



# NOTES

December Council Agenda Briefing  
**Held in the Council Chamber**  
**Tuesday 12 December 2006**  
**Commencing at 5.30pm**

Present:

Mayor, J Collins, JP (Chairman)

Councillors:

J Best	Civic Ward (5.42pm)
G W Gleeson	Civic Ward (from 6.28pm)
B W Hearne	Como Beach Ward
L M Macpherson	Como Beach Ward (from 5.43pm)
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
D S Smith	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Cope	Director Strategic and Regulatory Services
Mr G Flood	Director Infrastructure Services
Mr M Kent	Director Financial and Information Services
Mr R Bercov	Manager Development Services
Mrs M Clarke	Manager Collier Park Village
Mr L Croxford	Manager Engineering Infrastructure
Ms D Gray	Manager Financial Services
Mr N Kegie	Manager Community, Culture and Recreation
Mr M Taylor	Manager City Environment (from 5.40pm)
Mr S McLaughlin	Legal and Governance Officer
Ms N Newbold	Community Projects Officer
Mr M Sawtell	Arts / Events Co-ordinator (until 6.25pm)
Mrs K Russell	Minute Secretary

Gallery

Ten (10) members of the public including seven (7) members of the Youth Advisory Council (YAC). A member of the press was present until 6.14pm

## OPENING

The Mayor, before officially opening the Briefing welcomed the Members of the Youth Advisory Council (YAC) present in the public gallery and advise that the YAC would be joining Members for dinner and making a presentation on the benefits of being a YAC member. He then opened the Agenda Briefing at 5.30pm, welcomed everyone in attendance and advised the public present that they were not permitted to ask questions or interject in the proceedings. He also reminded Members that Agenda Briefings were not part of the decision-making process but an opportunity for them to raise questions on the Items presented in order to make informed decisions.

## ITEMS THE SUBJECT OF THE AGENDA BRIEFING

The Chief Executive Officer commenced the presentation and gave a brief summary of each of the following reports on the December 2006 Council Agenda. Officers, when requested, contributed further background information on particular items. Questions and points of clarification were raised by Members and responded to by the officers.

### **9.0.1 Proposed Amendment No. 8 to TPS6 Relating to Certain Development Provisions in the 'Karawara Special Area'**

Amendment No. 8 is being prepared for the purpose of relaxing certain setback requirements for development adjacent to open space reserves in Karawara.

**Note:** Manager City Environment arrived 5.40pm  
Cr Best arrived 5.42pm  
Cr Macpherson arrived 5.43pm

### **9.0.2 Assessment of Building No. 11 Heppingstone Street, South Perth against provisions of Town Planning Scheme No. 6**

In response to a November Council resolution this report presents an assessment under TPS6 of the building at No. 11 Heppingstone Street, South Perth.

### **9.0.3 Tenders for the Como Beach Reserve Landscape Upgrade**

This report presents tenders submitted following the Como Beach Landscape project specification being re-written to reduce the scope of the work.

### **9.0.4 Audio Recording of Council Meetings**

In response to a Council resolution in October, this report presents the results of research into the audio recording Council meetings.

### **9.0.5 Collier Park Hostel**

In response to a Council Resolution in October this reports is the first in a series aimed at considering ways to improve the financial viability of the Collier Park Hostel.

## DECLARATION OF INTEREST : ITEM 9.2.1 : CRS DOHERTY AND OZSDOLAY

### Cr Doherty - Declaration of Interest

*"I wish to declare a Conflict of Interest in Agenda Item 9.2.1 - 'Community Funding Program Round Two' - on the Council Agenda for the meeting to be held 19 December 2006. I disclose that I am an employee of Uniting Care West. The 'Rainbow Project', a recipient of the Community Funding Program, is a Uniting Care West Agency. In view of this I will leave the Council Chamber at the Agenda Briefing on 12 December and at the Ordinary Council Meeting on 19 December while Item 9.2.1 is discussed."*

Cr Ozsdolay - Declaration of Interest

*I wish to declare a Conflict of Interest in Agenda Item 9.2.1 - 'Community Funding Program Round Two' - on the Council Agenda for the meeting to be held 19 December 2006. I disclose that my wife is employed by St Pius X Catholic Primary School a recipient of the Community Funding Program and in view of this I will leave the Council Chamber at the Agenda Briefing on 12 December and at the Ordinary Council Meeting on 19 December while Item 9.2.1 is discussed.*

**Note:** Crs Doherty and Ozsdolay left the Chamber at 6.10pm

**9.2.1. Funding Assistance Program**

This report considers applications in the Community Development category of the Funding Assistance Program - Round 2 - 2006/2007.

**Note:** Crs Doherty and Ozsdolay returned to the Chamber at 6.17pm

**9.2.2 Disability Access Plan**

This report presents the draft Disability Access and Inclusion Plan for consideration.

**9.2.3 Como Beach Public Artwork**

This report outlines a proposal to undertake a Public Art project in conjunction with the redevelopment of Como Beach.

**9.3.1 Proposed Scheme Amendment to TPS6**

This report details proposed Amendment No. 9 to TPS6 to correct an inadvertent error appearing in part of the Scheme Map relating to Building Height Limits for Precinct 1 - Mill Point.

**9.3.2 Two 2 x Storey Single Houses Nos. 124 and 124a Coode Street, South Perth**

This report deals with an application for planning approval is for two × two storey Single Houses with basements.

**Note:** Cr Gleeson arrived at 6.28pm

**9.3.3 Three Storey Single House, 69 Strickland Street, South Perth**

This report deals with an application for approval of a Single House that does not comply with the Residential Boundary Walls policy.

**9.3.4 Family Day Care, 76 Todd Avenue, Como.**

This report deals with a request for reconsideration of a condition of Planning Approval relating to a Family Day Care to increase the maximum number of children from four to seven.

**9.3.5 Additions / Alterations re Rooftop Pergolas at 73 Mill Point Road, South Perth.**

This application for planning approval relates to the proposed partial enclosure of two rooftop pergolas which are currently under construction.

**9.3.6 TravelSmart RoadWise Local Action Plan 2006**

The TravelSmart RoadWise Local Action Plan 2006 has been developed from carried forward actions from the endorsed 2003 TravelSmart Local Action Plan, and includes a RoadWise program.

**9.3.7 Tree Poisoning**

It has been suspected that a number of tree in the City have been poisoned in recent years. This report outlines a proposal to erect signs in front of such trees to alert the community to the activity and to notify that it is unlawful.

**9.5.1 Applications Determined Under Delegated Authority**

This report advises Council of the number of applications determined under Delegated Authority for the month of November.

**9.5.2 Monthly List - Use of Common Seal**

The report provides Council with a list of the use of the Common Seal for November 2006.

**9.5.3 Membership CEO Evaluation Committee**

In response to a Council resolution the purpose of this report is to review the Membership of the CEO Evaluation Committee.

**Note:** Cr Macpherson left the Chamber at 7.02pm and returned at 7.05pm

**9.6.1 Monthly Financial Management Accounts for November 2006**

This report presents the Management Accounts for November 2006.

**9.6.2 Statement of Funds, Investments and Debtors at 30 November 2006**

This report presents a statement summarising the effectiveness of treasury management for the month.

**9.6.3 Warrant of Payments Listing**

A list of accounts paid by the CEO under delegated authority for November 2006.

*CONFIDENTIAL ITEM 13.1.1*

**13.1.1 Australia Day Citizen of the Year and Premier's Australia Day Active Citizenship Awards**

**Note:** As there were no questions proposed to be raised by Members in relation to *Confidential* Item 13.1.1 the Briefing was **not** closed to the public.

**Closure**

The Mayor closed the Briefing at 7.15pm and thanked everyone for their attendance.



**NOTES**  
**CONFIDENTIAL WORKSHOP**  
**CEO'S KPI'S**

**Held in the Council Chamber, Sandgate Street, South Perth**  
**Monday 18 December 2006 commencing at 5.30pm**

Present

Mayor J Collins, JP

Councillors:

J Best	Civic Ward (from 5.45pm)
GW Gleeson	Civic Ward
B W Hearne	Como Beach Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
D S Smith	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officer

M C Frewing	Chief Executive Office
Ms A Spaziani	Human Resources Manager (Notes)

Consultants:

Messrs M Lydick and E McRae	Kellahan Saunders
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Apologies

Cr L M Macpherson	Como Beach Ward	leave of absence
Cr L J Jamieson	Manning Ward	leave of absence

OPENING

The Mayor opened the Workshop at 5.30pm and provided a brief background on the KPI process. He advised that at the August 2006 Meeting of Council it was resolved that Consultants, Kellahan Saunders be appointed to assist in formulating the measurements of the KPI's for the CEO for the year 2006/2007. A Workshop was held on 4 October 2006 with the aim of providing information to Councillors for the purpose of developing effective, measurable Key Performance Indicators that by agreement could be implemented for the position of Chief Executive Officer. In progressing this matter, at the November 2006 Meeting of Council it was resolved that:

- (a) *.....the Chief Executive Officer be requested to develop within seven (7) working days, additional KPI's and Performance Measures to cover the items identified on pages 16 - 19 of the Consultant's report;*
- (b) *Councillors develop amended or new KPI's that they wish to be included in the report within the same time frame; and*

- (c) ***the Chief Executive Officer arrange a Workshop within fourteen (14) working days between himself and Councillors to finalise the issue and develop a report for presentation to Council for consideration at the December 2006 meeting.***

The Mayor then advised of the progress to date in relation to the November 2006 Council resolution, as follows:

- Part (a): The CEO has provided comment in relation to the additional KPI's. Kellahan Saunders were engaged to review the KPIs to ensure the integrity of the indicators in keeping with the work done to date. Following that review, the consultants Kellahan Saunders have issued a report of recommendations for Council review and final approval (provided as ***Confidential Attachment 13.1.2*** to the December 2006 Council Agenda).
- Part (b) No comment has been received from Council Members in relation to additional or amended KPI's.
- Part (c) A *Confidential* Workshop has been scheduled for Monday 18 December 2006.

### **Workshop 18 December 2006**

The Mayor advised that it was important that tonight's Workshop be a 'facilitated discussion', that the matters raised by the Consultants be discussed and that further development of KPI's for this current review period (2006/2007) not be undertaken.

### **Consultant's Presentation**

Mr Lydick of Kellahan Saunders outlined the process to date for the development of a set of interim KPI's for the CEO for the current cycle (2006/2007) and recommended that these be accepted for the current term with no further KPI's being introduced. He urged Council to consider the need for the CEO to be in agreement with the KPI's which left little time to develop/agree to additional KPI's prior to the term end in May 2007.

Following discussion by Members / Consultants in relation to additional KPI's the Consultants stressed that there was now no time to finalise the matter of new additional KPI's and advised that the development of KPIs needed to be rigorous in that they needed to ensure the KPI's were SMART (Specific, Measurable, Agreed to, Realistic, and Timely/time framed) for a fair evaluation to take place.

The Consultants urged Members to adopt the recommendations as outlined.

### **Closure**

Mayor Collins closed the Workshop at 6.30pm.



