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LOCAL GOVERNMENT ACT 1995

CITY OF SWAN

**MEETING PROCEDURES
LOCAL LAW 2023**

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LOCAL GOVERNMENT ACT 1995

CITY OF SWAN

MEETING PROCEDURES LOCAL LAW 2023

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the City of Swan resolved on 12 July 2023 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Swan Meeting Procedures Local Law 2023*.

1.2 Commencement

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

1.3 Purpose and effect

- (1) The purpose of this local law is to provide for the proper conduct of Council meetings, committee meetings, agenda forums and briefing sessions.
- (2) The effect of this local law is intended to result in—
 - (a) the orderly conduct of meetings dealing with business of the Council;
 - (b) better decision making by the Council and its committees;
 - (c) greater public access to the Council's decision-making process;
 - (d) better understanding of the process of conducting meetings;
 - (e) more effective and efficient use of time at meetings; and
 - (f) a more transparent and accountable local government.

1.4 Application

All meetings, agenda forums and briefing sessions are to be conducted in accordance with the relevant provisions of the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996*, *Local Government (Model Code of Conduct) Regulations 2021* and this local law.

1.5 Terms used

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

Act means the *Local Government Act 1995*;

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

adoption of recommendations contained in items not withdrawn means a resolution for a number of specifically identified reports that has the effect of adopting the recommendation as the resolution;

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

alternate motion means a motion that is different to or proposes a change to the officer recommendation;

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

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

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

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

Council means the Council of the City of Swan;

local government means the City of Swan;

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

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

member in respect of—

- (a) the Council, has the meaning given to it in the Act; or
- (b) a committee, means a person appointed under section 5.10 of the Act;

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

motion means a formal proposal for discussion and resolution at a meeting;

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

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

Presiding Member means—

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

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

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

variation means an informal proposal to make a slight difference or change to a motion;

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

1.6 Repeal

This local law repeals the *City of Swan Meeting Procedures Local Law 2019* as published in the *Government Gazette* on 1 March 2019.

PART 2—BUSINESS OF A MEETING

2.1 Business to be specified

- (1) No business is to be transacted at a meeting other than that specified in the agenda, except matters which the Act or clause 2.8 permit to be dealt with.
- (2) No business is to be transacted at a special meeting of Council or a committee other than that specified in the agenda, and to which notice as to the purpose of the meeting has been given.
- (3) No business is to be transacted at an adjourned meeting other than that specified in the notice of the meeting which had been adjourned which remains unresolved, except in the case of an adjournment to the next ordinary meeting of the Council or the committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.
- (4) No business is to be considered at an agenda forum other than that which relates to the respective ordinary meeting of Council agenda.

2.2 Order of business

- (1) Unless otherwise decided by simple majority of the members present, the order of business at any Council or committee meeting is to be the order in which that business stands in the agenda of the meeting.
- (2) The CEO may bring to the attention of the Council any item which the CEO considers is appropriate to be considered or decided at that meeting.
- (3) A motion to change the order of business must include a reason, have a mover and seconder, and may be debated.
- (4) Where a confidential attachment to a public report is withdrawn for debate, the Presiding Member will include this item for consideration with other confidential items behind closed doors.

2.3 Withdrawal of items of business

- (1) The CEO may, at any time before an item is to be considered, withdraw any item of business included in the agenda of a meeting, and must—
 - (a) notify the Presiding Member as soon as practicable; and
 - (b) provide a reason or reasons for the withdrawal of the item of business.
- (2) The minutes must reflect any item of business withdrawn.

2.4 Opening of meeting

At every ordinary and special meeting of Council, the Presiding Member must ensure that there is an Acknowledgement of Country.

2.5 Confirmation of minutes

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

2.6 Announcements by the Presiding Member

- (1) At any meeting of the Council or a committee, the Presiding Member, or person nominated by the Presiding Member may announce or raise any matter of interest or relevance to the local government.
- (2) Any announcement is to be brief, concise, must be completed within 10 minutes, and there is not to be any discussion on the matter unless the Council or Committee resolves otherwise.

2.7 Adoption of recommendations contained in items not withdrawn

- (1) A meeting may pass an en bloc resolution for the adoption of recommendations contained in items not withdrawn.
- (2) An adoption of recommendations contained in items not withdrawn may not be used for a matter—
 - (a) in which a financial or proximity interest has been disclosed;
 - (b) on which a member wishes to speak;
 - (c) on which a member wishes to vote against the item;
 - (d) on which a member wishes to move an alternate motion; or
 - (e) that requires an absolute majority vote, as prescribed by the Act or Regulations.
- (3) The minutes must record at the end of each report item that they were adopted by the 'en bloc' method, as a unanimous decision of the Council or committee.

