper motive to a member or employee.

4.12 Withdrawal of adverse reflection or offensive, indecent, insulting language

Unless the meeting resolves, without debate, that the matter before the meeting cannot otherwise be adequately considered, a member who, in the opinion of the Presiding Member—

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

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

(c) uses an expression that is offensive, indecent or insulting,

must, when directed by the Presiding Member, withdraw the reflection, imputation or expression and make a satisfactory apology.

PART 5—PRESERVING ORDER**5.1 Preservation of order—Members**

(1) The Presiding Member is to preserve order, and, whenever he or she considers it necessary, may call any member to order.

(2) If a member—

- (a) persists in any conduct 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 matter under discussion on that item, other than by voting, and the member must comply with that direction.

5.2 Point of order

(1) The following are to be recognised as valid points of order—

- (a) a breach of any written law, including this local law and the City of Swan Code of Conduct for Councillors and Committee Members;
- (b) the absence of a quorum;
- (c) a speaker's remarks not being relevant to the motion or amendment being debated;
- (d) a speaker's use of offensive, indecent or insulting expressions or uncalled for insinuations regarding a person's motives or conduct; or
- (e) the presentation of false or misleading information.

(2) A member rising to express a difference of opinion, or to contradict a speaker, shall not be recognised as raising a point of order.

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

- (a) takes precedence over any discussion; and
- (b) until determined by the Presiding Member, suspends the consideration or discussion of any matter.

5.3 Procedures on a point of order

(1) A member who raises a point of order may interrupt any other member who is speaking.

(2) A member interrupted on a point of order is to resume his or her seat until the member raising the point of order has been heard.

(3) A member raising a point of order shall state exactly what the point of order is and in the case of subclause 5.2(1)(a) the member must state the provision believed to be breached.

(4) The Presiding Member may give the member who was interrupted an opportunity to make an explanation about the point of order raised.

(5) The Presiding Member is to give a ruling either upholding or rejecting the point of order and is not obliged to give reasons for the ruling.

(6) 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 procedural motion moved immediately after the ruling, dissent from the ruling.

5.4 Preservation of order—Persons other than members

(1) Any person attending a meeting must extend due courtesy and respect to the meeting and the processes under which it operates and must comply with any direction by the Presiding Member.

(2) A person attending a meeting must not create a 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.

(3) A person is not to display any offensive, indecent or insulting item or words in the meeting room or brandish any item that could be used as a weapon or is considered offensive.

(4) A person is not to use any electronic, visual or audio recording or transmitting device or instrument to record the proceedings of a meeting unless so resolved by the Council.

(5) Where a person is considered by the Presiding Member to be in breach of subclauses (1), (2), (3) or (4) the Presiding Member may issue a warning to that person.

(6) If after being warned, that person refuses or fails to comply with the direction of the Presiding Member, the Presiding Member may expel the person from the meeting.

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

(8) Any person removed from the meeting room must not return to the meeting room without the approval of the Presiding Member.

5.5 Presiding Member may adjourn meeting

(1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period not exceeding 30 minutes.

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

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

PART 6—MOTIONS**6.1 Introducing a Motion or an Amendment**

- (1) The procedure for moving any motion or amendment is—
- (a) A member who wishes to move a motion that is different to the officer recommendation, is to give notice of that motion two business days before the meeting, where possible.
 - (b) Any motion for which notice has not been given in accordance with paragraph (a) is required to have the consent of the person presiding.
 - (c) The mover must state the motion without speaking to it and is to put the motion in writing if required by the Presiding Member.
 - (d) The motion must be seconded. If a motion is not seconded, the motion lapses for a want of a seconder.
- (2) If two or more members indicate they wish to move a motion, the Presiding Member shall decide the order in which they are put.
- (3) If the Presiding Member wishes to move or second a motion then the Presiding Member must vacate the chair and not return to it until the motion has been resolved upon.
- (4) Where a member moves a motion which differs from the relevant recommendation, or an amendment to a motion, the Presiding Member shall ask if the CEO wishes to give an oral report to the meeting.
- (5) Clause 6.1(1) does not apply to any motion or decision to revoke or change a decision that has been made at a Council or committee meeting.

6.2 Unopposed business

- (1) Immediately after a motion has been moved and seconded, the Presiding Member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the Presiding Member may declare the motion carried without debate and without taking a vote. A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the meeting.
- (3) If a member opposes a motion, the Presiding Member may ask those members opposed to the motion if they wish to debate the motion. If any member responds in the affirmative, the motion is to be debated otherwise it is put to the vote immediately.