**NOTES**  
**CONFIDENTIAL WORKSHOP**  
**CEO'S KPI'S**

**Held in the Council Chamber, Sandgate Street, South Perth**  
**Tuesday 6 February 2007 commencing at 5.30pm**

Present

Mayor J Collins, JP

Councillors:

B W Hearne	Como Beach Ward
L M Macpherson	Como Beach Ward
L J Jamieson	Manning Ward
L P Ozsdolay	Manning Ward (Chair)
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
D S Smith	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officer

M C Frewing	Chief Executive Office
Ms A Spaziani	Human Resources Manager (Notes)

Consultants:

Messrs M Lydick and E McRae	Kellahan Saunders
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Apologies

Cr J Best	Civic Ward
Cr GW Gleeson	Civic Ward

OPENING

The Chairman of the CEO Evaluation Committee, Cr Ozsdolay, opened the Workshop at 5.30pm and provided a brief background on the KPI process. He advised that at the meeting held 19 December 2006 Council resolved:

*That....*

- (a) the report of recommendations from Consultants Kellahan Saunders regarding KPI's for the CEO for the year 2006/2007 and the continuing process ...be endorsed;*
- (b) the Mayor on behalf of Council will provide Mr Frewing all reasonable support and co-operation to assist him develop new KPI's for his position for 2007/08;*
- (c) the CEO's 2007/08 KPI's will be provided and distributed for Councillors consideration one week prior to the Workshop scheduled for late January, early February 2007; and*
- (d) Council notes with concern the lack of co-operation received from the CEO with regard to the implementation of Council's resolution of 28 November 2006.*





Cr Ozsdolay then reported on the progress to date in relation to the December 2006 Council resolution, as follows:

- Part (a): Report of recommendations from Kellhan Saunders, including that the existing KPI's remain for the current review period (2006/2007), were endorsed and stand as the current KPI's for which the CEO will be assessed prior to the end of the annual period (May 2007).
- Part (b) The Mayor met with Kellahan Saunders and has monitored the preparations for the KPI development workshop.
- Part (c) A *Confidential* Workshop scheduled for Tuesday 6 February 2007.

### **Workshop Content 6 February 2007**

Mr McRae of Kellahan Saunders introduced the 'plan' for the Workshop as follows:

- outlined the process to date including the rationale behind the development of KPI's;
- advised that the Councillors individual suggested focus areas for KPI development had been integrated by Kellhan Saunders for presentation;
- identified the parameters that apply to this process; and
- outlined the SMART model (Specific, Measurable, Agreed to, Realistic, and Timely/time framed) for KPI setting

The Consultants then gave a power point presentation which covered the following topics:

- importance of including the role of CEO in speaking on behalf of Council;
- capacity for including survey of Elected Members as part of the review process and if this is a valid measure;
- need for KPI's to measure not just the completion of, but the level of satisfaction and with Council endorsement;
- importance of ensuring the KPI development process addresses a key theme of communication relating to the activity of the City and progress with projects etc;
- need for measuring the implementation of Council decisions/resolutions;
- importance of setting the parameters in advance so the important things can be measured;
- clarification about the role of Council in staff matters;
- need for Council to feel confident that the CEO's KPI's are reflected in the KPI's of the departments and relevant staff;
- importance of procedural fairness; and
- importance of utilising communication systems to convey information - can this be different/more comprehensive?

The presentation topics were discussed, questions raised by Council Members and responded to by the Consultants.

### **Outcome**

It was agreed that the following 'key words and phrases' be adopted as a measure of the relevancy of new KPI's:

Communication, Open, Accountable,	Clear understanding of CEO duties and role
Relevant measures that stick both good and bad	To incorporate team honesty and integrity
All encompassing	Open and transparent
Truthful	Achieve legislative compliance for Council and CEO
Common understanding	Fulfil goals and strategies
Best interests of residents and rate payers	Effective management of Council and staff
Commitment to positive outcomes	Dynamic and Ingenious staff recognised by peers
Reflect strategic goals and directions	Emphasis on key goals / strategies in 12 month period

Accurate reporting ability	Process applies to all levels of staff within the organisation
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### **Summary**

Good progress was made in relation to clarifying the purpose of the setting of KPI's and the 'vision' of Council.

There was general agreement that the next Workshop to develop the KPI's should proceed as soon as possible.

Copies of all documents to be circulated to all Elected Members.

**Note:** the Power Point presentation from Kellahan Saunders includes the key focus areas for development at the next Workshop.

Council Members were requested to submit any further relevant information to Kellahan Saunders before the next scheduled Workshop.

### **Closure**

Cr Ozsdolay closed the Workshop at 7.30pm.



## NOTES

### CONCEPT FORUM

- Parks Maintenance Costs -Benchmarking
- Collier Park Golf Course - Future Direction
- Strategic Financial Plan Process

**Held in the Council Chamber, Sandgate Street, South Perth  
Tuesday 13 February 2007 commencing at 5.30pm**

#### Present

Mayor J Collins, JP

#### Councillors:

L M Macpherson  
L J Jamieson  
L P Ozsdolay  
C A Cala  
R Wells, JP  
R B Maddaford  
D S Smith  
S Doherty  
K R Trent, RFD

Como Beach Ward (from 6.00pm)  
Manning Ward (until 5.33pm)  
Manning Ward  
McDougall Ward  
McDougall Ward (until 5.33pm)  
Mill Point Ward  
Mill Point Ward  
Moresby Ward  
Moresby Ward

#### Officers

M C Frewing  
Mr R Burrows  
Mr M J Kent  
Mr M Taylor  
Ms D Gray  
Mrs K Russell

Chief Executive Office  
Director Corporate and Community Services  
Director Financial and Information Services  
Acting Director Infrastructure Services  
Manager Financial Services (from 7.08pm)  
Minute Secretary

#### Apologies

Cr G W Gleeson  
Cr B W Hearne

Civic Ward  
Como Beach Ward

#### OPENING

The Mayor opened the Concept Forum at 5.30pm. Prior to the commencement of the presentations by officers, Cr Jamieson apologised for his standard of dress, then referred to the November 2006 Council decision of a 'vote of no confidence in the Mayor' and stated that as little or no attempt had been made to address this Motion that he had no confidence in the Mayor and in being part of the evening's briefing sessions. Cr Wells concurred with Cr Jamieson's statement.

**Note:** Crs Jamieson and Wells left the Council Chamber at 5.33pm.

The Chief Executive Officer referred to, and gave a brief overview, of the three topics the subject of the evening's presentations. He reiterated how important each of the items were and commended the officers for their work in preparing the information for presentation. Each topic is regarded as being very important and potentially had significant impact on the future operation of the City.

## 1. Parks Maintenance Costs -Benchmarking

The Acting Director Infrastructure Services commenced his presentation on the following:

- **What is Benchmarking**

- Benchmarking *is the process of learning by making comparisons.*
- Benchmarking can focus on strategies, activities, programs, and outcomes.

- **Introduction to Benchmarking**

- Benchmarking provides a reference point about where we stand in relation to others, and helps to identify gaps and ways to respond.
- The information gained can help to drive continuous improvement.
- Benchmarking helps to ascertain to what extent an area or organisation is achieving its aims

- **Parks and Streetscapes Maintenance Services Provided**

City Environment currently undertakes the following activities and services:

- Parks and reserves maintenance;
- Streetscapes maintenance;
- Natural area maintenance;
- Environmental management;
- Leading the City's Sustainability initiative;
- Landscape design;
- Provision and maintenance of parks facilities;
- Building asset maintenance/management
- Operations Centre yard management;
- Graffiti management;
- Contract management and supervision;
- Parks, streetscapes, building and environmental project management / supervision;
- Community and advisory groups facilitation and liaison;
- Plant production and storage;
- Native seed orchard and seed bank.

- **Benchmarking Studies Undertaken**

- Joondalup Report
- Problems Raised
- "Yardstick" - results / problems
- Internal studies undertaken

- **What have we learnt from benchmarking?**

- Find out what others are doing and how they are doing it.
- Effective conduit for networking with other local authorities.
- Opportunity to obtain indication of how effective/efficient are the City services
- Opportunity to continue improving

- **Where to now?**

- Complete the asset pick up for City Environment activities. Includes:
  - Park furniture
  - Bollards
  - Fountains
  - Street and park gardens
  - Irrigated verges and medians.
- Continue to participate in internal / external benchmarking exercises
- Encourage other WA local authorities to become involved in the *Yardstick* program

Questions were raised by Members and responded to by officers. A copy of the presentation was circulated.

**Note:** This section of the briefing concluded at 6.18pm



## 2. Collier Park Golf Course - Future Direction

The Director Corporate and Community Services stated that the purpose of his presentation was to give Council a preliminary view of some major issues that will arise at the Collier Park Golf Course this year, the foremost being the end of the current lease in November 2007 with Rosetta Holdings. He then commenced his presentation on the following topics:

- **History**

- In 1981 the City converted an ageing Pine Plantation in Como into a first class golfing facility “Collier Park Golf Course”
- The 18 hole golf course was opened on April 1984 and a further 9 holes added and opened in 1996 making Collier one of the best inner City complexes in Perth with 27 holes to play.
- City and its residents now enjoy significant benefits each year from the operational surplus the course creates
- This community golf course for young and old and has strong community links with various organisations within the City.
- Currently the City has a lease with Rosetta Holdings Pty Ltd for the building on Reserve 38794 known as “Collier Park Golf Course”.
- Leased area comprises the pro-shop, offices, meeting room, workshop, buggy park, cart park and kiosk.

- **Lease Background / Current Lease Details**

- **Management of Golf Course**

The golf course is divided into two areas. Controller’s Lease and Operation and maintenance of the 27 hole course (fairways and greens)

- **Controller’s Lease**

Rosetta is entitled to occupy Pro-Shop, Cart Store and Kiosk at CPGC and manages commercial operations of the golf course and also operates: the driving range including provision of equipment/collection of balls, sells golf equipment, runs the kiosk, hires golf carts and buggies and conducts golf lessons.

- **Operation / Management by City of South Perth**

City resources/maintains all activities relating to the operation of the course including: staffing, infrastructure, plant and equipment, maintenance sustainability, administration and marketing and promotion of the course.

- **Dividends / Assets Value of Investment**

- **Attendances since 1988/89**

- **Lease Options / Issues / Local Government Act - Tendering Arrangements**

Questions were raised by Members and responded to by officers. A copy of the presentation to be circulated to Members.

- **Where to From Here**

- This presentation will be one of several proposed for Council as clarification of the strategy Council wishes to adopt for the future direction of the golf course.
- Current Controllers (Rosetta) would like to brief Council on a proposal for the course

An indication was sought from Members present as to whether they would like to receive a presentation from Rosetta Holdings. Following discussion it was agreed that a forum be scheduled within the next 3/4 weeks for the Course Controller, Ross Metherell and his Consultant to make a presentation to Council Members.

**Note:** This section of the briefing concluded at 7.08pm  
The Manager Financial Services joined the meeting at 7.10pm

### 3. **Strategic Financial Plan Process**

The Director Financial and Information Services commenced the first in a series of presentations proposed for 2007 on the Strategic Financial Plan / Annual Budget process and spoke on the following topics:

- **Recent studies into Local Government Financial Sustainability**
  - Local Govt Advisory Board (Ron Back)
  - PAC Working Party into Local Govt Accountability (DFIS)
  - National Local Government and Planning Ministers Conference

Studies found that more than 50% of Local Government were not financially sustainable. Many WA Local Governments were found not to be exercising responsible stewardship of their financial resources

- **Financial Sustainability /Strategic Financial Plan**
  - Major challenges to financial sustainability include:
    - Single year focus – size of rates increase.
    - Lack of integration between strategies and plans – developed in isolation.
    - Lack of alignment between strategic aspirations and the Local Govt financial capacity and its resources.
  - COSP performed very well in the recent studies into financial sustainability largely due to:
    - Sophisticated Strategic Financial Planning process
    - Longer term financial focus
    - Responsible & balanced blend of funding options
- **Consultation Informs SFP / Budget**

Many consultation exercises with our community have informed this SFP / Budget process including:

  - Customer Satisfaction Survey
  - Community Facility Needs Study.
  - Sporting Clubs / Pavilions Study.
  - Library / Civic Hall Stakeholder Consultation.
  - UGP Project Feedback.
  - Integrated Transport Plan.
  - Community Safety Plan.
  - Input from Council Members on matters such as: Civic Triangle, Collier Park Village and Collier Park Hostel, Sustainability and Railway Precincts have all been critical inputs to the SFP.