2.8 Urgent business

- (1) Urgent business is any matter not included in the agenda of a meeting, which arises within 72 hours prior to the commencement of the meeting.
- (2) Urgent business may only be admitted to a meeting if—
 - (a) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or
 - (b) the delay in referring the business to the next meeting could have adverse implications for the local government.
- (3) The CEO may identify and determine a matter appropriate for Council to consider admitting as urgent business and must advise the Presiding Member as soon as practical.
- (4) Subject to the requirements of subclause (2), a member, at a meeting, may move a motion involving business that is not included in the agenda for that meeting provided that the Presiding Member has first consented to the business being raised.
- (5) An item of urgent business may only be admitted by resolution of Council.
- (6) If at a meeting a member objects that a motion introduced as urgent business and moved without notice does not deal with urgent ordinary business within the scope of subclause (2), the motion is to have no effect unless it is supported by a majority of the members at the meeting.
- (7) Before debate begins on a matter under this clause that is not the subject of a written report from the CEO to the meeting the Presiding Member is to ask the CEO, or the CEO's nominee, to give an oral report to the meeting.
- (8) Where urgent business is considered at the meeting under this clause, the minutes of the meeting are to include—
 - (a) a summary of the oral report and any recommendations of the CEO, or the CEO's nominee; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO, or the CEO's nominee.

2.9 Notices of motions

- (1) Unless the Act, Regulations or this Local Law otherwise provide, a member may raise at a meeting such business of the local government he or she considers appropriate, in the form of a motion, for which notice has been given, in writing to the CEO to be included on the agenda.
- (2) A motion for which notice has been given under subclause (1) must—
 - (a) be in writing;
 - (b) be given at least 15 business days before the meeting at which the notice of motion is to be included on the agenda;
 - (c) call for a further report to be submitted at a future ordinary Council meeting no less than 15 business days after the meeting at which the motion is moved, where the motion has strategic or financial implications; and
 - (d) include rationale for the reasons for the motion and how it relates to the good governance of the district.
- (3) A notice of motion that does not comply with subclause (2)(c) may be accepted by the CEO in agreement with the Presiding Member in cases of urgency or other special circumstances.
- (4) The CEO may, with the concurrence of the Presiding Member, exclude from the agenda any motion for which notice has been given that—
 - (a) is deemed to be, or likely to involve, a breach of this local law or any other written law; or
 - (b) is not related to the good government of persons in the district or the role of Council; or
 - (c) is offensive or defamatory in nature; or
 - (d) does not contain sufficient supporting information or rationale; or

- (e) is submitted during the Election Caretaker Period by a candidate in the election; or
 - (f) is similar in intent or substance to a notice of motion or a Council resolution that was raised or resolved upon at a Council meeting within the preceding 3 months (unless a revocation motion).
- (5) Where practicable, the CEO may, after consultation with the member make minor amendments to the form of the motion but not the substance to bring the notice of motion into due form.
- (6) If a notice of motion is excluded under subclause (4), the CEO is to provide the reason for its exclusion to the member who gave notice of the motion as soon as practicable.
- (7) The CEO may provide Council relevant and material facts pertaining to the notice of motion in the agenda for the meeting at which the notice of motion is to be considered.
- (8) The CEO may designate a notice of motion as being confidential if the proposed notice of motion relates to any of the prescribed matters in section 5.23 of the Act.
- (9) When two or more notices of motion dealing with the same matter are included on the agenda, the Presiding Member is to determine the order in which they are put.
- (10) A motion of which notice has been given is to lapse unless—
- (a) the motion is seconded;
 - (b) the member submits a written request to the Presiding Member prior to the meeting to defer consideration of the notice of motion to a specified later meeting and the Presiding Member consents to that deferral;
 - (c) the member who gave the notice, or another member authorised by him or her, moves the motion when called on; or
 - (d) the Council resolves to defer consideration of the motion to a later stage or date.
- (11) Where a motion for which notice has been given—
- (a) is not moved;
 - (b) lapses for the want of a seconder;
 - (c) is lost; or
 - (d) is not deferred for consideration to a later stage or date by a resolution,
- at the meeting at which it is listed, the same or similar motion is not to be put before a meeting for at least 3 months from the date of that meeting, this includes revocation motions.
- (12) An amendment to a motion for which notice has been given under this clause, may not be considered at a meeting unless it—
- (a) does not negate the original motion; and
 - (b) has been provided in writing at least 2 business days prior to the meeting; or
 - (c) is a variation that has been accepted by the mover and seconder.

2.10 No business to be conducted if quorum not present

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

2.11 Names to be recorded

At any meeting—

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

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

2.12 Recording and live streaming of proceedings

- (1) No person is to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council or a committee, unless the person has been given prior permission by the Council.
- (2) Subclause (1) does not apply if the recording is taken by or at the direction of the CEO, with the permission of the Council or committee.
- (3) Wherever a meeting is open to the public, the Council may make the proceedings of the Council available to members of the public via recording or live streaming.

- (4) The Presiding Member or the Council by carrying a decision, without debate, may decide to stop or start live streaming at any time during the Council meeting.

2.13 Meeting recess

- (1) The Presiding Member may adjourn the meeting for a short recess, of no more than 10 minutes, once every 2 hours, without moving a procedural motion to adjourn the meeting.
- (2) The Presiding Member may seek the agreement of Council not to adjourn the meeting for a short recess, if he or she reasonably believes the remaining business of the meeting will take less than 30 minutes to conclude.

