

**Shire of Coorow**

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**MEETING PROCEDURES LOCAL LAW 2009**

*Local Government Act 1995*

**Shire of Coorow**

**Meeting Procedures Local Law 2009**

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## **Meeting Procedures Local Law 2009**

Under the powers conferred on it by the *Local Government Act 1995* and all other relevant powers, the Council of the Shire of Coorow resolved on [insert day and month 2009] to make this local law.

### **Part 1 - Preliminary**

#### **1.1 Citation**

- (1) This local law may be cited as the Shire of Coorow Meeting Procedures Local Law 2009.
- (2) This local law is referred to as “these Meeting Procedures.”

#### **1.2 Commencement**

This local law commences on the 14<sup>th</sup> day after the day on which it is published in the *Gazette*.

#### **1.3 Application and intent**

- (1) These Meeting Procedures 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 these Meeting Procedures.
- (3) These Meeting Procedures are intended to result in –
  - (a) better decision making by the Council and its committees;
  - (b) the orderly conduct of meetings dealing with Council business;
  - (c) better understanding of the process of conducting meetings; and
  - (d) more efficient and effective use of time at meetings.

#### **1.4 Definitions**

In these Meeting Procedures–

**“absolute majority”** has the meaning given to it in the Act;



**“absolute majority”** means –

- (a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;
- (b) in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body.

[Section 1.4 of the Act]

**“Act”** means the *Local Government Act 1995*;

**“CEO”** means the Chief Executive Officer of the Shire of Coorow;

**“clause”** means a clause of these Meeting Procedures; **“committee”** means a committee of the Council (established under section 5.8 of the Act);

**“Council”** means the Council of the Shire of Coorow;

**“Councillor”** has the same meaning as is given to it in the Act;

**“Councillor”** means a person who holds the office of councillor on a council (including a person who holds another office under section 2.17(2)(a) or (b) as well as the office of councillor).

[See section 1.4 of the Act]

**“Deputy President”** means the deputy President of the Shire of Coorow;

**“employee”** has the same meaning as is given to it in the Act;

**“employee”** means a person employed by a local government under section 5.36.

[See section 1.4 of the Act]

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

**“member”** has the same meaning as given to it in the Act;

**“member”** means:

in relation to the council of the local government -

- (a) an elector mayor or president of the local government; or
- (b) a councillor on the council (including a councillor who holds another office under section 2.17(2)(a) or (b) as well as the office of councillor.

[Section 1.4 of the Act]

**“Minister”** means the Minister responsible for administering 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;

**“President”** means the President of the Shire of Coorow;

**“presiding member”** means

- (a) in respect of the Council, the person presiding under section 5.6 of the Act (see clause 3.1); and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act (see clauses 3.4 and 3.5);

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

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

**“Shire”** means the Shire of Coorow;

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

**“special majority”** has the same meaning as is given to it in the Act;

Section 1.10 of the Act states –

**1.10. Decisions by special majority**

The footnote **“Special majority required”** applying to a power conferred in this Act on a local government, means that —

- (a) if there are more than 11 offices of member of the council, the power can only be exercised by, or in accordance with, a decision of a 75% majority of the council; or
- (b) if there are not more than 11 offices of member of the council, the power can only be exercised by, or in accordance with, a decision of an absolute majority of the council.

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

*Note: unless otherwise defined, the terms used in these Meeting Procedures have the meaning given to them in the Act and Regulations (see section 44 of the Interpretation Act 1984).*

## **1.5 Provisions of the Act, Regulations and other legislation**

- (1) In this local law –
  - (a) provisions of the Act and Regulations, and of other legislation, are reproduced in a boxed format; and
  - (b) notes are also included in a boxed format.
- (2) The purpose of reproducing these provisions, and of including the notes, is to assist the reader in the interpretation or administration of this local law.
- (3) The reproduced provisions of the Act and Regulations and other legislation, and the notes –
  - (a) are to be treated as footnotes and are not part of this local law (see section 32(2) of the *Interpretation Act 1984*); and,

- (b) reproduce only the provisions, or refer only to the provisions, that were in force at the time that the Council resolved to adopt this local law and, therefore, may not necessarily be accurate at a future date.

## 1.6 Repeal

The Standing Orders of the Shire of Coorow, published in the *Gazette* on 3 April 1999, are repealed.

## Part 2 - Meetings of Council

### 2.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.

- |  |
|--|
| <ul style="list-style-type: none"><li>(1) A council is to hold ordinary meetings and may hold special meetings.</li><li>(2) Ordinary meetings are to be held not more than 3 months apart.</li><li>(3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.</li></ul> |
|--|

[Section 5.3 of the Act]

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

### 2.2 Calling Council meetings

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

- |   |
|---|
| <p>An ordinary or a special meeting of a Council is to be held -</p> <ul style="list-style-type: none"><li>(a) if called for by either -<ul style="list-style-type: none"><li>(i) the mayor; or</li><li>(ii) at least 1/3 of the councillors, in a notice to the CEO setting out the date and purpose of the proposed meeting; or</li></ul></li><li>(b) if so decided by the Council.</li></ul> |
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[Section 5.4 of the Act]

### 2.3 Convening Council meetings

- (1) The convening of a Council meeting is dealt with in the Act.

- |  |                                 |
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| <p>(1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.</p> <p>(2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.</p> | <p>[Section 5.5 of the Act]</p> |
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Sections 9.50 to 9.54 of the *Local Government Act 1995* and sections 75 and 76 of the *Interpretation Act 1984* deal with how documents can be given to a person. Under these provisions, notice of a meeting may be given to a council member by –

- |   |
|---|
| <p>(a) personally handing the notice to the member;</p> <p>(b) sending it by post to the last known address of the member; or</p> <p>(c) leaving it for the member at his or her usual or last known place of abode or, if he or she is the principal of a business, at his or her usual or last known place of business.</p> |
|---|

- (2) Subject to sub clause (3), the CEO is to give at least 72 hours' notice, for the purposes of section 5.5, in convening a special meeting of the Council.
- (3) Where, in the opinion of the President or at least 1/3 of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

## 2.4 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 President 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.