The Strategic and Financial Plan and Budget carefully balance competing priorities arising from the following strategies and plans:

- Strategic Plan
  - Forward Financial Projections
  - Connected Community Plan.
  - Information Technology Strategy.
  - Integrated Transport Plan.
  - Infrastructure Asset Management Plans.
  - Sustainability Strategy.
  - Environmental Management Plans (various).
  - Departmental Business Plans.
  - Major Project Plans.
- **Economic Environment Costs / Funding**

Key economic indicators for the past 12 months and expected trends were discussed.
  - **Financial Trends – Operating Revenue / Expenses / Staff Costs / Capital Program**

Trends in each major category over the past 5 years were presented.

- **Financial Trends - Reserves**

Quarantined Reserves are reserve funds specifically relating to CPV, CPH, CPGC and Waste Management. Non Quarantined Reserves are all remaining reserves

- **Key Dates in the SFP / Budget Process**

Key dates in the SFP / Budget process were identified/discussed.

**Projects for Consideration**

The Director Financial and Information Services requested that any Council Members who wished to submit projects for consideration in the SFP / Budget should bring them to the Workshop on Capital Projects scheduled for 21 February 2007.

**Note:** A copy of the presentation was circulated to Council Members

Copies of the three presentations to be circulated to Members not present, for their information.

**Closure**

The Mayor closed the Concept Forum at 7.55pm.

**Mayoral Portraits**

Following the closure of the Concept Forum the Chief Executive Officer sought direction from Council Members present in relation to the hanging of the Mayoral Portraits in the newly refurbished Council Chambers. A discussion was held and Members provided input/direction to the CEO as requested.



**NOTES**  
**CONFIDENTIAL WORKSHOP**  
**CEO'S KPI'S**

**Held in the Council Chamber, Sandgate Street, South Perth**  
**Wednesday 14 February 2007 commencing at 5.30pm**

Present

Mayor J Collins, JP

Councillors:

G W Gleeson

L M Macpherson

L P Ozsdolay

R B Maddaford

S Doherty

Civic Ward

Como Beach Ward (from 6.05pm)

Manning Ward (Chair)

Mill Point Ward

Moresby Ward (from 5.40pm)

Officer

M C Frewing

Ms A Spaziani

Mrs K Russell

Chief Executive Office

Human Resources Manager

Minute Secretary

Consultants:

Messrs M Lydick and E McRae

Kellahan Saunders

Apologies

Cr J Best

Cr L M Macpherson

Cr B W Hearne

Cr D S Smith

Cr C A Cala

Cr R Wells, JP

Cr K R Trent, RFD

Civic Ward

Como Beach Ward (anticipated late arrival)

Como Beach Ward

Mill Point Ward

McDougall Ward

McDougall Ward

Moresby Ward

ATTENDANCE

Prior to opening the Workshop the Chairman of the CEO Evaluation Committee, Cr Ozsdolay, requested that the Minute Secretary read out the 'apologies' in order to determine if there were sufficient Members present to conduct the meeting.

Cr Ozsdolay and Consultants Kellahan Saunders requested it be recorded that it was disappointing to note the number of Council Members that were not present for this important Workshop.

Following discussion it was agreed that the Workshop continue.

OPENING

Page 2

Members Workshop - CEO's KPI's 14 February 2007

Cr Ozsdolay, opened the Workshop at 5.35pm, welcomed Mick Lydick and Evan McRae from Kellahan Saunders and thanked the Manager Human Resources for her Memorandum of 8 February following the last Workshop.

## PRESENTATION

Mr Lydick referred to the last Workshop on 6 February 2006 which:

- outlined the process to date including the rationale behind the development of KPI's;
- advised that the Councillors individual suggested focus areas for KPI development had been integrated by Kellhan Saunders for presentation;
- identified the parameters that apply to this process; and
- outlined the SMART model (Specific, Measurable, Agreed to, Realistic, and Timely/time framed) for KPI setting

Mr Lydick said that he believed the process to date had now been covered and that the purpose of tonight's Workshop was to work through the KPI's submitted for 2007/2008 . He further stated that he did not want to re-visit the 'problems' raised at the last Workshop and that Members should focus on development of KPI's structured around the Council's strategic goals.

**Note:** Cr Doherty arrived at 5.40pm

## SCOPING STATEMENTS

The Consultants commenced their power point presentation by presenting Scoping Statements 1 to 12.

**Note:** Cr Macpherson arrived at 6.05pm

## ACTION STATEMENT

Action Statements for each Scoping Statement were discussed in relation to their content and achievable timing.

## OTHER AREAS FOR DEVELOPMENT

The Consultants suggested that the following areas for development be left for them to deal with in context with the other areas already covered in the Workshop.

- Operational
- Human Resources
- Governance
- Finance

It was suggested that the draft KPI's be circulated to Members prior to the next Workshop.

## OUTCOME

The Consultants confirmed that the draft KPI's will be circulated to Council Members for input / comment prior to another Workshop anticipated to be held in March in preparation for a report going to the April 2007 Council meeting.

## CLOSURE

Cr Ozsdolay closed the Workshop at 7.48pm.



WESTERN AUSTRALIA

**City of South Perth Standing Orders Local Law 2006**

ARRANGEMENT

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LOCAL GOVERNMENT ACT 1995

**City of South Perth**

**Standing Orders Local Law 2006**

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Council

of the City of South Perth resolved on ..... to make the following local law.

**Part 1 - Preliminary**

**1.1 Citation**

(1) This local law may be cited as the City of South Perth Standing Orders Local Law 2006.

(2) In the clauses that follow, this local law is referred to as “these Standing Orders”.

**1.2 Commencement**

By virtue of section 3.14 of the Act, these Standing Orders come into operation 14 days after the date of their publication in the *Government Gazette*.

**1.3 Application and intent**

(1) These Standing Orders provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.

(2) All meetings are to be conducted in accordance with the Act, the Regulations and these Standing Orders.

(3) These Standing Orders are intended to result in:

- (a) better decision-making by the Council and committees;
- (b) the orderly conduct of meetings dealing with Council business;
- (c) better understanding of the process of conducting meetings; and
- (d) the more efficient and effective use of time at meetings.

## 1.4 Interpretation

(1) In these Standing Orders unless the context otherwise requires:

**“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]

**“75% majority”** has the meaning given to it in the Act;

**“75% majority”**, 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 at least 75% of the number of offices (whether vacant or not) of member of the council. [Section 1.4 of the Act]

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

**“CEO”** means the Chief Executive Officer of the City;

**“City”** means the City of South Perth;

**“committee”** means a committee of the Council established under section 5.8 of the Act;

**“committee meeting”** means a meeting of a committee;

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

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**“Mayor”** means the Mayor of the City or other Presiding Member at a Council meeting under section 5.6 of the Act;

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

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

**“member”**, in relation to the council of the local government, means:

- (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]

**“Presiding Member”** means:

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

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

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

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

(2) Unless otherwise defined in these Standing Orders, the terms and expressions used in these Standing Orders are to have the meaning given to them in the Act and Regulations.

(3) A reference to ‘local government’ in these Standing Orders is a reference to the City of South Perth.

### **1.5 Repeal**

The City of South Perth Standing Orders Local Law 2002, published in the *Government Gazette* on 22 November 2002, is repealed.

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

(1) Throughout these Standing Orders, provisions of the Act and Regulations, and provisions of other legislation, are reproduced in a boxed format.

(2) The purpose of reproducing these provisions is to assist the reader by giving a fuller picture of related legislative provisions that also apply to meetings of the Council, committees and electors.

(3) The reproduced provisions of the Act and Regulations and other legislation:

(a) are to be treated as footnotes and are not part of these Standing Orders (see section 32(2) of the *Interpretation Act 1984*); and

(b) reproduce only the provisions that were in force at the time that the Council resolved to adopt these Standing Orders and therefore may not necessarily be correct at a future date.

## **Part 2 – Establishment and membership of committees**

### **2.1 Establishment 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 of the committee;

(b) the number of council members, officers and other persons to be appointed to the committee;

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(c) the names or titles of the council members and officers to be appointed to the committee;

(d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and

(e) details of the delegation of any powers or duties to the committee under

section 5.16 of the Act.

(3) These Standing Orders are to apply to the conduct of committee meetings.

**Mention should be made of the term of office of the committee**

**Mention should be made how committee is to be dissolved.**

**Can a resolution of council dissolve the committee.**

**Can numbers and members of the committee be changed.**

## **2.2 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]

## **2.3 Delegation of some powers and duties to certain committees**

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

(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]

## **2.4 Limits on delegation of powers and duties to certain committees**

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

(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]

## 2.5 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~~ **themselves** to be a Page 8 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~~ **their** 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]

## 2.6 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]

### **2.7 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]

### **2.8 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]

### **2.9 Committees to report**

A committee:

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

## **Part 3 - Calling and convening meetings**

### **3.1 Ordinary and special Council meetings**

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

(1) A council is to hold ordinary meetings and may hold special meetings.

(2) Ordinary meetings are to be held not more than 3 months apart.

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(3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure. [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.

### **3.2 Calling Council meetings**

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

An ordinary or a special meeting of a council is to be held –

- (a) if called for by either –
  - (i) the mayor or president; or
  - (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
- (b) if so decided by the council. [Section 5.4 of the Act]

### **3.3 Convening Council meetings**

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

(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.

(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. [Section 5.5 of the Act] 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 –

- (a) personally handing the notice to the member; or
- (b) sending it by post to the last known address of the member.

(2) Subject to subclause (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 Mayor or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

### **3.4 Calling committee meetings**

The CEO is to call a meeting of any committee when requested by the Mayor, the Presiding Member of a committee or any two members of that committee.

A clause needs to be added to state if a meeting can be cancelled and if a meeting is to be cancelled what is the procedure for cancelling the meeting.

Or is it the case once a meeting is called then only a lack of a quorum effectively cancels the meeting

Ie       the presiding officer  
          the CEO on advice of the presiding officer

### **3.5 Public notice of meetings**

Public notice of meetings is dealt with in the Regulations.

(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 –

- (a) the ordinary council meetings; and
- (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.

(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 subregulation (1).

(3) Subject to subregulation (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.

All meetings of council are to be open to the public though sections of the meeting may be closed to the public, this section is not relevant. How can there be public question time if it is closed.

(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 subregulation (3), then Page 10 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]

All notices of meetings should be published on the internet and a list should be made where notices of meeting are automatically sent to the email address of those making the request to be on that list

#### **Part 4 – Presiding Member and quorum**

##### ***Division 1: Who presides***

##### **4.1 Who presides**

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

- (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]

##### **4.2 When the Deputy Mayor can act**

When the Deputy Mayor 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]

should this really be deputy president as the case may be



#### **4.3 Who acts if no Mayor**

Who acts if there is no Mayor 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]

#### **4.4 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:

**ALL OF THE SECTION BELOW IS NOT RELEVANT AS THE MAYOR IS ELECTED BY THE ELECTORATE**

#### ~~**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.~~

~~Page 11~~

~~(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 subclause (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 subclause (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.~~

~~[Clauses 2 to 5 inclusive of Schedule 2.3]~~

#### **4.5 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 —

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(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 subclause (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 subclause (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]

### **4.6 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]

### **4.7 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***

### **4.8 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]

**A QUORUM OF THE COUNCIL IS 7 MEMBERS, THIS SHOULD BE MENTIONED**

### **4.9 Reduction of quorum for Council meetings**

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

(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.