2.14 Meeting closure and time limits for Council and committee meetings

- (1) At the conclusion of all business or when otherwise determined by the meeting, the Presiding Member is to declare the meeting closed and state the closing time.
- (2) Where a meeting passes 10pm, at the conclusion of any motion under debate, the Presiding Member must invite members to move a procedural motion under subclause 9.1(d) or 9.1(e) to either adjourn the meeting or continue the meeting.

PART 3—DISCLOSURE OF INTERESTS

3.1 Disclosure at agenda forums and briefing sessions

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

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

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

3.3 Disclosure by Councillors who are observers at committee meetings

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

PART 4—PUBLIC PARTICIPATION

4.1 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public in accordance with section 5.23 of the Act.
- (2) If a motion to close a meeting or part of a meeting to members of the public is carried—
 - (a) the Presiding Member is to direct everyone to leave the meeting except—
 - (i) members;
 - (ii) any City employee who is required to be in attendance; and
 - (iii) any other person who the Presiding Member has invited to attend for the purpose of making a deputation.
 - (b) the meeting is to be closed to the public until the Council or committee resolves to reopen the meeting.
- (3) A person who fails to comply with a direction under subclause (2) may, by order of the Presiding Member, be removed from the meeting.
- (4) A motion to move behind closed doors may be made without notice.
- (5) Unless the Council or committee resolves otherwise, once the meeting is reopened, and if any members of the public return to the meeting, or the meeting returns to being live streamed, the Presiding Member must ensure that any resolution of the Council or committee made while the meeting was closed is read out.

4.2 Public question time

- (1) Time is allocated at Council meetings for members of the public to ask the Council questions in accordance with the requirements of the Act and the Administration Regulations.
- (2) Public question time is limited to ordinary or special council meetings. Public question time will not be held at agenda forums.
- (3) Issues to be raised during public question time must relate to a matter concerning the local government.
- (4) The procedure for the management of public question time is to be determined—
 - (a) by the Presiding Member; or
 - (b) in the case where the majority of the members of the Council present at the meeting disagree with the Presiding Member, by the majority of those members.
- (5) The Presiding Member may rule, or the Council may resolve, to extend public question time in 10 minute increments, but may not extend public question time more than twice at the same meeting.

4.3 Public statement time

- (1) Time is allocated at Council meetings for members of the public to address Council on general matters not included on the agenda for a meeting, or heard during deputations at an agenda forum.

- (2) Issues to be raised during public statement time must relate to a matter concerning the local government.
- (3) A public statement is not to exceed 2 minutes.
- (4) The procedures for the making of statements by members of the public is to be determined—
 - (a) by the Presiding Member; or
 - (b) in the case where the majority of the members of the council present at the meeting disagree with the Presiding Member, by the majority of those members.
- (5) Questions by members are not permitted following a public statement.

4.4 Petitions

- (1) A petition, may be presented to Council at an agenda forum by—
 - (a) a member or the CEO who are confined to reading the request contained in the petition; or
 - (b) a member of the public who is confined to reading the request contained in the petition and making a brief accompanying statement not to exceed 2 minutes.
- (2) A petition presented at an agenda forum is to be tabled at the next available ordinary meeting of Council by the CEO with a brief statement containing relevant information and a recommendation that the petition be—
 - (a) received;
 - (b) referred to the CEO and a report be submitted to a future Council meeting;
 - (c) dealt with in conjunction with a specific matter;
 - (d) dealt with in conjunction with an item on the agenda for the meeting; or
 - (e) referred to the CEO for consideration and response.
- (3) Where required, a petition must comply with any form prescribed by the Act or any other written laws.
- (4) The procedures and format for submitting a petition are to be determined by—
 - (a) the Presiding Member; or
 - (b) in the case where the majority of the members of the council present at the meeting disagree with the Presiding Member, by the majority of those members.

4.5 Deputations

- (1) Time is allocated at agenda forums and special council meetings for members of the public to provide a deputation on a matter listed on the agenda for the relevant Council meeting.
- (2) Deputations in respect to late items or urgent business which are not available to the public at the time of the agenda forum may be provided at the ordinary meeting of Council.
- (3) Any person wishing to make a deputation is to apply to the CEO for approval at least 24 hours prior to the commencement of the agenda forum, or meeting as the case may be.
- (4) The CEO must refer each application to the Presiding Member who may either—
 - (a) approve or decline a request; or
 - (b) refer a request to the agenda forum or meeting, as the case may be, to decide by simple majority whether or not to hear a deputation.
- (5) A deputation is not to exceed 3 minutes, unless approval is given by the Presiding Member, or by resolution of Council.
- (6) The procedures for making a deputation are to be determined by—
 - (a) the Presiding Member; or
 - (b) in the case where the majority of the members of the council present at the meeting disagree with the Presiding Member, by the majority of those members.
- (7) At an agenda forum or ordinary meeting, the Presiding Member will accept no more than 3 deputations for and 3 deputations against any one item on the agenda.
- (8) The Presiding Member will not accept both written and oral deputations. Only one form of deputation is permitted per person.
- (9) Following a speaker's deputation members may, at the discretion of the Presiding Member, ask the speaker questions relating to the item or seek clarification of issues raised by the speaker but no discussion or debate will be permitted. The Presiding Member may limit the number of questions asked by Councillors and the response by the person making a deputation is limited to a maximum duration of 1 minute.
- (10) Where more than one deputation on the same matter is presented to a meeting, questions may, by decision of the Presiding Member, be asked after all deputations relating to that matter have been heard.