## 2.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

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|---|
| <p>(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –</p> <p>(a) the ordinary council meetings; and</p> <p>(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public are to be held in the next 12 months.</p> <p>(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1).</p> |
|---|

- (3) Subject to sub regulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in sub regulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.
- [Regulation 12 of the Regulations]

## Part 3 - Presiding member and quorum

### *Division 1: Who presides*

#### 3.1 Who presides

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

- (1) The mayor or president is to preside at all meetings of the council.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at a meeting of the council in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and –
- (a) the office of deputy mayor or deputy president is vacant; or
- (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president, then, the council is to choose one of the councillors present to preside at the meeting.
- [Section 5.6 of the Act]

#### 3.2 When the Deputy President can act

When the Deputy President can act is dealt with in the Act.

- If –
- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,
- then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.
- [Section 5.34 of the Act]

#### 3.3 Who acts if no President

Who acts if there is no President is dealt with in the Act.

- (1) If the circumstances mentioned in section 5.34(a) or (b) apply and –
- (a) the office of deputy mayor or deputy president is vacant; or
  - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,
- and the mayor or president or deputy will not be able to perform the functions of the mayor or president for a time known to the council, then the council may appoint a councillor to perform during that time the functions of the mayor or president, as the case requires.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply and - (a) the office of deputy mayor or deputy president is vacant; or (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president, and a person has not been appointed under subsection (1), the CEO, after consultation with, and obtaining the agreement of, 2 councillors selected by the CEO, may perform the functions of mayor or president, as the case requires.
- [Section 5.35 of the Act]

### 3.4 Election of presiding members of committees

The election of presiding members of committees and their deputies is dealt with in the Act.

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule –
- (a) to 'office' were references to 'office of presiding member';
  - (b) to 'council' were references to 'committee'; and
  - (c) to 'councillors' were references to 'committee members.'
- [Section 5.12(1) of the Act]

Clauses 2 to 5 inclusive of Schedule 2.3 provide as follows:

#### **2. When the council elects the mayor or president**

- (1) The office is to be filled as the first matter dealt with —
- (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
  - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

#### **3. CEO to preside**

The CEO is to preside at the meeting until the office is filled.

#### **4. How the mayor or president is elected**

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 5(1), the votes cast under sub clause (5) are to be counted, and the successful candidate determined, in accordance with the procedures set out in Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

**5. Votes may be cast a second time**

- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under sub clause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

**4.56. More candidates than vacancies**

If, at the close of nominations, the number of candidates is greater than the number of offices to be filled at the election —

- (a) lots are to be drawn in accordance with regulations for the positions of the candidates on the ballot papers for the election; and
- (b) the returning officer is to begin preparing for voting by the electors.

**Schedule 4.2 — Order of retirement from office of councillors**

19. If a question arises as to the order of retirement of persons occupying the office of councillor, the order of retirement as between a person appointed under section 4.57(3) and another person or other persons —

- (a) so appointed to the office of councillor on the same day, is that determined on the drawing of lots by the returning officer;

**80A. Drawing lots under Schedule 4.2 to the Act — s. 4.78**

(1) In this regulation —

“**clause**” means a clause of Schedule 4.2 to the Act;

“**tied councillors**” means the councillors the order of whose retirement is to be determined by the drawing of lots under clause 6, 7, 8(b) or 9(a).

- (2) As soon as possible after the occurrence of a circumstance under which the RO is required to draw lots under clause 6, 7, 8(b) or 9(a), the RO is to make out in respect of each of the tied councillors a slip bearing the councillor’s name.
- (3) The RO is to place each of the slips in separate hollow opaque spheres of exact similarity, securely close the spheres, deposit the spheres in an empty container, and securely fasten the container.
- (4) Then the RO is to shake and rotate the container and permit anyone else present to do likewise if they so wish.
- (5) Then the RO is to open the container, take out and open the spheres one by one to obtain the slips enclosed in them.
- (6) The steps set out in subregulations (2) to (5) are to be carried out in front of all the people present.
- (7) The retirement of the tied councillors is to be in the inverse order of that in which the slips bearing their names were obtained by the RO in accordance with subregulation (5).

[Clauses 2 to 5 inclusive of Schedule 2.3]

[Part 4 Division 9 S4.56]

[Schedule 4.2 amended by No. 9 of 2007 s. 6.]

[Section 4.78(2)]

[Regulation 80A inserted in Gazette 3 Aug 2007 p. 3995-6.]

**3.5 Election of deputy presiding members of committees**

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

The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule –

- (a) to 'office' were references to 'office of deputy presiding member';
- (b) to 'council' were references to 'committee';
- (c) to 'councillors' were references to 'committee members'; and
- (d) to 'mayor or president' were references to 'presiding member'.

[Section 5.12(2)]

Division 2 (clauses 6, 7 and 8) of Schedule 2.3 provides as follows:

**6. Definitions**

In this Division —



“extraordinary vacancy” means a vacancy that occurs under section 2.34(1);

“the office” means the office of deputy mayor or deputy president.

**7. When the council elects the deputy mayor or deputy president**

- (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —
  - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
  - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —
  - (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
  - (b) subject to sub clause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

**8. How the deputy mayor or deputy president is elected**

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 9(1) the votes cast under sub clause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

[Division 2 (clauses 6, 7 and 8) of Schedule 2.3]

### 3.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

If, in relation to the presiding member of a committee –

- (a) the office of presiding member is vacant; or
- (b) the presiding member is not available or is unable or unwilling to perform the functions of presiding member,

then the deputy presiding member, if any, may perform the functions of presiding member.

[Section 5.13 of the Act]

### 3.7 Who acts if no presiding member

Who acts if no presiding member is dealt with in the Act.

If, in relation to the presiding member of a committee –

- (a) the office of presiding member and the office of deputy presiding member are vacant; or
- (b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,

then the committee members present at the meeting are to choose one of themselves to preside at the meeting.