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(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]

### **4.10 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]

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

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

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]

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

If at any time during a meeting a quorum is not present, the Presiding Member is:

- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.

#### **4.13 Names to be recorded**

At any meeting:

(a) at which there is not a quorum present; or

(b) which is adjourned for want of a quorum,

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

*Note: Other provisions relating to the procedures to apply where a meeting is adjourned for want of a quorum are set out at Part 15 below.*

#### **Part 5 - Business of a meeting**

##### **5.1 Business to be specified**

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

(2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.

(3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that :

(a) specified in the notice of the meeting which had been adjourned; and

(b) which remains unresolved.

(4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports (Item 10) at that ordinary meeting.

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##### **5.2 Order of business**

(1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows:

1. Declaration of Opening / Announcement of Visitors

2. Disclaimer

3. Announcements from the Presiding Member

4. Attendance

4.1 Apologies

4.2 Approved leave of absence

4.3 Applications for leave of absence **THIS IS CONTRARY TO THE ACT AS PUBLIC QUESTION TIME IS TO PRECEDE ANY DECISION, THE GRANTING OF LEAVE IS A DECISION**

5. Declaration of interest

6. Public Question Time

6.1 Response to previous public questions taken on notice

6.2 Public question time

**6.3 Public Statement time**

**THE PUBLIC SHOULD HAVE A FORUM TO MAKE PUBLIC STATEMENTS THAT ARE NOT SUITABLE FOR QUESTIONS AND DEPUTATION ARE FOR ITEMS ON THE AGENDA.. VICTORIA PARK HAS PUBLIC STATEMENT TIME**

6.4 Public personal statements

7. Confirmation of minutes

8. Presentations

8.1 Petitions

8.2 Presentations

8.3 ~~Deputations~~ **DEPUTATIONS SHOULD BE BEFORE THE CONFIRMATION OF THE MINUTES AS A DEPUTATION MAY REFER TO THE MINUTES.**

8.4 Delegates' reports

9. Method of dealing with agenda business

10. Reports

11. Motions of which previous notice has been given

12. Questions from Members without notice

13. New business of an urgent nature introduced by decision of the meeting

14. Meeting closed to public

14.1 Matters for which the meeting may be closed

14.2 Public reading of recommendations that may be made public

15. Closure

(2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.

(3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed. [See section 5.24 of the Act; and regulations 6 & 7 of the Regulations]

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

(1) Unless the Act, Regulations or these Standing Orders otherwise provide, a Member may raise at a meeting such business as ~~he or she~~ **they** considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.

(2) A notice of motion under subclause (1) is to be given at least ~~7~~ **4** clear working days before the meeting at which the motion is moved. ~~(7 days is too long and unnecessary, under the proposed timing the notice would have to be given on the Thursday or 12 days before the meeting)~~

(3) A notice of motion is to relate to the good governance of the district.

(4) The CEO -

(a) may, with the concurrence of the ~~Member Mayor~~, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of these Standing Orders or any other written law;

(b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;

(c) ~~will may~~, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; ~~if agreement is not made, the motion will stand as per the notice of motion~~ and

(d) ~~will may~~ provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

(5) 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 the originating Member in writing, moves the motion when called on; or

~~(b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.~~

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(6) If a notice of motion is given and lapses under subclause (5), ~~notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.~~ THIS PART IS NOT NECESSARY

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

(1) In cases of extreme urgency or other special circumstances, matters **introduced by any member will may**, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting. **(the Presiding member is to ask members if they have urgent motions)**

(2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the **Presiding** Member to be of such importance and urgency that they are unable to be dealt with administratively by the City and must be considered and dealt with by the Council before the next meeting.

#### **5.5 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 officer recommendation as the Council resolution.

(2) Subject to subclause (3), the City may pass an adoption by exception resolution.

(3) An adoption by exception resolution may not be used for a matter:

- (a) that requires a 75% majority or 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.

### **Part 6 - Public participation**

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

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

(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 –
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to –
    - (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;
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.
- (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.

[Section 5.23 of the Act]

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## **6.2 Meetings not open to the public**

- (1) The CEO may, at any time, recommend that ~~a meeting or~~ part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a ~~meeting or~~ part of a meeting.
- (3) If a resolution under subclause (2) is carried:
  - (a) the Presiding Member is to direct everyone to leave the meeting except:
    - (i) the Members;
    - (ii) the CEO; and
    - (iii) any Officer specified by the Presiding Member; 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)(a) may, by order of the Presiding Member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a Member to be included in the minutes.



### **6.3 Question time for the public**

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

(1) Time is to be allocated for questions to be raised by members of the public and responded to at –

(a) every ordinary meeting of a council; and

(b) such other meetings of councils or committees as may be prescribed.

(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.

[Section 5.24 of the Act]

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

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

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 –

(a) every special meeting of a council;

(b) every meeting of a committee to which the local government has delegated a power or duty.

[Regulation 5 of the Act]

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

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

(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. **THIS IS THE MINIMUM NOT MAXIMUM, BELMONT A REFERENCE COUNCIL FOR SOUTH PERTH SETS A MINIMUM OF 30 MINUTES.**

**QUESTION TIME SHOULD BE OPEN FOR A REASONABLE TIME UNTIL ALL QUESTIONS ARE ASKED.**

(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

[Regulation 6 of the Act]

**A member of the council is also a member of the public.**

### **6.6 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 –

**THE PROCEDURE SHOULD BE SET BY LAW AND NOT AT THE DECISION OF THE PRESIDING MEMBER,**

**THE PROCEDURE SHOULD ENCOURAGE QUESTIONS BE IN AN OPEN ENVIRONMENT**

~~(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;~~

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having regard to the requirements of subregulations (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 **meaningful** response.

(4) Nothing in subregulation (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 Act]

### **6.7 Other procedures for question time for the public**

(1) A member of the public who raises a question during question time, is to state his or her name and address.

(2) A question may be taken on notice by the Council for later response **only if a meaningful response is not or cannot be available.**

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

(a) a **meaningful** response is given to the member of the public in writing **within 14 days**; and

(b) a summary of **the meaningful** response is included in the agenda of the next meeting of the Council.

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

(a) declare that he or she has an interest in the matter; and

(b) allow another person to respond to the question.

(5) Each member of the public with a question is entitled to ask up to ~~2~~ **5 questions on a topic** before other members of the public will be invited to ask their questions.

**BY ONLY BEING ABLE TO ASK TWO QUESTIONS IN A ROW SEVERELY LIMITS THE FLOW OF QUESTIONS AND CAN INTIMIDATE SOME QUESTIONERS.**

~~(6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.~~

**A written question is the same as a verbal question, for the convenience of everyone a question may be provided in writing, however it should be treated the same as a verbal question.**

(7) The Presiding Member may decide that a public question shall not be responded to where:

(a) the same or similar question was asked at a previous meeting, a **meaningful** response was provided and the member of the public is directed to the minutes of the meeting at which the **meaningful** response was provided;

(b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or

(c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.

**Note : the council cannot be defamed by legislation**

(8) A member of the public shall have two minutes to submit a question.

(9) The Council, by resolution, may agree to extend public question time.

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

### **6.8 Distinguished visitors**

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

### **6.9 Deputations**

(1) Any person or group wishing to be received as a deputation by the Council is to either :

(a) apply, before the meeting, to the CEO for approval; **approval shall not be denied**, or

(b) with the approval of the Presiding Member, at the meeting, address the Council.

(2) The CEO may either:

(a) approve the request and invite the deputation to attend a meeting of the Council;

or

(b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.

(3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting: Page 18

(a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;

(b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and,

(c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.

(4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

### **6.10 Petitions**

(1) A petition is to -

(a) be addressed to the Mayor;

(b) be made by electors of the district;

(c) state the request on each page of the petition;

(d) contain the name, address and signature of each elector making the request, and the date each elector signed;

(e) contain a summary of the reasons for the request; and

(f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.

(2) Upon receiving a petition, the City is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause(3).

(3) At any meeting, the Council 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 has considered the issues raised in the petition.

#### **6.11 Presentations**

(1) In this clause, a 'presentation' means the acceptance of a gift or an award by the Council on behalf of the City or the community.

(2) A presentation may be made to the Council at a meeting only with the prior approval of the **Presiding Member** or CEO.

#### **6.12 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.

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

(3) The Presiding Member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.

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

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

(6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

**All council members may attend committee meetings.**

**All council members may ask questions at a committee meeting.**

#### **6.13 Council may meet to hear public submissions**

(1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.

(2) The CEO and the Mayor shall set the time and date of the meeting to provide the opportunity to be heard.

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(3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall:

- (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
- (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and

- (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
- (4) A meeting held under subclause (1) shall be conducted only to hear submissions. The council shall not make resolutions at a meeting to provide the opportunity to be heard.
- (5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.
- (6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.
- (7) Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.
- (8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
- (9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

#### **6.14 Public Inspection of agenda materials**

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at the Civic Centre, Sir Walter Murdoch Libraries Civic Centre and Manning Branches and on the City's website.

(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 subregulation (1) entitles members of the public to inspect the information referred to in that subregulation 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.

[Regulation 14 of the Regulations]

#### **6.15 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 meeting under the item "Matters for which meeting may be closed";

(b) marked "*Confidential*" in the agenda; and

(c) kept confidential by Officers and Members until the Council resolves otherwise.

(2) A member or an officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another member or an officer to the extent necessary for the purpose of carrying out his or her duties.

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

**6.16 Recording of proceedings**

A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.

**6.17 Prevention of disturbance**

(1) A reference in this clause to a person is to a person other than a member.

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(2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.

(3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

(4) A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council.

(5) A person shall not behave in a manner that is contrary to section 75 of the Criminal Code. 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. [Section 75 of the Criminal Code]

**Part 7 - Questions by Members**

(1) Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.

(2) A Member requesting general information from an Officer at a Council meeting may ask a question without notice and with the consent of the Presiding Member, may ask one or more further questions of that Officer or another Officer present at the meeting.

(3) Where possible the Officer shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the Officer may ask that -

(i) the question be placed on notice for the next meeting of Council; and

(ii) the answer to the question be given to the Member who asked it within 14 days.

(4) Every question and answer -

(i) is to be brief and concise **and correct**; and

(ii) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.

(5) In answering any question, an Officer may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

**Part 8 – Conduct of Members****8.1 Members to be in their proper places**

(1) At the first meeting held after each election day, the CEO is to allot, alphabetically by ward, a position at the Council table to each Member.

(2) Each Member is to occupy his or her allotted position at each Council meeting.

**8.2 Respect to the Presiding Member**

After the business of a Council has been commenced, a Member is not to enter or leave the meeting without first paying due respect to the Presiding Member.

**8.3 Titles to be used**

A speaker, when referring to the Mayor, Deputy Mayor or Presiding Member, or a Member or Officer, is to use the title of that person's office.

**8.4 Advice of entry or departure**

During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time or entry or departure.

**8.5 Members to indicate their intention to speak**

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

**8.6 Priority of speaking**

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(1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.

(2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.

(3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

**8.7 Presiding Member may take part in debates**

The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with these Standing Orders.

**8.8 Relevance**

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

(2) The Presiding Member, at any time, may:

(a) call the attention of the meeting to:

(i) any irrelevant, repetitious, offensive or insulting language by a Member;

or

(ii) any breach of order or decorum by a Member; and

(b) direct that Member, if speaking, to discontinue his or her speech.

(3) A Member is to comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

**8.9 Speaking twice**

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

(a) as the mover of a substantive motion, to exercise a right of reply;

(b) to raise a point of order; or

(c) to make a personal explanation.

**8.10 Duration of speeches**

(1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Council which, if given, is to be given without debate.

(2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

**8.11 No speaking after conclusion of debate**

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

(a) after the mover has replied; or

(b) after the question has been put.