PART 5—QUESTIONS BY MEMBERS

5.1 Questions relating to items on the agenda

- (1) A member may raise questions in relation to items on the agenda with an employee at any time, with the consent of the Presiding Member, up until a motion is put.

- (2) Where possible the employee must endeavour to answer the question at the meeting. However, questions may be taken on notice and response provided in writing.
- (3) Questions are to be managed at the discretion of the Presiding Member. The Presiding Member, may rule a question out of order that—
 - (a) may breach this local law or any other written law;
 - (b) is not related to an item on the agenda;
 - (c) is not related to the good government of person in the district or the role of Council;
 - (d) is offensive or defamatory in nature;
 - (e) makes unsubstantiated claims regarding the City, members, City employees, stakeholders or relevant organisations;
 - (f) requires a speculative answer;
 - (g) has previously been answered; or
 - (h) would, in the CEO's opinion, divert a substantial and unreasonable portion of the local government's resources away from its other functions.
- (4) A ruling made by the Presiding Member under clause 5.1(3) may be overturned by resolution of the Council.
- (5) Questions and answers raised will not be included in the minutes, unless requested by the Presiding Member, or by resolution of Council.

5.2 Restrictions on questions and answers

- (1) Questions asked by a member, and responses given must be—
 - (a) relevant to the matter being considered or the business of Council;
 - (b) brief and concise; and
 - (c) not accompanied by expression of opinion, statement of fact or other comment, except where necessary to explain the question or answer;
- (2) Further questions may only be asked with the consent of the Presiding Member.
- (3) In answering any question, an employee may qualify or correct their answer 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 6—CONDUCT OF MEMBERS

6.1 Members to occupy own seats

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

6.2 Official titles to be used

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

6.3 Members to address the Presiding Member

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

6.4 Standing to speak

Members are encouraged to stand when moving, seconding, speaking to a motion or addressing the Presiding Member.

6.5 Entering, crossing or leaving a meeting

- (1) During the course of a meeting, a member is not to enter or leave the chamber without making the Presiding Member aware of the fact in order to facilitate the recording in the minutes the time of entry or departure.
- (2) When the Presiding Member is putting a motion to the vote, a member must not walk out of or across the chamber.

6.6 Members who wish to speak

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

6.7 Priority of speaking

- (1) If two or more members indicate at the same time their intention to speak, the Presiding Member is to decide the order of speaking.
- (2) A decision of the Presiding Member under this clause is not open to discussion or dissent.

6.8 Relevance

- (1) A member must restrict his or her remarks to the motion under discussion, or to a personal explanation or point of order.
- (2) The Presiding Member, at any time, may call the attention of the meeting to any irrelevant or repetitious remarks by a member.

6.9 No interruption

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

6.10 Personal explanation

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

6.11 No reopening of discussion

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

6.12 Adverse reflection

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

- (a) 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.
- (b) A member must not, in a meeting open to the public—
 - (i) reflect adversely on the character or actions of another member or employee; or
 - (ii) impute any improper motive to a member or employee.

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

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

- (a) reflects adversely on the character or actions of another member or employee;
- (b) imputes any motive to a member or employee; or
- (c) uses an expression that is offensive, indecent or insulting,

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

PART 7—PRESERVING ORDER**7.1 Preservation of order—Members**

- (1) The Presiding Member is to preserve order, and, whenever he or she considers it necessary, may call any member to order.
- (2) If a member—
 - (a) persists in any conduct the Presiding Member has ruled is out of order; or
 - (b) fails or refuses to comply with a direction from the Presiding Member,the Presiding Member may direct the member to refrain from taking any further part in the matter under discussion on that item, other than by voting, and the member must comply with that direction.

7.2 Point of order

- (1) The following are to be recognised as valid points of order—
 - (a) a breach of any written law, including this local law and the City of Swan Code of Conduct for Councillors and Committee Members;
 - (b) the absence of a quorum;
 - (c) a speaker's remarks not being relevant to the motion being debated;
 - (d) a speaker's remarks being repetitive;
 - (e) a speaker's use of offensive, indecent or insulting expressions or uncalled for insinuations regarding a person's motives or conduct; or
 - (f) the presentation of false or misleading information.
- (2) A member rising to express a difference of opinion, or to contradict a speaker, must not be recognised as raising a point of order.
- (3) Despite anything in this local law to the contrary, a point of order—
 - (a) takes precedence over any discussion; and
 - (b) until determined by the Presiding Member, suspends the consideration or discussion of any matter.