[Section 5.14 of the Act]

## *Division 2: Quorum*

### 3.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

[Section 5.19 of the Act]

### 3.9 Reduction of quorum for Council meetings

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

- (1) The Minister may reduce the number of offices of member required for a quorum at a council meeting specified by the Minister if there would not otherwise be a quorum for the meeting.
- (2) The Minister may reduce the number of offices of member required at a council meeting to make a decision specified by the Minister if the decision is one which would otherwise be required to be made by an absolute majority and a sufficient number of members would not otherwise be present at the meeting.

[Section 5.7 of the Act]

### **3.10 Reduction of quorum for committee meetings**

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

The local government may reduce\* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.

\*Absolute majority required.

[Section 5.15 of the Act]

### **3.11 Procedure where no quorum to begin a meeting**

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

If a quorum has not been established within the 30 minutes after a council or committee meeting is due to begin then the meeting can be adjourned –

- (a) in the case of a council, by the mayor or president or if the mayor or president is not present at the meeting, by the deputy mayor or deputy president;
- (b) in the case of a committee, by the presiding member of the committee or if the presiding member is not present at the meeting, by the deputy presiding member;
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of members present;
- (d) if only one member is present, by that member; or
- (e) if no member is present or if no member other than the CEO is present, by the CEO or a person authorized by the CEO.

[Regulation 8 of the Act]

### **3.12 Procedure where quorum not present during a meeting**

If at any time during a meeting a quorum is not present –

- (a) the presiding member is immediately to 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 suspension period under paragraph (a), the presiding member may either adjourn the meeting to some future time or date or may extend the extension period for a further period of 30 minutes; and
- (c) if a quorum is not present at the expiry of the extended period of suspension under paragraph (b), the presiding member is to adjourn the meeting to a later time on the same day or to another day.

### **3.13 Names to be recorded**

At any meeting –

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

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

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

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

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the presiding member or a decision of the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice of the meeting as the purpose of the meeting.
- (3) 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 dealt with before item 9 of clause 4.2 at that ordinary meeting.
- (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
- (6) Where a Council or committee meeting is adjourned to a meeting not described in sub clauses (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 by the Council, the order of business at any ordinary meeting of the Council is to be as follows -
  1. Official opening.
  2. Record of attendance, apologies and leave of absence.
  3. Disclosures of interests.
  4. Petitions.
  5. Public question time –
    - 5.1 Responses to previous questions from members of the public taken on notice.
    - 5.2 Public question time.
  6. Applications for leave of absence.
  7. Confirmation of minutes.

8. Announcements by the presiding member without discussion.
  9. Reports and recommendations of Committees.
  10. Reports by the CEO –
    - 10.1 Reports without discussion.
    - 10.2 Reports and recommendations for discussion.
  11. Motions of which previous notice has been given.
  12. Questions by members of which due notice has been given.
  13. New business of an urgent nature.
  14. Matters behind closed doors.
  15. Closure.
- (2) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the notice of, or agenda for, the meeting.
- Note: in exercising its discretion relating to the order of business under subclause (1) and (2), a meeting must comply with the requirements of the Act and Regulations relating to public question time (see clauses 5.3-5.5 below).*
- (3) Notwithstanding subclauses (1) and (2), 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 must be decided, or which he or she considers is appropriate to be decided, by that meeting.

### 4.3 Grant of leave of absence

The grant of leave of absence is dealt with in the Act.

<p>(1) A council may, by resolution, grant leave of absence, to a member.</p> <p>(2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister.</p> <p>(3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.</p> <p>...</p>	<p>[Section 2.25 of the Act]</p>
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### 4.4 Announcements by the presiding member without discussion

Announcements by the presiding member under item 8 of clause 4.2(1) are –

- (a) to inform the Council of official duties performed, or functions attended, by the President, or of other matters of importance to the Council, of which the Council has not previously been informed;
- (b) to be brief and concise;
- (c) to be completed within 10 minutes; and

- (d) not to be the subject of any discussion.

#### **4.5 Reports by the CEO**

- (1) Reports by the CEO under item 10.2 of clause 4.2(1) are –
  - (a) to enable the CEO to carry out his or her functions, including the function of ensuring that advice and information is available to the Council so that informed decisions can be made.

#### **4.6 Motions of which previous notice has been given**

- (1) Unless the Act, Regulations or these Meeting Procedures otherwise provide, a member may raise at a meeting such business of the Shire of Coorow as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be given at least 10 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion must relate to the good government of persons in the district.
- (4) The CEO -
  - (a) with the concurrence of the President, may exclude from the notice paper any notice of motion that he or she considers to be out of order (under clause 8.2(1)), such as a breach of clause 7.7 and 7.13 of these Meeting Procedures; and
  - (b) may make such amendments to the form, but not the substance, as will bring the notice of motion into due form.

*Note: under section 5.41(b) of the Local Government Act, the CEO may provide to members any information that he or she considers relevant to the notice of motion.*

- (5) A notice of motion is not out of order because the policy involved is considered to be objectionable.
- (6) If a notice of motion is excluded under subclause (4), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (7) The CEO may provide relevant and material facts and circumstances relating to the notice of motion on such matters as policy, budget and law.
- (8) A motion of which notice has been given is to lapse unless -
  - (a) the member who gave notice of it, or some other member authorised by him or her in writing, moves the motion when called on; or
  - (b) the Council or committee on a motion agrees to defer consideration of the motion to a later stage or date.
- (9) If a notice of motion is given and lapses in the circumstances referred to in subclause (8)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.

- (10) An amendment, other than a minor amendment, to a motion of which notice has been given under this clause, is not to be considered at a meeting unless written notice of the amendment is received by the CEO no later than 12:00 noon on the last working date preceding the day of the meeting at which the relevant motion is to be considered.
- (11) The presiding member –
  - (a) is to determine whether an amendment is a minor amendment.
  - (b) is to make that determination on the basis that a minor amendment is one which, in his or her opinion, does not alter the basic intent of the primary motion.

#### **4.7 Questions by members of which due notice has been given.**

- (1) A question on notice is to be given by a member in writing to the CEO at least 10 clear working days before the meeting at which it is raised.
- (2) If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.
- (3) 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.