6.3 Only one substantive motion at a time

The Council or committee—

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

6.4 Variations to a motion or an amendment

- (1) If any member proposes a variation to a motion prior to debate commencing, with the agreement of the mover and seconder the variation is included into the motion.
- (2) If any member proposes a variation to a motion during debate, the Presiding Member shall ask whether any member objects to the variation.
- (3) If there is no objection, the proposed variation is included into the motion.
- (4) If an objection is received by a member who has spoken, the proposed variation must be dealt with as an amendment.

6.5 Order of Debate

- (1) The Presiding Member is to invite speakers to a motion in the following order—
- (a) the mover to speak to the motion;
 - (b) the seconder to speak to the motion;
 - (c) a speaker against the motion;
 - (d) a speaker for the motion;
 - (e) other speakers against and for the motion, alternating where possible; and
 - (f) mover takes right of reply, which closes debate.
- (2) The Presiding Member may only debate the motion when all Councillors who wish to speak to the motion have done so, and just before closure of debate by the mover of the motion.

6.6 Duration of speeches

A member may speak on a personal explanation, motion or an amendment, or reply, for 5 minutes, unless an extension of time is granted by the Council without debate, but a member's total speaking time must not exceed 10 minutes.

6.7 Limitation on members speaking

- A member must not address the meeting more than once on any motion or amendment except—
- (a) as the mover of a substantive motion or amendment, to exercise a right of reply;

- (b) to raise a point of order;
- (c) through the Presiding Member to ask a question concerning and relevant to the subject matter of the motion or amendment of another member or employee present at the meeting; or
- (d) to make a personal explanation under clause 4.9.

6.8 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The right of 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 reply is to 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 motion is immediately to be put to the vote.

6.9 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 and where no other member has given an indication to speak to the motion.

6.10 Amendments

- (1) A member may move an amendment to a motion at any time during debate on the motion, except—
 - (a) if the mover has been called by the Presiding Member to exercise the right of reply;
 - (b) if the member has already spoken to the substantive motion; or
 - (c) if another amendment is being debated, or has not been withdrawn, carried or lost.
- (2) An amendment must be relevant to the motion to which it is moved and must not have the effect of negating the motion.
- (3) An amendment to a motion is to take only one of the following forms—
 - (a) that certain words be omitted, substituted or added; or
 - (b) that certain parts be omitted and others substituted or added.
- (4) Only one amendment is to be debated at a time, but as often as an amendment is withdrawn, carried or lost, another amendment may be moved before the substantive motion is put to the vote.
- (5) Where an amendment is carried, the substantive motion as amended is, for all purposes of subsequent debate, to be treated as the substantive motion.
- (6) The mover of an amendment has the right of reply at the conclusion of the discussion on the amendment.

6.11 Withdrawal of motions

- (1) The Council or a committee may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment if—
 - (a) it has the approval of the seconder; and
 - (b) there is no voice expressed to the contrary by any 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.

6.12 Division of motions

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

6.13 Right to Ask Questions

- (1) At any time during the debate on a motion before the motion is put, a member may ask a question and, with the consent of the Presiding Member, may ask one or more further questions.
- (2) Questions asked by a member, and responses given by a member or an employee—
 - (a) are to be brief and concise, and

- (b) are not to be accompanied by—
- (i) expression of opinion, statement of fact or other comment, except where necessary to explain the question or answer; or
 - (ii) any discussion or further question, except with the consent of the Presiding Member.
- (3) In answering any question, a member or an employee may qualify his or her answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend his or her original answer.

PART 7—PROCEDURAL MOTIONS

7.1 Permissible procedural motions

A member may move any of the following procedural motions—

- (a) that the motion be now put;
- (b) that the meeting proceed to the next business;
- (c) that the matter lie on the table;
- (d) that debate be adjourned;
- (e) that the meeting be adjourned;
- (f) refer to a committee;
- (g) refer back to a committee; or
- (h) that the ruling of the Presiding Member be disagreed with.

7.2 Moving a procedural motion

- (1) With the exception of subclause 7.1(h) a member who has moved, seconded or spoken for or against a motion or amendment, cannot move a procedural motion.
- (2) A member may not move or second the same procedural motion during the debate of a matter more than once.
- (3) A member may not move or second a procedural motion ‘that the meeting be adjourned’ more than once during a meeting.