### **8.12 No interruption**

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

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 8.13; or
- (d) to move a procedural motion that the Member be no longer heard (see clause 11(1)(e) .

### **8.13 Personal explanations**

(1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to 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 is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

**Members of the public are to be invited to the next council meeting to make a personal explanation if they have been mentioned in the debate.**

### **8.14 No reopening of discussion**

A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed (see Part 16).

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### **8.15 Adverse reflection**

(1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed (see Part 16).

(2) A Member is not:

- (a) to reflect adversely on the character or actions of another Member or Officer; or
- (b) to impute any motive to a Member or Officer, unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.

(3) A Member is not to use offensive or objectionable expressions in reference to any Member, Officer or other person.

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

- (a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
- (b) the Council may, by resolution, decide to record those words in the minutes.

### **8.16 Withdrawal of offensive language**

(1) A Member who, in the opinion of the Presiding Member, uses an expression which:

(a) in the absence of a resolution under clause 8.15:

(i) reflects adversely on the character or actions of another Member or Officer; or

(ii) imputes any motive to a Member or Officer; or

(b) is offensive or insulting, must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.



(2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

### **8.17 Recording of proceedings**

A Member is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.

## **Part 9 - Preserving order**

### **9.1 Presiding Member to preserve order**

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

(2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.

(3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.7, but to preserve order.

### **9.2 Point of order**

(1) A Member may object, by way of a point of order, only to a breach of:

- (a) any of these Standing Orders; 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 8.8); and
- (b) a speaker's use of offensive or objectionable expressions or adverse reflection on a decision of the Council (see clause 8.15).

(3) Despite anything in these Standing Orders 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.

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

(1) A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.

(2) A Member interrupted on a point of order is to 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.

### **9.4 Calling attention to breach**

A Member may, at any time, draw the attention of the Presiding Member to any breach of these Standing Orders.

### **9.5 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 require the Member to make an explanation, retraction or apology.

#### **9.6 Continued breach of order**

If a Member:

(a) persists in any conduct that the Presiding Member had ruled is out of order; or

(b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 9.5(3),

the Presiding Member may direct the Member to refrain from taking any further part in that meeting, other than by voting, and the Member is to comply with that direction.

#### **9.7 Right of Presiding Member to adjourn**

(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 10 - Debate of substantive motions**

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

Any Member who wishes to move 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) if required by the Presiding Member, is to put the motion or amendment in writing.

#### **10.2 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 meeting is not open to debate unless the motion has the support required under 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

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(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 one third 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]

### **10.3 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 declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.
- (4) If a Member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting (see Part 16).

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

When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.

### **10.5 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.

### **10.6 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 **but only if on asking the members if they do not wish to speak** .

### **10.7 Member may require question to be read**

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

### **10.8 Consent of seconder required for alteration**

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

### **10.9 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, carried or lost.

### **10.10 Form of an amendment**

An amendment must add, delete, or substitute words to the substantive motion.

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### **10.11 Amendment must not negate original motion**

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

### **10.12 Relevance of amendments**

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

**10.13 Mover of motion may speak on amendment**

Any Member may speak during debate on an amendment.

**10.14 Effect of an amendment**

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

**10.15 Withdrawal of motion or amendment**

(1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.

(2) 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.

**10.16 Right of reply**

(1) The mover of a substantive motion has the right of reply.

(2) The mover of any amendment to a substantive motion does not have a right of reply.

(3) The right of the reply may only be exercised:

(a) where no amendment is moved to the substantive motion – at the conclusion of the discussion on the motion; or

(b) where one or more amendments have been moved to the substantive motion – at the conclusion of the discussion on the substantive motion and any amendments.

(4) After the mover of the substantive motion has commenced the reply:

(a) no other Member is to speak on the question;

(b) there is to be no further discussion on, or any further amendment to, the motion.

(5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

(6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

**Part 11 - Procedural motions**

**11.1 Permissible procedural motions**

In addition to the right to move an amendment to a substantive motion (under Part 10), a Member may move the following procedural motions:

(a) that the meeting proceed to the next item of business;

(b) that the debate be adjourned;

(c) that the meeting now adjourn;

(d) that the question be now put;

(e) that the Member be no longer heard;

(f) that the ruling of the Presiding Member be disagreed with;

(g) that the meeting be closed to the public (see clause 6.2).

**11.2 No debate**

(1) The mover of a motion specified in paragraph (a), (b), (c), (f) or (g) of clause 11.1 may speak to the motion for not more than five 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 specified in paragraph (d) or (e) of clause 11.1 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.

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### **11.3 Who may move**

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

### **11.4 Procedural motions - right of reply on substantive motion**

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

### **11.5 Meeting to proceed to the next business**

The motion “that the meeting proceed to the next business”, if carried, has the effect that:

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

### **11.6 Debate to be adjourned**

A motion “that the debate be adjourned”:

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

### **11.7 Meeting now adjourn**

- (1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.
- (2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.5).
- (3) A motion “that the meeting now adjourn”:

  - (a) is to state the time and date to which the meeting is to be adjourned; and
  - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.

- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

### **11.8 Question to be put**

- (1) If the motion “that the question be now put”, is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion "that the question be now put" is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

### **11.9 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.

### **11.10 Ruling of the Presiding Member to be disagreed with**

If the motion “that the ruling of the Presiding Member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

## **Part 12 - Disclosure of interests**

### **12.1 Disclosure of interests**

Members and Officers must deal with all interests and potential conflicts of interest in accordance with the requirements of the Act, the City's Code of Conduct and all other legal obligations.

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Provisions relating to the disclosure of financial interests at meetings are contained in Part 5, Division 6 of the Act (sections 5.59-5.73) and in the Regulations.

## **Part 13 - Voting**

### **13.1 Question - 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 question to the Council; and

(b) if requested by any Member, is to again state the terms of the question.

(2) A Member is not to leave the meeting when the Presiding Member is putting any question.

### **13.2 Voting**

Voting is dealt with in the Act and the Regulations.

(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.

(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.

(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.

(4) If a member of a council or a committee specifically requests that there be recorded —

(a) ~~their his or her~~ vote; or

(b) the vote of all members present,

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]

### **13.3 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]

**13.4 Method of taking vote**

- (1) In taking the vote on any motion or amendment the Presiding Member:
  - (a) is to put the question, first in the affirmative, and then in the negative;
  - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
  - (c) may accept a vote on the voices or may require a show of hands; and,
  - (d) is, subject to this clause, to declare the result.
- (2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) If a member of council or a committee specifically requests that there be recorded -
  - (a) ~~their his or her~~ vote; or,
  - (b) the vote of all members present,

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

- (4) If a Member calls for a division:
  - (a) those voting in the affirmative are to pass to the right of the Chair; and
  - (b) those voting in the negative are to pass to the left of the Chair.
- (5) For every division, the CEO is to record:
  - (a) the name of each member who voted; and
  - (b) whether he or she voted in the affirmative or negative.

**Part 14 – Minutes of meetings****14.1 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]

**14.2 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, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

#### **14.3 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]

#### **14.4 Confirmation of minutes**

(1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member may provide the City with a written copy of the alternative wording to Page 29

amend the minutes no later than ~~7~~ 3 clear working days before the next ordinary meeting of the Council. **IT IS IMPORTANT THAT THE MINUTES ARE RIGHT RATHER THAN THE TIMING OF THE NOTICE**

(2) At the next ordinary meeting of the Council, the Member who provided the alternative wording shall, at the time for confirmation of minutes -

(a) state the item or items with which he or she is dissatisfied; and

(b) propose a motion clearly outlining the alternative wording to amend the minutes.

(3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

### **Part 15 - Adjournment of meeting**

#### **15.1 Meeting may be adjourned**

The Council may adjourn any meeting:

(a) to a later time on the same day; or

(b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

#### **15.2 Effect of adjournment**

Where any matter, motion, debate or meeting is adjourned under these Standing Orders:

(a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;

(b) debate is to be resumed at the next meeting at the point where it was interrupted; and

(c) the provisions of clause 8.9 [speaking twice] apply when the debate is resumed.

### **Part 16 – Revoking or changing decisions**

#### **16.1 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 subregulation (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]

### **16.2 Limitations on powers to revoke or change decisions**

(1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision:

(a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or

(b) where the decision is procedural in its form or effect.

(2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

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### **16.3 Implementing a decision**

(1) In this clause:

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

(b) "implement", in relation to a decision, includes:

(i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and

(ii) take any other action to give effect to the decision; and

(c) "valid notice of revocation motion" means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the Standing Orders and may be considered, but has not yet been considered, by the Council or a committee as the case may be.

(2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.

(3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.

- (4) A decision made at a meeting is not to be implemented by the CEO or any other person:
- (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
  - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation:
- (a) is to take effect only in accordance with this clause; and
  - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

## **Part 17 - Suspension of Standing Orders**

### **17.1 Suspension of Standing Orders**

- (1) A Member may at any time move that the operation of one or more of the provisions of these Standing Orders be suspended.
- (2) A Member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.
- (3) A motion under subclause (1) which is:
- (a) seconded; and
  - (b) carried by an absolute majority,
- is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

### **17.2 Where Standing Orders do not apply**

- (1) In situations where:
- (a) one or more provisions of these Standing Orders have been suspended;
- or
- (b) a matter is not regulated by the Act, the Regulations or these Standing Orders,
- the Presiding Member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

### **17.3 Cases not provided for in Standing Orders**

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders, the Act or the Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.10.

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## **Part 18 - Meetings of electors**

### **18.1 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]

### **18.2 Matters for discussion at electors' general meetings**

The matters to be discussed at electors' general meetings 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]

### **18.3 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 with regulations.
- (3) The request is to be sent to the mayor 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 ~~the request is received. on which he or she received the request.~~

[Section 5.28 of the Act]

### **18.4 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]

### **18.5 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]

### **18.6 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]

### **18.7 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 Standing Orders.

### **18.8 Participation of non-electors**

A person who is not an elector of the City shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

### **18.9 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]

*Note: Only a person who is an elector of the City can vote at an electors' meeting - 'elector' means a person who is eligible to be enrolled to vote at elections for the district or ward - see section 1.4 of the Act.*

### **18.10 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]

### **18.11 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 19 – Briefings and other informal meetings**

**19.1 Briefings and other informal meetings**

- (1) The Council may conduct briefings, workshops and other informal meetings.
- (2) Where the Council conducts briefings, workshops and other informal meetings, the CEO is to:
  - (a) advise all Members of the time, date and place of the meeting; and,
  - (b) cause notes of the meeting to be kept.

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(3) A Member who has an interest in a matter to be discussed at a briefing, workshop or other informal meeting is to deal with the interest in accordance with the provisions of Part 12 of these Standing Orders.

(4) The Council is not to make a formal resolution at any meeting other than at a Council meeting or at a meeting of a committee which has delegated authority to do so.

(5) The Council is not to meet except at:

- (a) a Council or committee meeting;
- (b) a briefing, workshop or informal meeting under this clause; or
- (d) a meeting to hear public submissions convened under clause 6.13.

**Part 20 - Enforcement**

**20.1 Penalty for breach**

A person who breaches a provision of these Standing Orders commits an offence.

**Penalty: \$5,000.00 and a daily penalty of \$500.00.**

**20.2 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 21 - Common Seal**

**21.1 City's Common Seal**

- (1) The CEO is responsible for the safe custody and proper use of the common seal of the City.
- (2) Each document to which the common seal is affixed must be signed by the **Mayor and** CEO or an Officer authorised in writing by the CEO.
- (3) The common seal is to be affixed to any local law which is made by the City.
- (4) On each occasion the common seal is affixed to a document, the CEO is to have recorded in a register maintained for the purpose -
  - (i) the date the common seal was affixed;
  - (ii) the nature of the document; and
  - (iii) the parties described in the document.
- (5) A person who uses the common seal of the City or a replica without authority commits an offence.