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

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), “cases of extreme urgency or other special circumstances” means matters –
  - (a) that have arisen after the preparation of the agenda that are considered by the meeting to be of such importance and urgency that they are unable to be dealt with administratively by the Shire of Coorow 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 Shire of Coorow, or
    - (ii) result in a contravention of a written law.
- (3) Before debate begins on a matter under this clause a written report on this subject must be tabled at the meeting.
- (4) The minutes of the meeting are to include –
  - (a) a copy of the tabled written 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.

#### **4.9 Adoption by exception resolution**

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

#### **4.10 Closure – time limits for Council meetings**

That the meeting shall continue until all business is dealt with.

## **Part 5 - Public participation**

#### **5.1 Meetings generally open to the public**

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

- (1) Subject to subsection (2), the following are to be open to members of the public–
  - (a) all council meetings; and
  - (b) all meetings of the committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –
  - (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal –



<ul style="list-style-type: none"> <li>(i) a trade secret;</li> <li>(ii) information that has a commercial value to a person; or</li> <li>(iii) information about the business, professional, commercial or financial affairs of a person,</li> </ul> <p>where the trade secret or information is held by, or is about, a person other than the local government;</p> <ul style="list-style-type: none"> <li>(f) a matter that if disclosed, could be reasonably expected to – <ul style="list-style-type: none"> <li>(i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;</li> <li>(ii) endanger the security of the local government's property; or</li> <li>(iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;</li> </ul> </li> <li>(g) information which is the subject of a direction given under section 23(1a) of the <i>Parliamentary Commissioner Act 1971</i>; and</li> <li>(h) such other matters as may be prescribed.</li> </ul> <p>(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.</p>	<p>[Section 5.23 of the Act]</p>
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## 5.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public (other than any person specified in a resolution).
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried –
  - (a) the presiding member is to direct everyone to leave the meeting except –
    - (i) the members;
    - (ii) the CEO;
    - (iii) any employee of the Shire of Coorow unless specified in a resolution; and
    - (iv) any other person specified in a resolution; and
  - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3) may, by order of the presiding member, be removed from the meeting.

- (5) A resolution under this clause may be made without notice of the relevant motion.
- (6) Unless the Council or the committee resolves otherwise, once the meeting is reopened to members of the public the presiding member is to ensure that –
  - (a) any resolution of the Council or committee made while the meeting was closed is to be read out; and
  - (b) the vote of a member or members is recorded in the minutes.

*Note: restrictions on the disclosure of information considered at a meeting closed to the public are set out in clause 5.13 below.*

### **5.3 Question time for the public**

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

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|--|
| <ul style="list-style-type: none"> <li>(1) Time is to be allocated for questions to be raised by members of the public and responded to at –           <ul style="list-style-type: none"> <li>(a) every ordinary meeting of a council; and</li> <li>(b) such other meetings of councils or committees as may be prescribed.</li> </ul> </li> <li>(2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.</li> </ul> |
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[Section 5.24 of the Act]

### **5.4 Question time for the public at certain meetings**

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

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| <p>For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are –</p> <ul style="list-style-type: none"> <li>(a) every special meeting of a council;</li> <li>(b) every meeting of a committee to which the local government has delegated a power or duty.</li> </ul> |
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[Regulation 5 of the Regulations]

### **5.5 Minimum question time for the public**

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

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|---|
| <ul style="list-style-type: none"> <li>(1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.</li> <li>(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.</li> </ul> |
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[Regulation 6 of the Regulations]

## 5.6 Procedures for question time for the public

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

- (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined –
    - (a) by the person presiding at the meeting; or
    - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,  
  
having regard to the requirements of sub regulations (2) and (3).
  - (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
  - (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
  - (4) Nothing in sub regulation (3) requires –
    - (a) a council to answer a question that does not relate to a matter affecting the local government;
    - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
    - (c) a committee to answer a question that does not relate to a function of the committee.
- [Regulation 7 of the Regulations]

## 5.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must –
  - (a) first state his or her name and address;
  - (b) direct the question to the presiding member;
  - (c) ask the question as 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 so far as may be necessary to explain the question.
- (2) Each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions.
- (3) A member of the public may give prior written notice to the CEO of the text or substance of a question that he or she wishes to ask at a meeting.

- (4) Unless the presiding member determines otherwise, a question of which prior written notice has been given to the CEO is to be given priority in question time.
- (5) Where a member of the public gives written notice of a question, the presiding member may determine that the question is to be responded to as normal business correspondence.
- (6) A question may be taken on notice by the Council or committee for later response.
- (7) When a question is taken on notice, the CEO is to ensure that –
  - (a) a written response is given to the person who asked the question; and
  - (b) a summary of the response is included in the agenda for the next meeting of the Council or committee.
- (8) Where a question relating to a matter in which a person has an interest is directed to that person, that person is to –
  - (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.
- (9) A response to a question –
  - (a) is to be brief and concise; and
  - (b) is not to be the subject of any discussion, except that if in the opinion of a member, false information or any adverse reflection is contained in any question asked or comments made by a member of the public, then (through the presiding member) the member may correct or clarify the matter.
- (10) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes.
- (11) 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 previous 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 is offensive or defamatory in nature, or is one which, if asked by a member, would be in breach of these Meeting Procedures or any other law.
- (12) Should the Council or committee set a maximum time for public question time the Council or Committee by resolution, agree to extend public question time.

## **5.8 Distinguished visitor**

If a distinguished visitor is present at a meeting of the Council or a committee, the presiding member –

- (a) may invite the distinguished visitor to sit beside the presiding member or at the Council table;
- (b) may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting; and
- (c) may direct that the presence of the distinguished visitor be recorded in the minutes.

## **5.9 Deputations**

- (1) A deputation may be made in accordance with this clause.
- (2) A person or group who wishes to be received as a deputation must –
  - (a) apply in writing to the CEO for approval; and
  - (b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the delegation.
- (3) The CEO is to refer to the presiding member a copy or summary of the application.
- (4) Unless the Council resolves otherwise:
  - (a) a deputation that complies with subclause (2) may address the meeting for up to 15 minutes; and
  - (b) the presiding member may allow that period of 15 minutes to be shared between 2 or 3 members of the deputation and, in the absence of agreement by members of the deputation, the presiding member is to determine which members of the deputation are to address the meeting and for how long (within the total period of 15 minutes).
- (5) For the purposes of this clause, a deputation comprises all those people either in favour of, or opposed to, the matter which is the subject of the deputation.
- (6) Any matter which is the subject of a deputation to the meeting is not to be decided by the meeting until the deputation has completed its presentation.