7.3 Procedures on a point of order

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

- (2) A member interrupted on a point of order is to resume his or her seat until the member raising the point of order has been heard.
- (3) A member raising a point of order must state exactly what the point of order is and in the case of subclause 7.2(1)(a) the member must state the provision believed to be breached.
- (4) The Presiding Member may give the member who was interrupted an opportunity to make an explanation about the point of order raised.
- (5) The Presiding Member is to give a ruling either upholding or rejecting the point of order and is not obliged to give reasons for the ruling.
- (6) A ruling by the Presiding Member on a point of order is to be final unless the majority of members then present and voting, on a procedural motion moved immediately after the ruling, dissent from the ruling.
- (7) Where a point of order is called by a Member on the Presiding Member, or a person closely associated with the Presiding Member, the Presiding Member must vacate the chair, and—
 - (a) the Deputy Mayor will take the chair and rule on the point of order; or
 - (b) if the Deputy Mayor is not present, or has made a disclosure of interest in respect to the item being considered, a temporary Presiding Member must be elected by resolution.

7.4 Preservation of order—Persons other than members

- (1) Any person attending a meeting must extend due courtesy and respect to the meeting and the processes under which it operates and must comply with any direction by the Presiding Member.
- (2) A person attending a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (3) A person is not to display any offensive, indecent or insulting item or words in the meeting room, or brandish any item that could be used as a weapon or is considered offensive.
- (4) A person is not to use any electronic, visual or audio recording or transmitting device or instrument to record the proceedings of a meeting unless so resolved by the Council.
- (5) Where a person is considered by the Presiding Member to be in breach of subclauses (1), (2), (3) or (4) the Presiding Member may issue a warning to that person.
- (6) If after being warned, that person refuses or fails to comply with the direction of the Presiding Member, the Presiding Member may expel the person from the meeting.
- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the Presiding Member, be removed from the meeting room and, if the Presiding Member orders, from the premises.
- (8) Any person removed from the meeting room must not return to the meeting room without the approval of the Presiding Member.

7.5 Use of mobile phones and audible electronic devices

- (1) Any person attending a meeting must ensure that his or her mobile telephone or other audible electronic device is switched to silent mode.
- (2) Any use of mobile phones by members during the meeting must be discrete and not interrupt the meeting.
- (3) Should the Presiding Member become aware of any deviation from these requirements, the Presiding Member may direct the person or persons responsible to immediately discontinue any non-compliant activity and resume attention to the meeting proceedings.

7.6 Presiding Member may adjourn meeting

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period not exceeding 30 minutes.
- (2) On resumption, the meeting or debate is to continue at the point at which it 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 8—MOTIONS

8.1 Alternate motions

- (1) The procedure for moving an alternate motion is—
 - (a) A member who wishes to move an alternate motion is to give notice of that alternate motion 2 business days before the meeting, where possible.
 - (b) Any alternate motion is to include the reasons for changing the officer recommendation and these reasons are to be included in the minutes.
 - (c) Any alternate motion for which notice has not been given in accordance with paragraph (a) is required to have the consent of the Presiding Member.
 - (d) In circumstances where the Presiding Member does not give their consent, they must advise the member.
 - (e) The mover must state the alternate motion without speaking to it, and is to put the alternate motion in writing if required by the Presiding Member.

- (f) The alternate motion must be seconded. If the alternate motion is not seconded, the alternate motion lapses for a want of a seconder.
- (2) If two or more members indicate they wish to move an alternate motion, the Presiding Member is to decide the order in which they are put.
- (3) If the Presiding Member wishes to move or second an alternate motion then the Presiding Member must vacate the chair and not return to it until the alternate motion has been resolved upon, and—
 - (a) the Deputy Mayor will take the chair; or
 - (b) if the Deputy Mayor is not present, or has made a disclosure of interest in respect to the item being considered, a temporary Presiding Member must be elected by resolution.
- (4) Where a member moves an alternate motion the Presiding Member is to ask if the CEO wishes to give an oral report to the meeting.
- (5) Clause 8.1(1) does not apply to any motion or decision to revoke or change a decision that has been made at a Council or committee meeting.

8.2 Foreshadowed motions

- (1) Where a member has submitted an alternate motion in accordance with clause 8.1 above, this alternate motion will be given precedence by the Presiding Member who will invite the member to move their alternate motion at the appropriate time.
- (2) Should a member wish to move an alternate motion that has not been provided in accordance with clause 8.1, the member must foreshadow their proposed alternate motion, without speaking to it, during debate on the item.
- (3) The terms of a foreshadowed motion must be provided to the Presiding Member.
- (4) No discussion or debate is permitted on a foreshadowed motion.
- (5) If the substantive motion under consideration is lost, the Presiding Member must call on the member of a foreshadowed motion to move the foreshadowed motion.
- (6) If more than one foreshadowed motion is proposed for any matter, the Presiding Member is to deal with them in the order in which they were presented, until one of the motions is passed, whereupon there must be no further consideration of any other foreshadowed motions on the matter.
- (7) Where no alternate motion is foreshadowed, the Presiding Member may invite a member to move the officer recommendation.
- (8) The minutes of the meeting will not include foreshadowed motions unless the foreshadowed motion is subsequently formally moved as a motion.