7.3 Support Required

A procedural motion is passed by a simple majority voting in favour of that motion, with or without the exercise of a casting vote, except for a motion “that the motion now be put” which requires the support of a 75% majority of members present, rounded down to the nearest whole number.

7.4 How dealt with and effect

Subject to any other provision of this local law, procedural motions must be dealt with in accordance with the following table.

Procedural Motion	Can the speaker be interrupted?	Does the Presiding Member have discretion to refuse Motion?	Is Debate permitted on Motion?	Is the Mover entitled to Right of Reply	Is an Amendment permitted	Effect if Carried	Effect if lost
That the motion be now put	Yes	Yes	No	No	No	<p><u>During debate on a substantive motion</u> The Presiding Member is to offer the right of reply to the mover of the substantive motion then put the substantive motion to the vote.</p> <p><u>During debate of an amendment</u> The Presiding Member is to put the amendment to the vote immediately.</p>	Debate resumes at point of interruption.
That the meeting proceed to the next business	No	No	The Mover may speak to the motion for not more than three minutes otherwise no debate	No	No	<p><u>During debate on a substantive motion</u> (a) the names of members who have spoken on the matter are to be recorded in the minutes, and (b) the matter is set aside for the meeting and the meeting is to proceed to the next item of business. The matter may not be brought forward again until a later meeting when it is included in an agenda. Debate resumes at point of interruption.</p> <p><u>During debate of an amendment</u> The amendment is disposed of and debate on the substantive motion is resumed.</p>	Debate resumes at point of interruption.

Procedural Motion	Can the speaker be interrupted?	Does the Presiding Member have discretion to refuse Motion?	Is Debate permitted on Motion?	Is the Mover entitled to Right of Reply	Is an Amendment permitted	Effect if Carried	Effect if lost
That the matter lie on the table	No	No	The Mover may speak to the motion for not more than three minutes otherwise no debate	No	No	Debate on the substantive motion and any amendment must cease, and (a) the names of members who have spoken on the matter are to be recorded in the minutes, and (b) the meeting is to proceed to the next item of business. The matter requires a motion to take the matter from the table. The mover and seconder to take the matter from the table may be from any member and debate resumes at the point of interruption.	Debate resumes at point of interruption.
That debate be adjourned	No	No	Yes	Yes	As to time, date and place only	Debate on the substantive motion and any amendment must cease, and— (a) the names of members who have spoken on the matter are to be recorded in the minutes, and (b) the meeting is to proceed to the next item of business. Move to the next item of business. Included in the agenda for the next ordinary meeting or at a date specified in the motion.	Debate resumes at point of interruption.
That the meeting be adjourned (may include date and time)	No	No	Yes	Yes	As to time, date and place only.	Debate on the substantive motion and any amendment must cease, and— (a) the names of members who have spoken on the matter are to be recorded in the minutes, and (b) the Presiding Member is to adjourn the meeting, and no further business may be transacted. Any business outstanding on the agenda for that meeting shall be carried forward to the agenda for the next ordinary meeting or at a date specified in the motion.	Debate resumes at point of interruption.
Refer to a committee	No	No	Yes	Yes	Yes	Matter is referred to the Committee and all discussion on it ceases.	Debate resumes at point of interruption.
Refer back to a committee	No	Yes	Yes	Yes	No	Matter is referred back to the Committee and all discussion on it ceases.	Debate resumes at point of interruption.
That the ruling of the Presiding Member be disagreed with	No Must be done immediately after ruling	No	The Mover may speak to the motion for not more than three minutes otherwise no debate	No	No	The ruling is to have no effect and the meeting is to proceed accordingly.	Debate resumes at point of interruption.

PART 8—VOTING

8.1 Motion—when put

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

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

8.2 Method of taking vote

(1) In taking the vote on any motion or amendment, the Presiding Member—

- (a) is to put the motion, first in the affirmative, and then in the negative;
- (b) may put the motion in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;

- (c) is to count and determine the votes of members in any way that enables a record to be taken of each member's vote; and
- (d) is to declare the result.

8.3 Votes to be recorded

The minutes of the meeting are to include the names of members voting in the affirmative and the names of the members voting in the negative.

8.4 No speaking after conclusion of debate

A member must not speak on any motion or amendment after the motion has been put other than on a motion under Part 9.