## **5.10 Petitions**

- (1) A petition must -
  - (a) be addressed to the President;
  - (b) be made by at least 100 electors of the district;
  - (c) state the request on each page;
  - (d) contain the names, addresses and signatures of the electors making the request, and the date each elector signed;

- (e) contain a summary of the reasons for the request;
  - (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
  - (g) be respectful and temperate in its language; and
  - (h) comply with any form prescribed by the Act or any other written law, such as the *Local Government (Constitution) Regulations 1996* if, for example, it is -
    - (i) a proposal to change the method of filling the office of President;
    - (ii) a proposal to create a new district or boundaries of the Shire of Coorow;
    - (iii) a request for a poll on a recommended amalgamation; or
    - (iv) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.
- (2) On the presentation of a petition –
- (a) the Councillor presenting it is confined to reading the petition; and
  - (b) the only motion that is in order is that the petition be received and, if necessary, that it be referred for the CEO’s report.
- (3) At any meeting, the Council or committee is not to vote on any matter that is the subject of a petition presented to that meeting, unless –
- (a) the matter is the subject of a report included in the agenda; and
  - (b) the Council or committee has considered the issues raised in the petition.

## **5.11 Participation at committee meetings**

- (1) In this clause a reference to a person is to a person who –
- (a) is entitled to attend a committee meeting;
  - (b) attends a committee meeting; and
  - (c) is not a member of that committee.

*Note: a member of the public is entitled to attend a committee meeting only where a local government power or duty has been delegated to that committee: see section 5.23(1)(b) of the Act.*

- (2) A member may attend, as an observer, any meeting of a committee of which he or she is not a member or the deputy of a member, but is to sit in an area set aside by the CEO for observers separated from the committee members.
- (3) Without the consent of the presiding member, no person is to address a committee meeting.

- (4) The presiding member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (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 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 meeting room.
- (7) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

### **5.12 Public inspection of agenda materials**

The right of a member of the public to inspect the documents relating to a Council or committee meeting are dealt with in the Regulations.

- (1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —
  - (a) are to be tabled at the meeting; or
  - (b) have been produced by the local government or a committee for presentation at the meeting,

and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.
- (2) Nothing in sub regulation (1) entitles members of the public to inspect the information referred to in that sub regulation if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2).

[Regulation 14 of the Regulations]

### **5.13 Confidentiality of information withheld**

- (1) Information withheld by the CEO from the public under regulation 14(2), of the Regulations is to be -
  - (a) identified in the agenda of a Council or committee meeting under the item "Matters behind closed doors";
  - (b) marked "Confidential" in the agenda; and
  - (c) kept confidential by members and employees until the Council or committee resolves otherwise.
- (2) A member of the Council or an employee who has –
  - (a) confidential information under subclause (1); or
  - (b) information that is provided or disclosed for the purposes of or during a meeting or part of a meeting that is closed to the public,

must not disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.

Penalty \$5,000

- (3) Subclause (2) does not prevent a member or employee from disclosing information –
- (a) at a closed meeting;
  - (b) to the extent specified by the Council and subject to such other conditions as the Council determines;
  - (c) that is already in the public domain;
  - (d) to an officer of the Department;
  - (e) to the Minister;
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.

**Note: Regulation 6 of the Local Government (Rules of Conduct) Regulations 2007 states:**

**6. Use of information**

- (1) In this regulation —
- “**closed meeting**” means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
- “**confidential document**” means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;
- “**non-confidential document**” means a document that is not a confidential document.
- (2) A person who is a council member must not disclose —
- (a) information that the council member derived from a confidential document; or
  - (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Sub regulation (2) does not prevent a person who is a council member from disclosing information —
- (a) at a closed meeting; or
  - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
  - (c) that is already in the public domain; or
  - (d) to an officer of the Department; or
  - (e) to the Minister; or
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.



## **5.14 Recording of proceedings**

- (1) Unless otherwise decided by the meeting the CEO may record the proceedings of a meeting in any way that he or she considers to be appropriate.
- (2) Unless with the written authorisation of the presiding member, a person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting.

## **5.15 Prevention of disturbance**

- (1) A reference in this clause to a 'person' is to a person other than a member.
- (2) A person addressing the Council or a committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the presiding member.

Penalty \$1,000

- (3) A person present at or observing 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.

Penalty \$1,000

- (4) A person must ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council or committee, unless previously requested and authorised by the presiding member.

Note: section 75 of the *Criminal Code* states:

Any person who by violence, or by threats or intimidation of any kind, hinders or interferes with the free exercise of any political right by another person, is guilty of a crime, and is liable to imprisonment for 3 years.

# **Part 6 - Questions by members**

## **6.1 Questions on notice**

- (1) A member who wishes to ask a question at a meeting of the Council is to give to the CEO written notice of the text of the question at least 10 clear working days before the meeting.
- (2) If the CEO considers that the question breaches or may breach these Meeting Procedures or any other law –
  - (a) the CEO is to refer the question to the President;
  - (b) the President is to exclude the question if he or she concurs with the view of the CEO; and
  - (c) if the question is excluded, the CEO is to give all members, as soon as practicable but not later than the next ordinary meeting, the reasons for the exclusion.

- (3) Notice of a question that is not excluded is to be included, if practicable, in the agenda, or is otherwise to be tabled at the meeting.

## **6.2 Questions during debate**

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.

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

- (1) 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 so far as may be necessary to explain the question or answer; or
    - (ii) 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 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 - Conduct of members**

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

- (1) At Council and committee meetings, members must be seated in accordance with the draw conducted at the first Meeting following an Ordinary Election.
- (2) Deputy President to be seated as near as possible to the Presidents right.