Dated: -----

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

Mr John Collins JP Mr Cliff Frewing  
Mayor Chief Executive Officer

## City of South Perth Standing Orders Local Law 2007

## ARRANGEMENT

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draft

LOCAL GOVERNMENT ACT 1995

**City of South Perth**

**Standing Orders Local Law 2007**

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Council of the City of South Perth resolved on ..... to make the following local law.

**Part 1 - Preliminary**

**1.1 Citation**

- (1) This local law may be cited as the City of South Perth Standing Orders Local Law 2007.
- (2) In the clauses that follow, this local law is referred to as “these Standing Orders”.

**1.2 Commencement**

By virtue of section 3.14 of the Act, these Standing Orders come into operation 14 days after the date of their publication in the *Government Gazette*.

**1.3 Application and intent**

- (1) These Standing Orders provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and these Standing Orders.
- (3) These Standing Orders are intended to result in:
  - (a) better decision-making by the Council and committees;
  - (b) the orderly conduct of meetings dealing with Council business;
  - (c) better understanding of the process of conducting meetings; and
  - (d) the more efficient and effective use of time at meetings.

**1.4 Interpretation**

- (1) In these Standing Orders unless the context otherwise requires:

“**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]

“**75% majority**” has the meaning given to it in the Act;

“**75% majority**”, 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 at least 75% of the number of offices (whether vacant or not) of member of the council. [Section 1.4 of the Act]

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

“**CEO**” means the Chief Executive Officer of the City;

“**City**” means the City of South Perth;

“**committee**” means a committee of the Council established under section 5.8 of the Act;

“**committee meeting**” means a meeting of a committee;

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

## Attachment 9.0.1(b)

“**Mayor**” means the Mayor of the City or other Presiding Member at a Council meeting under section 5.6 of the Act;

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

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

“**member**”, in relation to the council of the local government, means:

- (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]

“**Presiding Member**” means:

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

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

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

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

- (2) Unless otherwise defined in these Standing Orders, the terms and expressions used in these Standing Orders are to have the meaning given to them in the Act and Regulations.
- (3) A reference to ‘local government’ in these Standing Orders is a reference to the City of South Perth.

### 1.5 Repeal

- (1) The City of South Perth Standing Orders Local Law 1999, published in the *Government Gazette* on 5 July 1999, is repealed; and
- (2) The City of South Perth Standing Orders Local Law 2002, published in the *Government Gazette* on 22 November 2002, is repealed.

### 1.6 Provisions of the Act, Regulations and other legislation

- (1) Throughout these Standing Orders, provisions of the Act and Regulations, and provisions of other legislation, are reproduced in a boxed format.
- (2) The purpose of reproducing these provisions is to assist the reader by giving a fuller picture of related legislative provisions that also apply to meetings of the Council, committees and electors.
- (3) The reproduced provisions of the Act and Regulations and other legislation:
  - (a) are to be treated as footnotes and are not part of these Standing Orders (see section 32(2) of the *Interpretation Act 1984*); and
  - (b) reproduce only the provisions that were in force at the time that the Council resolved to adopt these Standing Orders and therefore may not necessarily be correct at a future date.

## Part 2 – Establishment and membership of committees

### 2.1 Establishment 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 of the committee;
- (b) the number of council members, officers and other persons to be appointed to the committee;
- (c) the names or titles of the council members and officers to be appointed to the committee;
- (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
- (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

(3) These Standing Orders are to apply to the conduct of committee meetings.

## **2.2 Types of committees**

The types of committees are dealt with in the Act.

- |  |
|--|
| (1) In this section –<br>'other person' means a person who is not a council member or an employee.   |
| (2) A committee is to comprise – <ul style="list-style-type: none"><li>(a) council members only;</li><li>(b) council members and employees;</li><li>(c) council members, employees and other persons;</li><li>(d) council members and other persons;</li><li>(e) employees and other persons; or</li><li>(f) other persons only.</li></ul> |
- [Section 5.9 of the Act]

## **2.3 Delegation of some powers and duties to certain committees**

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

- |   |
|---|
| (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.<br><i>*Absolute majority required.</i>   |
| (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 <i>Interpretation Act 1984</i> – <ul style="list-style-type: none"><li>(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</li><li>(b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.</li></ul> |
| (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]

## **2.4 Limits on delegation of powers and duties to certain committees**

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

- |  |
|--|
| (1) A local government can delegate – <ul style="list-style-type: none"><li>(a) to a committee comprising council members only, any of the council's powers or duties under this Act except –<ul style="list-style-type: none"><li>(i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and</li><li>(ii) any other power or duty that is prescribed;</li></ul></li><li>(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</li><li>(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 –<ul style="list-style-type: none"><li>(i) the local government's property; or</li><li>(ii) an event in which the local government is involved.</li></ul></li></ul> |
| (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]

## **2.5 Appointment of committee members**

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

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| (1) A committee is to have as its members – <ul style="list-style-type: none"><li>(a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and</li></ul> |
|--|

- (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]

## **2.6 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]

## **2.7 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]

## **2.8 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]

## **2.9 Committees to report**

A committee:

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

# **Part 3 - Calling and convening meetings**

## **3.1 Ordinary and special Council meetings**

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

(1)	A council is to hold ordinary meetings and may hold special meetings.
(2)	Ordinary meetings are to be held not more than 3 months apart.
(3)	If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure. [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.

**3.2 Calling Council meetings**

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

An ordinary or a special meeting of a council is to be held –	
(a)	if called for by either –
	(i) the mayor or president; or
	(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
(b)	if so decided by the council. [Section 5.4 of the Act]

**3.3 Convening Council meetings**

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

(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.
(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. [Section 5.5 of the Act]

Sections 9.50 to 9.54 of the <i>Local Government Act 1995</i> and sections 75 and 76 of the <i>Interpretation Act 1984</i> 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 –	
(a)	personally handing the notice to the member; or
(b)	sending it by post to the last known address of the member.

- (2) Subject to subclause (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 Mayor or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

**3.4 Calling committee meetings**

The CEO is to call a meeting of any committee when requested by the Mayor, the Presiding Member of a committee or any two members of that committee.

**3.5 Public notice of meetings**

Public notice of meetings is dealt with in the Regulations.

(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 –
	(a) the ordinary council meetings; and
	(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.
(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 subregulation (1).
(3)	Subject to subregulation (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 subregulation (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 4 – Presiding Member and quorum**

### ***Division 1: Who presides***

#### **4.1 Who presides**

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

- (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]

#### **4.2 When the Deputy Mayor can act**

When the Deputy Mayor 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]

#### **4.3 Who acts if no Mayor**

Who acts if there is no Mayor 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]

#### **4.4 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 —

<p>(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</p> <p>(b) at the first meeting of the council after an extraordinary vacancy occurs in the office.</p> <p>(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.</p> <p><b>3. CEO to preside</b> The CEO is to preside at the meeting until the office is filled.</p> <p><b>4. How the mayor or president is elected</b></p> <p>(1) The council is to elect a councillor to fill the office.</p> <p>(2) The election is to be conducted by the CEO in accordance with the procedure prescribed.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.</p> <p>(6) Subject to clause 5(1), the votes cast under subclause (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.</p> <p>(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.</p> <p><b>5. Votes may be cast a second time</b></p> <p>(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.</p> <p>(2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.</p> <p>(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.</p> <p>(4) The votes cast under subclause (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.</p>	<p>[Clauses 2 to 5 inclusive of Schedule 2.3]</p>
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**4.5 Election of Deputy Presiding Members of committees**

The election of Deputy Presiding Members of committees is dealt with in the Act.

<p>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 –</p> <p>(a) to 'office' were references to 'office of deputy presiding member';</p> <p>(b) to 'council' were references to 'committee';</p> <p>(c) to 'councillors' were references to 'committee members'; and</p> <p>(d) to 'mayor or president' were references to 'presiding member'.</p>	<p>[Section 5.12(2)]</p>
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<p><u>Division 2 (clauses 6, 7 and 8) of Schedule 2.3 provides as follows:</u></p>	
<p><b>6. Definitions</b> 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.</p> <p><b>7. When the council elects the deputy mayor or deputy president</b></p> <p>(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 —</p> <p>(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</p> <p>(b) at the first meeting of the council after an extraordinary vacancy occurs in the office.</p>	



- (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 subclause (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 subclause (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]

**4.6 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]

**4.7 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***

**4.8 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]

**4.9 Reduction of quorum for Council meetings**

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

- (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]

#### **4.10 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]

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

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

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]

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

If at any time during a meeting a quorum is not present, the Presiding Member is:

- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.

#### **4.13 Names to be recorded**

At any meeting:

- (a) at which there is not a quorum present; or
  - (b) which is adjourned for want of a quorum,
- the names of the Members then present are to be recorded in the minutes.

## **Part 5 - Business of a meeting**

### **5.1 Business to be specified**

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that :
  - (a) specified in the notice of the meeting which had been adjourned; and
  - (b) which remains unresolved.
- (4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports (Item 10) at that ordinary meeting.

**5.2 Order of business**

- (1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows:
  1. Declaration of Opening / Announcement of Visitors
  2. Disclaimer
  3. Announcements from the Presiding Member
  4. Attendance
    - 4.1 Apologies
    - 4.2 Approved leave of absence
  5. Declaration of interest
  6. Public Question Time
    - 6.1 Response to previous public questions taken on notice
    - 6.2 Public question time
  7. Confirmation of minutes
  8. Presentations
    - 8.1 Petitions
    - 8.2 Presentations
    - 8.3 Deputations
    - 8.4 Delegates' reports
  9. Method of dealing with agenda business
  10. Reports
  11. Applications for leave of absence
  12. Motions of which previous notice has been given
  13. Questions from Members without notice
  14. New business of an urgent nature introduced by decision of the meeting
  15. Meeting closed to public
    - 15.1 Matters for which the meeting may be closed
    - 15.2 Public reading of recommendations that may be made public
  16. Closure
- (2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.
- (3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed. [See section 5.24 of the Act; and regulations 6 & 7 of the Regulations]

**5.3 Motions of which previous notice has been given**

- (1) Unless the Act, Regulations or these Standing Orders otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of the district.
- (4) The CEO -
  - (a) may, with the concurrence of the Mayor, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of these Standing Orders or any other written law;
  - (b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;
  - (c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
  - (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) 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 the originating Member in writing, moves the motion when called on; or

- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

**5.4 New business of an urgent nature**

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the City and must be considered and dealt with by the Council before the next meeting.

**5.5 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 officer recommendation as the Council resolution.
- (2) Subject to subclause (3), the City may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter:
  - (a) that requires a 75% majority or 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.

**Part 6 - Public participation**

**6.1 Meetings generally open to the public**

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

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| <ul style="list-style-type: none"><li>(1) Subject to subsection (2), the following are to be open to members of the public –<ul style="list-style-type: none"><li>(a) all council meetings; and</li><li>(b) all meetings of the committee to which a local government power or duty has been delegated.</li></ul></li><li>(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 –<ul style="list-style-type: none"><li>(a) a matter affecting an employee or employees;</li><li>(b) the personal affairs of any person;</li><li>(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;</li><li>(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;</li><li>(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>where the trade secret or information is held by, or is about, a person other than the local government;</li><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></li></ul> |
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| (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. |
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[Section 5.23 of the Act]

**6.2 Meetings not open to the public**

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried:
  - (a) the Presiding Member is to direct everyone to leave the meeting except:
    - (i) the Members;
    - (ii) the CEO; and
    - (iii) any Officer specified by the Presiding Member; 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)(a) may, by order of the Presiding Member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a Member to be included in the minutes.