PART 9—REVOCATION MOTIONS

9.1 Revoking or changing decisions at the same meeting—procedure

- (1) A member who wishes to move a revocation motion at the same meeting where the decision is made must—
 - (a) clearly identify the decision to be revoked or changed; and
 - (b) clearly state the reason for the decision to be revoked or changed.
- (2) If the CEO receives a notice of a revocation motion to revoke a decision made at a meeting before the close of that meeting, the CEO must immediately advise the Presiding Member of the substance of the revocation motion and raise it as an item of urgent business.
- (3) Where the Presiding Member is advised of a revocation motion they are to—
 - (a) advise the meeting of the notice;
 - (b) state the substance of the revocation motion;
 - (c) determine whether there is sufficient support in accordance with the Administration Regulations; and
 - (d) if there is sufficient support, deal with the revocation motion.

9.2 Revoking or changing decisions after the meeting—procedure

- (1) A member wishing to move a revocation motion at a future meeting must give a valid notice of a revocation motion.
- (2) A valid notice of a revocation motion to revoke or change a decision is to be made in accordance with the Act, the Administration Regulations and with the notice of motion provisions in clause 2.11.
- (3) A member who wishes to move a revocation motion after the meeting may provide the CEO with written notice of his or her intent to submit a valid notice of motion to revoke or change a decision in advance of submission of the notice.
- (4) A meeting shall not consider a motion to revoke or change a decision if at the time the time the motion is moved or notice is given—
 - (a) any action has been taken to implement the decision; or
 - (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate has been put into effect in writing to the applicant or the applicant's agent by an employee of the local government authorised by CEO to do so,
 without having considered a statement of impact prepared by or at the direction of the CEO.

9.3 Implementing a decision

- (1) No steps are to be taken to implement or give effect to a resolution—
 - (a) if, before commencing any implementation action a valid notice of revocation motion is received; and
 - (b) until the valid notice of revocation motion has been determined
- (2) Where a notice of intent to submit a revocation motion is provided in accordance with clause 9.2(3) steps taken to implement or give effect to a resolution will be suspended for 48 hours.

PART 10—COMMITTEES

10.1 Establishment and appointment of committees

A Council resolution to establish a committee under section 5.9 of the Act is to include—

- (a) the terms of reference of the committee;
- (b) the number of Council members, employees and other persons to be appointed to the committee;
- (c) the names or titles of the Council members or employees to be appointed to the committee;
- (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments, and
- (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

10.2 Calling committee meetings

- (1) A meeting of a committee is to be held—
 - (a) if called for by either—
 - (i) the Presiding Member of the committee; or

- (ii) 1/3 of the members of the committee,
 - in a notice to the CEO setting out the date, and purpose of the proposed meeting;
- (b) in accordance with a decision of the Council or the committee; or
- (c) if so determined by the CEO.

10.3 Convening committee meetings

(1) The CEO is to convene an ordinary meeting of a committee by giving each member of the committee at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.

(2) The CEO is to convene a special meeting of a committee by giving each member of the committee notice, before the meeting, of the date, time, place and purpose of the meeting.

10.4 Participation of persons other than member at committee meetings

(1) In this clause, *person* means a person who—

- (a) is entitled to attend a committee meeting;
- (b) attends a committee meeting;
- (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) 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.

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

10.5 Substitution of deputy at committee meetings

Where a member discloses an interest on an item on the agenda for a Committee and withdraws from participation in that item, the Presiding Member is to invite a deputy, if present, to participate as a member of the committee in place of the disclosing member during the consideration of that item only.

PART 11—SUSPENSION OF LOCAL LAW

11.1 Suspension of this 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.

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

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

11.2 When this 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 of dissent is moved and carried in accordance with Part 7.

(3) Notwithstanding the provisions of subclause (1), the Presiding Member may call for a vote on a ruling open to him or her under subclause (1).

(4) The vote is to be taken without a motion and without debate and the Presiding Member shall be bound by the outcome of the vote.

PART 12—ENFORCEMENT

12.1 Breach of this local law

(1) The Presiding Member at a meeting shall be responsible for ensuring that this local law is complied with during the course of the meeting.

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

Penalty: \$1,000, and where the offence is of a continuing nature, a daily penalty of \$100.

Dated: 8 February 2019.

The Common Seal of the City of Swan was affixed in the presence of—

DAVID LUCAS, Mayor.
MICHAEL JAMES FOLEY, Chief Executive Officer.