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

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

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

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

*Note: regulation 11(b) of the Regulations requires the content of minutes of a meeting of a Council or committee to include –*

- '(b) where a member enters or leaves a meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting ...'*

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

- (1) A member who wishes to speak at a Council meeting –
  - (a) must indicate his or her intention to speak by raising his or her hand, or by any other method determined by the Council; and
  - (b) when invited by the presiding member to speak, and unless otherwise determined by the Council, must address the meeting through the presiding member.

#### **7.5 Priority of speaking**

- (1) At a Council meeting, where 2 or more members of the Council indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled 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 debates**

- (1) Subject to compliance with procedures for the debate of motions contained in these Meeting Procedures, the presiding member may take part in a discussion of any matter before the meeting.

#### **7.7 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 –
  - (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 his or her speech.
- (3) A member must comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

#### **7.8 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; or
  - (c) to make a personal explanation.
- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.

## **7.9 Duration of speeches**

A member must not speak on any matter for more than 3 minutes without the consent of the meeting which, if given, is to be given without discussion.

## **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 question 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 under clause 7.15; or
- (d) to move a procedural motion that the member be no longer heard (see clause 10.1(e)).

## **7.12 No reopening of discussion**

A member must not reopen a discussion on any Council or committee decision, except to move that the decision be revoked or changed (see Part 14).

## **7.13 Offensive language**

(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 (see Part 14).

(2) A member must not –

- (a) reflect adversely on the character or actions of another member or employee;
- (b) impute any motive to a member or employee; or
- (c) use an expression that is offensive or objectionable,

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

Penalty \$1,000

(3) A member must not use offensive or objectionable expressions in reference to any other member, employee or other person.

Penalty \$1,000

(4) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the presiding

member is to cause the words used to be taken down and read to the meeting for verification and then to be recorded in the minutes.

**Note: Regulation 10 of the *Local Government (Rules of Conduct) Regulations 2007* states:**

**10. Relations with local government employees**

- (1) A person who is a council member must not —
  - (a) direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or
  - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee.
- (2) Sub regulation (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (3) If a person, in his or her capacity as a council member, is attending a council meeting, committee meeting or other organised event and members of the public are present, the person must not, either orally, in writing or by any other means —
  - (a) make a statement that a local government employee is incompetent or dishonest; or
  - (b) use offensive or objectionable expressions in reference to a local government employee.
- (4) Sub regulation (3)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

**7.14 Withdrawal of offensive language**

A member who, in the opinion of the presiding member and in the absence of a resolution under clause 7.13(2) –

- (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 or objectionable,

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

*Note: clause 8.5 applies where a member fails or refuses to comply with a direction by the presiding member under this clause.*

**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 his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.

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

## **Part 8 - Preserving order**

### **8.1 Presiding member to preserve order**

- (1) The presiding member is to preserve order and, whenever he or she considers it necessary, may call any member to order.
- (2) When the presiding member rises or speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every member present must preserve strict silence so that the presiding member may be heard without interruption.

Penalty \$500

- (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 of these Meeting Procedures; or
  - (b) any other written law.
- (2) Examples of valid points of order are –
  - (a) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 7.7); and
  - (b) a speaker's use of offensive or objectionable expressions (see clause 7.13).
- (3) Despite anything in these Meeting Procedures to the contrary, a point of order –
  - (a) takes precedence over any discussion; and
  - (b) until determined, suspends the consideration or discussion of any other matter.

### **8.3 Procedures on a point of order**

- (1) A member who is addressing the presiding member must not be interrupted except on a point of order.
- (2) A member interrupted on a point of order must resume his or her seat until –
  - (a) the member raising the point of order has been heard; and
  - (b) the presiding member has ruled on the point of order,

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

#### **8.4 Ruling by the presiding member**

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

#### **8.5 Continued breach of order**

If a member –

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) fails or refuses to comply with a direction from the presiding member (such as a direction under clause 7.7(2)(b), 7.14 or 8.4(3)(b)),

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

#### **8.6 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 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 9 - Debate of substantive motions**

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

- (1) A member who wishes to moves a substantive motion, or an amendment to a substantive motion –

- (a) is to state the substance of the motion before speaking to it; and
- (b) is to put the motion or amendment in writing if –
  - (i) in the opinion of the presiding member, the motion or amendment is significantly different to the relevant written recommendation of a committee or an employee (including a person who, under a contract for services with the Shire of Coorow, provides advice or a report on the matter); or
  - (ii) he or she is otherwise required to do so by the presiding member.
- (2) The written terms of the motion or amendment are to be given to the CEO who is to ensure that they are recorded in the minutes.

## **9.2 Motions to be supported**

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council or a committee meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations (see clause 14.1 below).

## **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 declare it carried without debate and without taking a vote.
- (3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion or decision to revoke or change a decision which has been made at a Council or committee meeting (see Part 14).

## **9.4 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 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 is to call speakers to a substantive motion in the following order –

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible;  
and
- (h) mover takes right of reply which closes debate.

## **9.7 Limit of debate**

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

## **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 when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, lost or carried.

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

An amendment to a substantive motion cannot negate the original motion or the 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 Mover of motion may speak on amendment**

Any member may speak during debate on an amendment.

## **9.13 Effect of an amendment**

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

## **9.14 Withdrawal of motion and amendments**

- (1) The Council or a committee may, without debate, grant leave to withdraw a substantive 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, in which case discussion on the motion or amendment is to continue.
- (2) If either paragraph (a) or (b) of subclause (1) applies, 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.

## **9.15 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 question; and
  - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (4) The right of the 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 substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

*Note: under clause 10.4 of these Meeting Procedures, the carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.*

# **Part 10 - Procedural motions**

## **10.1 Permissible procedural motions**

In addition to the right to move an amendment to a substantive motion (under Part 9), 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 or adjourned to a Council or committee meeting;
- (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 5.2).