**6.3 Question time for the public**

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

- |     |   |
|-----|---|
| (1) | Time is to be allocated for questions to be raised by members of the public and responded to at – <ol 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> </ol> |
| (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.  |

[Section 5.24 of the Act]

**6.4 Question time for the public at certain meetings**

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

- |  |   |
|--|---|
| 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 – |   |
| (a)  | every special meeting of a council;   |
| (b)  | every meeting of a committee to which the local government has delegated a power or duty. |

[Regulation 5 of the Act]

**6.5 Minimum question time for the public**

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

- |     |   |
|-----|---|
| (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.   |
| (2) | Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters. |

[Regulation 6 of the Act]

**6.6 Procedures for question time for the public**

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

- |   |
|---|
| <ol style="list-style-type: none"><li>(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 –<ol style="list-style-type: none"><li>(a) by the person presiding at the meeting; or</li><li>(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 subregulations (2) and (3).</li></ol></li><li>(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.</li><li>(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.</li><li>(4) Nothing in subregulation (3) requires –<ol style="list-style-type: none"><li>(a) a council to answer a question that does not relate to a matter affecting the local government;</li><li>(b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or</li><li>(c) a committee to answer a question that does not relate to a function of the committee.</li></ol></li></ol> |
|---|
- [Regulation 7 of the Act]

### **6.7 Other procedures for question time for the public**

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that:
  - (a) a response is given to the member of the public in writing; and
  - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to:
  - (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where:
  - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
  - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
  - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have two minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

### **6.8 Distinguished visitors**

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

### **6.9 Deputations**

- (1) Any person or group wishing to be received as a deputation by the Council is to either :
  - (a) apply, before the meeting, to the CEO for approval; or
  - (b) with the approval of the Presiding Member, at the meeting, address the Council.
- (2) The CEO may either:
  - (a) approve the request and invite the deputation to attend a meeting of the Council;or

- (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting:
  - (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
  - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and,
  - (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.
- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

**6.10 Petitions**

- (1) A petition is to -
  - (a) be addressed to the Mayor;
  - (b) be made by electors of the district;
  - (c) state the request on each page of the petition;
  - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
  - (e) contain a summary of the reasons for the request; and
  - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the City is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause(3).
- (3) At any meeting, the Council 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 has considered the issues raised in the petition.

**6.11 Presentations**

- (1) In this clause, a 'presentation' means the acceptance of a gift or an award by the Council on behalf of the City or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the CEO.

**6.12 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.

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.
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- (2) Without the consent of the Presiding Member, no person is to address a committee meeting.
- (3) The Presiding Member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (4) A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.
- (5) A person who fails to comply with a direction of the Presiding Member under subclause (4) may, by order of the Presiding Member, be removed from the committee room.
- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

**6.13 Council may meet to hear public submissions**

- (1) Where an item on the agenda at a Council meeting is contentious and is likely be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.

## Attachment 9.0.1(b)

- (2) The CEO and the Mayor shall set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall:
  - (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
  - (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
  - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
- (4) A meeting held under subclause (1) shall be conducted only to hear submissions. The council shall not make resolutions at a meeting to provide the opportunity to be heard.
- (5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.
- (6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.
- (7) Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.
- (8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
- (9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

### 6.14 Public Inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at the Civic Centre, Sir Walter Murdoch Libraries Civic Centre and Manning Branches and on the City's website.

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| <ol style="list-style-type: none"><li>(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 —<ol style="list-style-type: none"><li>(a) are to be tabled at the meeting; or</li><li>(b) have been produced by the local government or a committee for presentation at the meeting,</li></ol>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.</li><li>(2) Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation 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.</li></ol> |
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[Regulation 14 of the Regulations]

### 6.15 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 meeting under the item "Matters for which meeting may be closed";
  - (b) marked "*Confidential*" in the agenda; and
  - (c) kept confidential by Officers and Members until the Council resolves otherwise.
- (2) A member or an officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another member or an officer to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not apply where a member or officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

### 6.16 Recording of proceedings

A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.



**6.17 Prevention of disturbance**

- (1) A reference in this clause to a person is to a person other than a member.
- (2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.
- (3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (4) A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council.
- (5) A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.

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. [Section 75 of the Criminal Code]
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**Part 7 - Questions by Members**

- (1) Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.
- (2) A Member requesting general information from an Officer at a Council meeting may ask a question without notice and with the consent of the Presiding Member, may ask one or more further questions of that Officer or another Officer present at the meeting.
- (3) Where possible the Officer shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the Officer may ask that -
  - (i) the question be placed on notice for the next meeting of Council; and
  - (ii) the answer to the question be given to the Member who asked it within 14 days.
- (4) Every question and answer -
  - (i) is to be brief and concise; and
  - (ii) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.
- (5) In answering any question, an Officer may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

**Part 8 – Conduct of Members**

**8.1 Members to be in their proper places**

- (1) At the first meeting held after each election day, the CEO is to allot, alphabetically by ward, a position at the Council table to each Member.
- (2) Each Member is to occupy his or her allotted position at each Council meeting.

**8.2 Respect to the Presiding Member**

After the business of a Council has been commenced, a Member is not to enter or leave the meeting without first paying due respect to the Presiding Member.

**8.3 Titles to be used**

A speaker, when referring to the Mayor, Deputy Mayor or Presiding Member, or a Member or Officer, is to use the title of that person's office.

**8.4 Advice of entry or departure**

During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

**8.5 Members to indicate their intention to speak**

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

**8.6 Priority of speaking**

- (1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.
- (2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.
- (3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

**8.7 Presiding Member may take part in debates**

The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with these Standing Orders.

**8.8 Relevance**

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

**8.9 Speaking twice**

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

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

**8.10 Duration of speeches**

- (1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Council which, if given, is to be given without debate.
- (2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

**8.11 No speaking after conclusion of debate**

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

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

**8.12 No interruption**

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

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 8.13; or
- (d) to move a procedural motion that the Member be no longer heard (see clause 11(1)(e) .

**8.13 Personal explanations**

- (1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to 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 is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

**8.14 No reopening of discussion**

## **Attachment 9.0.1(b)**

A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed (see Part 16).

### **8.15 Adverse reflection**

- (1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed (see Part 16).
- (2) A Member is not:
  - (a) to reflect adversely on the character or actions of another Member or Officer; or
  - (b) to impute any motive to a Member or Officer, unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (3) A Member is not to use offensive or objectionable expressions in reference to any Member, Officer or other person.
- (4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes:
  - (a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
  - (b) the Council may, by resolution, decide to record those words in the minutes.

### **8.16 Withdrawal of offensive language**

- (1) A Member who, in the opinion of the Presiding Member, uses an expression which:
  - (a) in the absence of a resolution under clause 8.15:
    - (i) reflects adversely on the character or actions of another Member or Officer; or
    - (ii) imputes any motive to a Member or Officer; or
  - (b) is offensive or insulting, must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.
- (2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

### **8.17 Recording of proceedings**

A Member is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.

## **Part 9 - Preserving order**

### **9.1 Presiding Member to preserve order**

- (1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.
- (2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.
- (3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.7, but to preserve order.

### **9.2 Point of order**

- (1) A Member may object, by way of a point of order, only to a breach of:
  - (a) any of these Standing Orders; or
  - (b) any other written law.
- (2) Despite anything in these Standing Orders 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.

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

- (1) A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.
- (2) A Member interrupted on a point of order is to 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.

**9.4 Calling attention to breach**

A Member may, at any time, draw the attention of the Presiding Member to any breach of these Standing Orders.

**9.5 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 require the Member to make an explanation, retraction or apology.

**9.6 Continued breach of order**

If a Member:

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 9.5(3),

the Presiding Member may direct the Member to refrain from taking any further part in that meeting, other than by voting, and the Member is to comply with that direction.

**9.7 Right of Presiding Member to adjourn**

- (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 10 - Debate of substantive motions**

**10.1 Motions to be stated and in writing**

Any Member who wishes to move 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) if required by the Presiding Member, is to put the motion or amendment in writing.

**10.2 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 meeting is not open to debate unless the motion has the support required under 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

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| <p>(b) in any other case, by at least one third of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.</p> <p>(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 —</p> <p>(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</p> <p>(b) in any other case, by an absolute majority.</p> <p>(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.</p> <p>[Regulation 10 of the Regulations]</p> |
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**10.3 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 declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.
- (4) If a Member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting (see Part 16).

**10.4 Only one substantive motion at a time**

When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.

**10.5 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.

**10.6 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.

**10.7 Member may require question to be read**

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

**10.8 Consent of seconder required for alteration**

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

**10.9 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, carried or lost.

**10.10 Form of an amendment**

An amendment must add, delete, or substitute words to the substantive motion.

**10.11 Amendment must not negate original motion**

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

**10.12 Relevance of amendments**

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

**10.13 Mover of motion may speak on amendment**

Any Member may speak during debate on an amendment.

**10.14 Effect of an amendment**

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

**10.15 Withdrawal of motion or amendment**

- (1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) 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.

**10.16 Right of reply**

- (1) The mover of a substantive motion has the right of reply.
- (2) The mover of any amendment to a substantive motion does not have a right of reply.
- (3) The right of the reply may only be exercised:
  - (a) where no amendment is moved to the substantive motion – at the conclusion of the discussion on the motion; or
  - (b) where one or more amendments have been moved to the substantive motion – at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply:
  - (a) no other Member is to speak on the question;
  - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

## **Part 11 - Procedural motions**

**11.1 Permissible procedural motions**

In addition to the right to move an amendment to a substantive motion (under Part 10), a Member may move the following procedural motions:

- (a) that the meeting proceed to the next item of business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the question be now put;
- (e) that the Member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with;
- (g) that the meeting be closed to the public (see clause 6.2).

**11.2 No debate**

- (1) The mover of a motion specified in paragraph (a), (b), (c), (f) or (g) of clause 11.1 may speak to the motion for not more than five 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 specified in paragraph (d) or (e) of clause 11.1 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.

**11.3 Who may move**

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

**11.4 Procedural motions - right of reply on substantive motion**

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

**11.5 Meeting to proceed to the next business**

The motion “that the meeting proceed to the next business”, if carried, has the effect that:

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

**11.6 Debate to be adjourned**

A motion “that the debate be adjourned”:

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

**11.7 Meeting now adjourn**

- (1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.
- (2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.5).
- (3) A motion “that the meeting now adjourn”:
  - (a) is to state the time and date to which the meeting is to be adjourned; and
  - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

**11.8 Question to be put**

- (1) If the motion “that the question be now put”, is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion "that the question be now put" is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

**11.9 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.

**11.10 Ruling of the Presiding Member to be disagreed with**

If the motion “that the ruling of the Presiding Member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

**Part 12 - Disclosure of interests**

**12.1 Disclosure of interests**

Disclosure of interests is dealt with in the Act .

Provisions relating to the disclosure of financial interests at meetings are contained in, Sub Division 1, Division 6, Part 5 of the Act (see sections 5.59 to 5.73) and regs. 20 & 21 of the Regulations.
--

## Part 13 - Voting

### 13.1 Question - 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 question to the Council; and
  - (b) if requested by any Member, is to again state the terms of the question.
- (2) A Member is not to leave the meeting when the Presiding Member is putting any question.

### 13.2 Voting

Voting is dealt with in the Act and the Regulations.