8.3 Amendments

- (1) A member may move an amendment to a motion at any time during debate on the substantive motion, except—
 - (a) if the mover has been called by the Presiding Member to exercise the right of reply;
 - (b) if the member has already spoken to the substantive motion; or
 - (c) if another amendment is being debated, or has not been withdrawn, carried or lost.
- (2) An amendment must be relevant to the substantive motion to which it is moved and must not have the effect of negating the substantive motion.
- (3) An amendment to a motion is to take only one of the following forms—
 - (a) that certain words be omitted, substituted or added; or
 - (b) that certain parts be omitted and others substituted or added.
- (4) The procedure for moving an amendment is—
 - (a) The mover must state the amendment without speaking to it, and is to put the amendment in writing if required by the Presiding Member.
 - (b) The amendment must be seconded. If the amendment is not seconded, the amendment lapses for a want of a seconder.
- (5) If two or more members indicate they wish to move an amendment, the Presiding Member is to decide the order in which they are put.
- (6) If the Presiding Member wishes to move or second an amendment then the Presiding Member must vacate the chair and not return to it until the amendment has been resolved upon, and—
 - (a) the Deputy Mayor will take the chair; or
 - (b) if the Deputy Mayor is not present, or has made a disclosure of interest in respect to the item being considered, a temporary Presiding Member must be elected by resolution.
- (7) Where a member moves an amendment the Presiding Member is to ask if the CEO wishes to give an oral report to the meeting.
- (8) Only one amendment is to be debated at a time, but as often as an amendment is withdrawn, carried or lost, another amendment may be moved before the substantive motion is put to the vote.
- (9) Amendments to amendments may be permitted by the Presiding Member, or they may be dealt with as a separate amendment.
- (10) The mover of an amendment has the right of reply at the conclusion of the discussion on the amendment.
- (11) Where an amendment is carried, the substantive motion as amended is, for all purposes of subsequent debate, to be treated as the substantive motion.

8.4 Unopposed business

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

8.5 Only one substantive motion at a time

The Council or committee—

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

8.6 Variations

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

8.7 Order of debate

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

8.8 Duration of speeches

A member may speak on a personal explanation, motion, or reply for 3 minutes, unless an extension of time is granted by the Council without debate, but a member's total speaking time must not exceed 5 minutes.

8.9 Limitation on members speaking

A member must not address the meeting more than once on any motion except—

- (a) as the mover of a substantive motion or amendment, to exercise a right of reply;
- (b) to raise a point of order;
- (c) through the Presiding Member to ask a question concerning and relevant to the subject matter of the motion of another member or employee present at the meeting; or
- (d) to make a personal explanation under clause 6.10.

8.10 Right of reply

- (1) The mover of a substantive motion has the right of reply, and may speak up to 3 minutes.
- (2) The right of reply may be exercised only—
 - (a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion, at the conclusion of the discussion on the substantive motion and any amendments.
- (3) After the mover of the substantive motion has commenced the reply—
 - (a) no other member is to speak or ask a question on the motion; and
 - (b) there is to be no further discussion on, or any further amendment or variation to the motion.
- (4) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (5) At the conclusion of the right of reply, the motion is immediately to be put to the vote.

8.11 Limit of debate

The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place and where no other member has given an indication to speak to the substantive motion.

8.12 Withdrawal of motions

- (1) The Council or a committee may, without debate, grant leave to withdraw a motion on the request of the mover of the motion if—
 - (a) it has the approval of the seconder; and
 - (b) there is no voice expressed to the contrary by any member.
- (2) If either paragraph (a) or (b) of subclause (1) does not apply, the discussion on the motion 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 motion has been withdrawn or lost.

8.13 Division of motions

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

PART 9—PROCEDURAL MOTIONS**9.1 Permissible procedural motions**

A member may move any of the following procedural motions—

- (a) that the motion be now put;
- (b) that the meeting proceed to the next business;
- (c) that debate be adjourned;
- (d) that the meeting be adjourned;
- (e) that the meeting continue past 10pm;
- (f) refer to a committee;
- (g) refer back to a committee; or
- (h) that the ruling of the Presiding Member be disagreed with.

9.2 Moving a procedural motion

- (1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Presiding Member.
- (2) With the exception of clause 9.1(h) a member who has moved, seconded or spoken for or against a motion, cannot move a procedural motion.
- (3) The Presiding Member may request that the mover provide an explanation for the movement of the procedural motion in question.
- (4) The Presiding Member may reject a procedural motion if he or she believes the motion on which it is proposed has not been adequately or sufficiently debated.
- (5) A member may not move or second the same procedural motion during the debate of a matter more than once.
- (6) A member may not move or second a procedural motion 'that the meeting be adjourned' more than once during a meeting.

9.3 Support required

- (1) Procedural motions require a seconder.
- (2) A procedural motion is passed by a simple majority voting in favour of that motion, with or without the exercise of a casting vote, except for a motion "that the motion now be put" which requires the support of an absolute majority of Council.