## **10.2 No debate**

- (1) The mover of a motion stated in paragraphs (a), (b), (c), (f) or (g) of clause 10.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion stated in paragraph (d) or (e) of 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 or adjourned**

A motion “that the item be referred or adjourned” –

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

### **10.7 Meeting now adjourn**

- (1) A member is not to move or second more than one motion of adjournment 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 (see clause 4.9).
- (3) A motion “that the meeting now adjourn” –
  - (a) is to 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 is to 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 is to 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 he or she 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.

*Note: the provisions dealing with a procedural motion “that the meeting be closed to members of the public” are set out in clause 5.2 of these Meeting Procedures.*

## Part 11 - Disclosure of interests

### 11.1 Disclosure of interests

The requirements for members and employees to disclose financial and other interests, the nature of the interests that must be disclosed, and related matters are dealt with in the Act, the Regulations, the Rules of Conduct and the Code of Conduct.

### 11.2 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.

*Note: the purpose of this clause is to enable the member to declare the interest and leave the room before the consideration of the matter in which he or she has the interest.*

## Part 12 - Voting

### 12.1 Motion - when put

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

### 12.2 Voting

Voting is dealt with in the Act and the Regulations.

- |   |
|---|
| <ol style="list-style-type: none"><li>(1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.</li><li>(2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.</li><li>(3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.</li><li>(4) If a member of a council or a committee specifically requests that there be recorded —<ol style="list-style-type: none"><li>(a) his or her vote; or</li><li>(b) the vote of all members present,</li></ol></li></ol> |
|---|

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

- (5) A person who fails to comply with subsection (2) or (3) commits an offence.  
[Section 5.21 of the Act]

Voting at a council or committee meeting is to be conducted so that no voter's vote is secret.  
[Regulation 9 of the Regulations]

### 12.3 Majorities required for decisions

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

- (1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (2) A decision of a committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (3) This section does not apply to elections —
- (a) by a council of the local government's mayor or president under section 2.11;
  - (b) by a council of the local government's deputy mayor or president under section 2.15; or
  - (c) by a committee of the committee's presiding member or deputy presiding member under section 5.12.

[Section 5.20 of the Act]

### 12.4 Question – method of taking vote

In taking the vote on any motion, 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 (such as electronically or by a show of hands) that enables a record to be taken of each member's vote; and
- (d) subject to this clause, is to declare the result.

## Part 13 - Keeping of minutes

### 13.1 Keeping of minutes

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

- 1) The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.
- 2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.
- 3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

[Section 5.22 of the Act]

### 13.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.

The content of minutes of a meeting of a council or a committee is to include —

- (a) the names of the members present at the meeting;
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting;
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion;
- (d) details of each decision made at the meeting;
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration);
- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and
- (f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest".

[Regulation 11 of the Regulations]

- (2) In addition to the matters required by regulation 11 of 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.

### 13.3 Public inspection of unconfirmed minutes

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

A local government is to ensure that unconfirmed minutes of each council and committee meeting are available for inspection by members of the public —

- (a) in the case of a council meeting, within 10 business days after the meeting; and
- (b) in the case of a committee meeting, within 5 business days after the meeting.

[Regulation 13 of the Regulations]

### 13.4 Confirmation of minutes

- (1) The CEO is to give to each member –
  - (a) the unconfirmed minutes of each Council meeting – within 10 business days after the meeting; and
  - (b) the unconfirmed minutes of a committee meeting – within 5 business days after the meeting.
- (2) If a member is dissatisfied with the accuracy of the draft minutes, he or she is to provide to the CEO a written copy of the alternative wording to amend the draft minutes no later than 3 clear working days before the meeting where the minutes are to be confirmed.
- (3) At that meeting, the member who provided the alternative wording shall, at the time for confirmation of minutes –
  - (a) state the item or items with which he or she is dissatisfied; and
  - (b) propose a motion clearly outlining the alternative wording to amend the minutes.

*Note: documents associated with meetings (including notice and agenda papers, minutes and records) are to be retained in accordance with the Shire of Coorow's record keeping plan under the State Records Act 2000.*

## Part 14 - Implementing Decisions

### 14.1 Requirements to revoke or change decisions

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

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported
  - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
  - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee,



	inclusive of the mover.
(1a)	Notice of a motion to revoke or change a decision referred to in sub regulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
(2)	If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made
	(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
	(b) in any other case, by an absolute majority.
(3)	This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.
	[Regulation 10 of the Regulations]

## 14.2 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 the Meeting Procedures 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.

## 14.3 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision –
  - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 14.4 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 Shire of Coorow 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.

#### **14.4 Implementing a decision**

- (1) Subject to subclause (4), and unless a resolution is made under subclause (2), a decision made at a meeting is not to be implemented by the CEO or any other person until after 12 noon of the first business the 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 is not to be implemented by the CEO or any other person –
  - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
  - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (4) The CEO is to 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.

*Note: one of the statutory functions of the CEO under section 5.41(c) of the Act is to “cause Council decisions to be implemented”.*

## **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 these Meeting Procedures 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 meeting, unless the meeting earlier resolves otherwise.

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

- (1) In situations where –

- (a) these Meeting Procedures have been suspended; or
- (b) a matter is not regulated by the Act, the Regulations or these Meeting Procedures,

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 under clause 10.10.

## **Part 16 - Committees**

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

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

A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees. \*Absolute majority required.

[Section 5.8 of the Act]

- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include –
  - (a) the terms of reference or functions of the committee;
  - (b) either –
    - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
    - (ii) the number of members, officers 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 under section 5.16 of the Act.

### **16.2 Types of committees**

The types of committees are dealt with in the Act.

- (1) In this section –
  - 'other person' means a person who is not a council member or an employee.
- “(2) A committee is to comprise –
  - (a) council members only;
  - (b) council members and employees;
  - (c) council members, employees and other persons;
  - (d) council members and other persons;

- (e) employees and other persons; or
- (f) other persons only.

[Section 5.9 of the Act]

### 16.3 Delegation of some powers and duties to certain committees

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

- (1) Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.  
  