9.4 How dealt with and effect

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

| Procedural Motion | Can the speaker be interrupted? | Does the Presiding Member have discretion to refuse Motion? | Is Debate permitted on Motion? | Is the Mover entitled to Right of Reply? | Is an Amendment permitted? | Effect if Carried | Effect if Lost |
|---|---------------------------------|---|---|--|---------------------------------|---|--|
| That the motion be now put | Yes | Yes | No | No | No | <p><u>During debate on a substantive motion</u></p> <p>The Presiding Member is to offer the right of reply to the mover of the substantive motion then put the substantive motion to the vote.</p> <p><u>During debate of an amendment</u></p> <p>The Presiding Member is to put the amendment to the vote immediately.</p> | Debate resumes at point of interruption. |
| That the meeting proceed to the next business | No | No | The Mover may speak to the motion for not more than 3 minutes otherwise no debate | No | No | <p><u>During debate on a substantive motion</u></p> <p>(a) the names of members who have spoken on the matter are to be recorded in the minutes, and</p> <p>(b) the matter is set aside for the meeting and the meeting is to proceed to the next item of business.</p> <p>The matter may not be brought forward again until a later meeting when it is included in an agenda.</p> <p>Debate resumes at point of interruption.</p> <p><u>During debate of an amendment</u></p> <p>The amendment is disposed of and debate on the substantive motion is resumed.</p> | Debate resumes at point of interruption. |
| That debate be adjourned | No | No | Yes | Yes | As to time, date and place only | <p>Debate on the substantive motion and any amendment must cease, and—</p> <p>(a) the names of members who have spoken on the matter are to be recorded in the minutes, and</p> <p>(b) the meeting is to proceed to the next item of business.</p> <p>Move to the next item of business.</p> <p>Included in the agenda for the next ordinary meeting or at a date specified in the motion.</p> | Debate resumes at point of interruption. |

| Procedural Motion | Can the speaker be interrupted? | Does the Presiding Member have discretion to refuse Motion? | Is Debate permitted on Motion? | Is the Mover entitled to Right of Reply? | Is an Amendment permitted? | Effect if Carried | Effect if Lost |
|---|---|---|---|--|----------------------------------|---|--|
| That the meeting be adjourned (may include date and time) | No | No | Yes | Yes | As to time, date and place only. | Debate on the substantive motion and any amendment must cease, and— (a) the names of members who have spoken on the matter are to be recorded in the minutes, and (b) the Presiding Member is to adjourn the meeting, and no further business may be transacted. Any business outstanding on the agenda for that meeting must be carried forward to the agenda for the next ordinary meeting or at a date specified in the motion. | Debate resumes at point of interruption. |
| That the meeting continue past 10pm | No | No | Yes | Yes | As to length of time extension | The meeting continues until the specified time. | The Presiding Member calls for a procedural motion to adjourn the meeting. |
| Refer to a committee | No | No | Yes | Yes | Yes | Matter is referred to the Committee and all discussion on it ceases. | Debate resumes at point of interruption. |
| Refer back to a committee | No | Yes | Yes | Yes | No | Matter is referred back to the Committee and all discussion on it ceases. | Debate resumes at point of interruption. |
| That the ruling of the Presiding Member be disagreed with | No Must be done immediately after ruling | No | The Mover may speak to the procedural motion for not more than 3 minutes otherwise no debate is permitted | No | No | The ruling is to have no effect and the meeting is to proceed accordingly. | Debate resumes at point of interruption. |

PART 10—VOTING

10.1 Motion—when put

- (1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the Presiding Member—
 - (a) if requested by a member, is again to state the terms of the motion, and
 - (b) is to put the motion to the meeting.

10.2 Method of taking vote

- (1) 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 that enables a record to be taken of each member's vote; and
 - (d) is to declare the result.

10.3 Votes to be recorded

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

10.4 No speaking after conclusion of debate

A member must not speak on any motion after the motion has been put other than on a motion under Part 11.

PART 11—REVOCATION MOTIONS**11.1 Notices of revoking or changing a decision**

A member may give notice of a motion that proposes to revoke or change a previous resolution of Council subject to the requirements of subclauses 11.2, 11.3, 11.4 and 11.5.

11.2 Revoking or changing decisions at the same meeting—procedure

- (1) A member who wishes to move a revocation motion at the same meeting, that has not been adjourned, where the decision is made must—
 - (a) clearly identify the decision to be revoked or changed; and
 - (b) clearly state the reason for the decision to be revoked or changed.
- (2) If the CEO receives a notice of a revocation motion to revoke a decision made at a meeting before the close or adjournment of that meeting the CEO must immediately advise the Presiding Member of the substance of the revocation motion and raise it as an item of urgent business.
- (3) Where the Presiding Member is advised of the notice of a revocation motion they are to—
 - (a) advise the meeting of the notice;
 - (b) state the substance of the revocation motion;
 - (c) determine whether there is sufficient support in accordance with the Administration Regulations; and
 - (d) if there is sufficient support, deal with the revocation motion.

11.3 Revoking or changing decision after an adjourned meeting—procedure

- (1) A member who wishes to move a revocation motion following the adjournment of a meeting must give a valid notice of a revocation motion.
- (2) A valid notice of a revocation motion to revoke or change a decision is to be made in accordance with the Act, and the Administration Regulations.
- (3) A member who wishes to move a revocation motion after the meeting may provide the CEO with written notice of his or her intent to submit a valid notice of motion to revoke or change a decision in advance of submission of the notice.
- (4) A meeting must not consider a revocation motion without having considered a statement of impact prepared by or at the direction of the CEO.

11.4 Revoking or changing decisions after the meeting—procedure

- (1) A member wishing to move a revocation motion at a future meeting must give a valid notice of a revocation motion.
- (2) A valid notice of a revocation motion to revoke or change a decision is to be made in accordance with the Act, the Administration Regulations and with the notice of motion provisions in clause 2.9.
- (3) A member who wishes to move a revocation motion after the meeting may provide the CEO with written notice of his or her intent to submit a valid notice of motion to revoke or change a decision in advance of submission of the notice.
- (4) A meeting must not consider a revocation motion without having considered a statement of impact prepared by or at the direction of the CEO.

11.5 Implementing a decision

- (1) The CEO, or a member of Council staff with responsibility for the subject matter of a resolution, may implement a resolution of Council after a period of 24 hours has passed after the decision was made by the Council. This includes decisions made at a meeting that has been adjourned.
- (2) A resolution of Council will be deemed to have been acted on, and is not able to be revoked if—
 - (a) its contents or substance has been formally communicated to a person whose interests are materially affected by it; or
 - (b) a statutory process has been commenced.
- (3) Where a revocation motion is ruled out of order under clause 11.5(2), the CEO, in concurrence with the Presiding Member, is to provide the reason for its exclusion to all members as soon as practicable.
- (4) No steps are to be taken to implement or give effect to a resolution—
 - (a) if, before commencing any implementation action a valid notice of revocation motion is received; and
 - (b) until the valid notice of revocation motion has been determined.

- (5) Where a notice of intent to submit a revocation motion is provided in accordance with clause 11.3(3) and 11.4(3) steps taken to implement or give effect to a resolution must be suspended for 48 hours.

PART 12—COMMITTEES

12.1 Establishment and appointment of committees

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

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

12.2 Calling committee meetings

- (1) A meeting of a committee is to be held—

- (a) if called for by either—
 - (i) the Presiding Member of the committee; or
 - (ii) 1/3 of the members of the committee,

in a notice to the CEO setting out the date, and purpose of the proposed meeting;

- (b) in accordance with a decision of the Council or the committee; or
- (c) if so determined by the CEO.

12.3 Convening, postponing and cancelling committee meetings

- (1) The CEO is to convene an ordinary meeting of a committee by giving each member of the committee at least 72 hours notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The CEO is to convene a special meeting of a committee by giving each member of the committee notice, before the meeting, of the date, time, place and purpose of the meeting.
- (3) The CEO, in consultation with the Presiding Member may postpone or cancel a scheduled committee meeting, if there is no business to be conducted.

12.4 Participation of persons other than member at committee meetings

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

- (a) is entitled to attend a committee meeting;
- (b) attends a committee meeting;
- (c) is not a member of that committee.

- (2) Without the consent of the Presiding Member, no person is to address a committee meeting.

- (3) A person addressing the committee with the consent of the Presiding Member must cease that address immediately after being directed to do so by the Presiding Member.

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

12.5 Substitution of deputy at committee meetings

- (1) Where a committee member is absent at a meeting, and a deputy committee member is present, the Presiding Member is to invite the deputy to deputise for the duration of the committee meeting.
- (2) Where more than one deputy is available, the Presiding Member is to determine the deputy, unless previously advised by the absent committee member who they have arranged to deputise on their behalf.
- (3) Where a committee member discloses an interest on an item on the agenda for a Committee and withdraws from participation in that item, the Presiding Member is to invite a deputy, if present, to participate as a member of the committee in place of the disclosing member during the consideration of that item only.

PART 13—SUSPENSION OF LOCAL LAW

13.1 Suspension of this local law

- (1) A member may, at any time, move that the operation of one or more of the provisions of this local law be suspended.
- (2) A member moving a motion under subclause (1) is to identify the clause or clauses to be suspended, and state the reasons for the motion, but no other discussion is to take place.
- (3) A motion under subclause (1) which is seconded and carried is to suspend the operation of the clause or clauses to which the motion relates for the duration of the discussion on any matter, unless the meeting resolves otherwise.

13.2 When this local law does not apply

- (1) In situations where—
 - (a) one or more provisions of this local law have been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or this local law,the Presiding Member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion of dissent is moved and carried in accordance with Part 7.
- (3) Notwithstanding the provisions of subclause (1), the Presiding Member may call for a vote on a ruling open to him or her under subclause (1).
- (4) The vote is to be taken without a motion and without debate and the Presiding Member is bound by the outcome of the vote.

PART 14—ENFORCEMENT**14.1 Breach of this local law**

- (1) The Presiding Member at a meeting is responsible for ensuring that this local law is complied with during the course of the meeting.
- (2) A person who breaches a provision of this local law commits an offence.
Penalty: \$1,000, and where the offence is of a continuing nature, a daily penalty of \$100.

Dated 20 July 2023.

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

DAVID LUCAS, Mayor.
STEPHEN CAIN, Chief Executive Officer.