*\*Absolute majority required.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* –
  - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

[Section 5.16 of the Act]

### 16.4 Limits on delegation of powers and duties to certain committees

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

- (1) A local government can delegate –
  - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except –
    - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
    - (ii) any other power or duty that is prescribed;
  - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
  - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of –
    - (i) the local government's property; or
    - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

[Section 5.17 of the Act]

## 16.5 Appointment of committee members

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

- (1) A committee is to have as its members –
  - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

\* *Absolute majority required.*
- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish –
  - (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee,the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

[Section 5.10 of the Act]

## 16.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until –
  - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
  - (b) the person resigns from membership of the committee;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,whichever happens first.

- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until –
- (a) the term of the person's appointment as a committee member expires;
  - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,
- whichever happens first.
- [Section 5.11 of the Act]

## 16.7 Appointment of deputies

The appointment of a person to be a deputy of a member of committee is dealt with in the Act.

- (1) The local government may appoint\* a person to be a deputy of a member of a committee and may terminate such an appointment\* at any time.
- \*Absolute majority required.
- (2) A person who is appointed as a deputy of a member of a committee is to be –
- (a) if the member of the committee is a council member – a council member; or
  - (b) if the member of the committee is an employee – an employee; or
  - (c) if the member of the committee is not a council member or an employee – a person who is not a council member or an employee; or
  - (d) if the member of the committee is a person appointed under section 5.10(5) – a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.
- [Section 5.11A of the Act]

## 16.8 Resignation of committee members

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

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation.

[Regulation 4 of the Regulations]

## 16.9 Register of delegations to committees

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

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

[Section 5.18 of the Act]

## **16.10 Meeting Procedures to apply**

These Meeting Procedures apply generally to committees.

## **16.11 Committee to report**

A committee –

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

## **16.12 Presentation of committee reports**

The proposed adoption by the Council of recommendations of a committee is to be moved–

- (a) if the presiding member of the committee is a Council member and is in attendance – by the presiding member;
- (b) if the presiding member of the committee is not a Council member or is absent – by a member of the committee who is also a Council member; or
- (c) otherwise – by a Council member who is not a member of the committee.

## **16.13 Reports of committees - questions**

Where a recommendation of a committee is submitted for adoption by the Council, any Council member may direct 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.

## **16.14 Permissible motions on committee recommendations**

A recommendation made by a committee may be –

- (a) adopted by the Council without amendment;
- (b) rejected by the Council and replaced by an alternative decision;
- (c) amended, and adopted as amended, by the Council; or
- (d) referred back to the committee for further consideration.

# **Part 17 - Meeting of electors**

## **17.1 Electors' general meetings**

Electors' general meetings are dealt with in the Act.

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed. [Section 5.27 of the Act]

## 17.2 Matters for discussion at general electors' meeting

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

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business. [Regulation 15 of the Regulations]

## 17.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

- (1) A special meeting of the electors of a district is to be held on the request of not less than –
  - (a) 100 electors or 5% of the number of electors - whichever is the lesser number; or
  - (b) 1/3 of the number of council members.
- (2) The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance and regulations.
- (3) The request is to be sent to the major or president.
- (4) A special meeting is to be held on a day selected by the major or president but not more than 35 days after the day on which he or she received the request. [Section 5.28 of the Act]

## 17.4 Requests for electors' special meetings

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

A request for a special meeting of the electors of a district is to be in the form of Form 1. [Regulation 16 of the Regulations]

## 17.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

- (1) The CEO is to convene an electors' meeting by giving –
  - (a) at least 14 days' local public notice; and
  - (b) each council member at least 14 days' notice,



of the date, time, place and purpose of the meeting.

- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

[Section 5.29 of the Act]

## 17.6 Who presides at electors' meetings

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

- (1) The mayor or president is to preside at electors' meetings.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and –
  - (a) the office of deputy mayor or deputy president is vacant; or
  - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,

then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

[Section 5.30 of the Act]

## 17.7 Procedure for electors' meetings

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

The procedure to be followed at, and in respect of, electors' meetings and the methods of voting at electors' meetings are to be in accordance with regulations.

[Section 5.31 of the Act]

Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

[Regulation 18 of the Regulations]

- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to these Meeting Procedures.

## 17.8 Participation of non-electors

A person who is not an elector of the Shire must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits him or her to do so.

*Note: A person who is not an elector of the Shire cannot vote at an electors' meeting (see clause 17.9).*

## 17.9 Voting at electors' meetings

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

- (1) Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.
- (2) All decisions at a general or special meeting of electors are to be made by a simple majority of votes.
- (3) Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.

[Regulation 17 of the Regulations]

### 17.10 Minutes of electors' meetings

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

The CEO is to –

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

[Section 5.32 of the Act]

### 17.11 Decisions made at electors' meetings

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

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable –
  - (a) at the first ordinary council meeting after that meeting; or
  - (b) at a special meeting called for that purpose, whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

[Section 5.33 of the Act]

## Part 18 - Enforcement

### 18.1 Penalty for breach

A person who breaches a provision of these Meeting Procedures commits an offence.

**Penalty: \$5,000, and a daily penalty of \$500**

### 18.2 Who can prosecute

Who can prosecute is dealt with in the Act.

A prosecution for an offence against a local law may be commenced by —

- (a) a person who is acting in the course of his or her duties as an employee of the local

government or regional local government that made the local law; or

- (b) a person who is authorised to do so by the local government or regional local government that made the local law.

[Section 9.24(2) of the Act]

## Part 19 - Common Seal

### 19.1 Custody of the Common Seal

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

### 19.2 Use of Common Seal

The use of the common seal is dealt with in the Act.

#### 9.49A. Execution of documents

- (1) A document is duly executed by a local government if –
- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
  - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of –
- (a) the mayor or president; and
  - (b) the chief executive officer or a senior employee authorised by the chief executive officer,
- each of whom is to sign the document to attest that the common seal was so affixed .
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

#### 9.49B. Contract formalities

- (1) Insofar as the formalities of making, varying or discharging a contract are concerned, a person acting under the authority of a local government may

make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract were made, varied or discharged by a natural person.

(2) The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the local government concerned and other parties to the contract.

(3) Subsection (1) does not prevent a local government from making, varying or discharging a contract under its common seal.

[Sections 9.49A and 9.49B of the Act]

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