- (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.
  - (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.
  - (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.
  - (4) If a member of a council or a committee specifically requests that there be recorded —
    - (a) his or her vote; or
    - (b) the vote of all members present,
 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]

### 13.3 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]

### 13.4 Method of taking vote

- (1) In taking the vote on any motion or amendment the Presiding Member:
  - (a) is to put the question, first in the affirmative, and then in the negative;
  - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
  - (c) may accept a vote on the voices or may require a show of hands; and,
  - (d) is, subject to this clause, to declare the result.
- (2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) If a member of council or a committee specifically requests that there be recorded -
  - (a) his or her vote; or,
  - (b) the vote of all members present,
 on a matter voted on at a meeting of the council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.



- (4) If a Member calls for a division:
  - (a) those voting in the affirmative are to pass to the right of the Chair; and
  - (b) those voting in the negative are to pass to the left of the Chair.
- (5) For every division, the CEO is to record:
  - (a) the name of each member who voted; and
  - (b) whether he or she voted in the affirmative or negative.

## **Part 14 – Minutes of meetings**

### **14.1 Keeping of minutes**

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

- |   |
|---|
| <ol style="list-style-type: none"><li>(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.</li><li>(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.</li><li>(3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.</li></ol> |
|---|

[Section 5.22 of the Act]

### **14.2 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 —

- |   |
|---|
| <ol style="list-style-type: none"><li>(a) the names of the members present at the meeting;</li><li>(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;</li><li>(c) details of each motion moved at the meeting, the mover and the outcome of the motion;</li><li>(d) details of each decision made at the meeting;</li><li>(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);</li><li>(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</li><li>(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.</li></ol> |
|---|

[Regulation 11 of the Regulations]

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

### **14.3 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 —

- |  |
|--|
| <ol style="list-style-type: none"><li>(a) in the case of a council meeting, within 10 business days after the meeting; and</li><li>(b) in the case of a committee meeting, within 5 business days after the meeting.</li></ol> |
|--|

[Regulation 13 of the Regulations]

### **14.4 Confirmation of minutes**

- (1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member may provide the City with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.

- (2) At the next ordinary meeting of the Council, the Member who provided the alternative wording shall, at the time for confirmation of minutes -
  - (a) state the item or items with which he or she is dissatisfied; and
  - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

## **Part 15 - Adjournment of meeting**

### **15.1 Meeting may be adjourned**

The Council may adjourn any meeting:

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

### **15.2 Effect of adjournment**

Where any matter, motion, debate or meeting is adjourned under these Standing Orders:

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.9 [speaking twice] apply when the debate is resumed.

## **Part 16 – Revoking or changing decisions**

### **16.1 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 - <ol style="list-style-type: none"><li>(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</li><li>(b) in any other case, by at least <math>\frac{1}{3}</math> of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.</li></ol>
(1a)	Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ 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 - <ol style="list-style-type: none"><li>(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</li><li>(b) in any other case, by an absolute majority.</li></ol>
(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]

### **16.2 Limitations on powers to revoke or change decisions**

- (1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision:
  - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
  - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

### **16.3 Implementing a decision**

- (1) In this clause:

## **Attachment 9.0.1(b)**

- (a) "authorisation" means a licence, permit, approval or other means of authorising a person to do anything;
  - (b) "implement", in relation to a decision, includes:
    - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
    - (ii) take any other action to give effect to the decision; and
  - (c) "valid notice of revocation motion" means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the Standing Orders and may be considered, but has not yet been considered, by the Council or a committee as the case may be.
- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
  - (3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
  - (4) A decision made at a meeting is not to be implemented by the CEO or any other person:
    - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
    - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
  - (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation:
    - (a) is to take effect only in accordance with this clause; and
    - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

## **Part 17 - Suspension of Standing Orders**

### **17.1 Suspension of Standing Orders**

- (1) A Member may at any time move that the operation of one or more of the provisions of these Standing Orders be suspended.
- (2) A Member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.
- (3) A motion under subclause (1) which is:
  - (a) seconded; and
  - (b) carried by an absolute majority,is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

### **17.2 Where Standing Orders do not apply**

- (1) In situations where:
  - (a) one or more provisions of these Standing Orders have been suspended; or
  - (b) a matter is not regulated by the Act, the Regulations or these Standing Orders,the Presiding Member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

### **17.3 Cases not provided for in Standing Orders**

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders, the Act or the Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.10.

## **Part 18 - Meetings of electors**

**18.1 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]

**18.2 Matters for discussion at electors' general meetings**

The matters to be discussed at electors' general meetings 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]

**18.3 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 with regulations.         |
| (3) | The request is to be sent to the mayor 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]

**18.4 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.
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[Regulation 16 of the Regulations]

**18.5 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]

**18.6 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]

**18.7 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 Standing Orders.

**18.8 Participation of non-electors**

A person who is not an elector of the City shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

**18.9 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]

**18.10 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]

**18.11 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 19 – Briefings and other informal meetings**

**19.1 Briefings and other informal meetings**

- (1) The Council may conduct briefings, workshops and other informal meetings.  
(2) Where the Council conducts briefings, workshops and other informal meetings, the CEO is to:  
(a) advise all Members of the time, date and place of the meeting; and,  
(b) cause notes of the meeting to be kept.  
(3) A Member who has an interest in a matter to be discussed at a briefing, workshop or other informal meeting is to deal with the interest in accordance with the provisions of Part 12 of these Standing Orders.  
(4) The Council is not to make a formal resolution at any meeting other than at a Council meeting or at a meeting of a committee which has delegated authority to do so.  
(5) The Council is not to meet except at:  
(a) a Council or committee meeting;

- (b) a briefing, workshop or informal meeting under this clause; or
- (d) a meeting to hear public submissions convened under clause 6.13.

## **Part 20 - Enforcement**

### **20.1 Penalty for breach**

A person who breaches a provision of these Standing Orders commits an offence.

**Penalty: \$5,000.00 and a daily penalty of \$500.00.**

### **20.2 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 21 - Common Seal**

### **21.1 City's Common Seal**

- (1) The CEO is responsible for the safe custody and proper use of the common seal of the City.
- (2) Each document to which the common seal is affixed must be signed by the CEO or an Officer authorised in writing by the CEO.
- (3) The common seal is to be affixed to any local law which is made by the City.
- (4) On each occasion the common seal is affixed to a document, the CEO is to have recorded in a register maintained for the purpose -
  - (i) the date the common seal was affixed;
  - (ii) the nature of the document; and
  - (iii) the parties described in the document.
- (5) A person who uses the common seal of the City or a replica without authority commits an offence.

Dated: -----

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

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Mr John Collins JP  
Mayor

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Mr Cliff Frewing  
Chief Executive Officer



## DEVELOPMENT APPLICATION

TO: Planning Services Department- Gina Fraser  
 FROM: Infrastructure Services  
 OFFICER: Andrew Crotty  
 DATE: 11/01/2007

### PROPOSED DEVELOPMENT

Referral Date: 9/1/2007

PROPERTY TITLE: LOT: 3298 P/D: 189041 S/P: P189041  
 PROPERTY ADDRESS: Murray Street COMO 6152  
 FOR: Additions/Alterations to Religious Activities (South Perth Church of Christ,  
 Como - Proposed Administrative and Broadcasting Centre for Community  
 Radio Station '98.5 Sunshine FM'. )  
 APPLICATION DATE: 20/12/2006  
 SERIAL NO: 11/2384  
 ID NUMBER: 11.2006.618  
 APPLICANT: Fewster & Stone  
 197 Collier Road, EMBLETON WA 6062,  
 Contact person: Mr Graham Faulkner. Ph:(W)9313 1600;(H)9362 2372  
 ;(Mobile) 0402 422 188

### AREAS OF COMMENT

✓	<p><i>General comment</i></p> <p>The plans supplied for infrastructure review appear to be o.k. There are a few areas of concern which are revealed in more detail below.</p>
	<p><i>Vehicle movements</i></p> <p>Access required from constructed Murray Street to new development. Note that the Church of Christ to pay one half of the construction cost of the Murray Street extension. The new entry point to the site as shown on plan A1a 438 is fine but Engineering has an issue with the Murray Street extension acting as a virtual driveway to the proposed administration building. Engineering requires that Murray Street be constructed up to the southern corner of McNabb Loop and Murray Street with a cul-de-sac at this point to cater for existing traffic and to accommodate any future expansion. This being the case the original cost to the proponent of \$75,000 remains the same but we envisage that this cost in the final analysis would be more than 50% of the total construction cost and this being the case the difference would be forwarded to the proponent.</p>
	<p><i>On-site parking</i></p> <p>Minimum bay size is 2.5m wide by 5.5m long. At blind aisles the end spaces shall be made 1m wider than the adjacent spaces. This being the case the last two spaces should be increased to at least 3.5m. The proposed change as shown on plan A1a 438 is sufficient to satisfy this requirement.</p>
	<p><i>Street trees</i></p> <p>No crossing to be located closer than 3m to any street tree unless prior approval is granted from Manager Park and Environment.</p>
	<p><i>Crossovers</i></p> <p>Crossovers are to be constructed to COSP specifications. Paths to be continuous through the crossover. If brick paved crossover a concrete apron is to be constructed at the kerbline.        No part of the crossover is to be higher or lower than the existing level of the verge.</p>

	<p>Footpath to be continuous through crossover.                  Crossover to be at ground level. At a point 1500mm from face of kerb path level to be at least 100mm above road level or top of kerb, whichever is the lesser.                  Obsolete crossovers to be removed and reinstated to COSP specifications.</p>
	<p><i>Ground Levels</i>                  Property line levels are to be higher than the top of the kerb and set by the existing insitu concrete path.</p>
	<p><i>Stormwater</i>                  Stormwater drainage is to be designed in accordance with the requirements of Policy P415 - <i>Stormwater Drainage Requirements for Proposed Buildings</i> and associated Management Practice for the Como Precinct.                  A drainage design is to be submitted by a Hydraulics Engineer detailing the system including on site storage.                  The ability to store stormwater run off from the design event on site for re-use is encouraged.                  The stormwater drainage system is to be designed for a 1:10 year Annual Recurrence Interval (ARI).                  Soak wells can be included in design.</p>

RECOMMENDATION: AS ABOVE

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Officer: 

Date: 14/1/2007





## HEALTH CONDITIONS BUILDING LICENCE

Details	
<b>Building License number(s):</b>	30.2006.833
<b>Property address + Area::</b>	Proposed Administration Building (Sonshine FM) - Murray Street, Como
<b>EHO:</b>	Alysha Kempf
<b>Date</b>	11 January 2007

### **Environmental Protection (Noise) Regulations 1997**

Construction work on a premises shall be carried out between 7.00am and 7.00pm from Monday to Saturday. No construction work is to be conducted at any other time including Sundays or Public Holiday unless in accordance with Regulation 7, 13 and unless otherwise approved by the City of South Perth Chief Executive Officer and subject to:

- (a) Construction work to be carried out in accordance with AS 2436 – 19981;
- (b) The equipment used on the premises is the quietest reasonably available;
- (c) The construction work is carried out in accordance with a noise management plan that,
  - Is approved by the City's Chief Executive Officer, and
  - submitted no later than 7 days prior to any construction work;
- (d) Provide written notification to all premises likely to receive noise emissions that fail to comply with prescribed standards under Regulation 7, at least 24 hours prior to the commencement of any construction; and
- (e) That the construction work is reasonably necessary at that time.

### **Bin Enclosure**

The location of the bin enclosure is to be to the satisfaction of Council's Manager, Environmental Health Services. The bin enclosure is to be provided with the following:

- (a) A tap connected to an adequate supply of water;
- (b) Smooth, impervious walls constructed of approved materials not less than 1.5 m in height;
- (c) An access way of not less than 1 metre in width for 240 litre MGB or 1.5 metre width for 1100 litre MGB, fitted with a self-closing gate;
- (d) Smooth, impervious floor of not less than 74 mm thickness, evenly graded and adequately drained to a minimum 100 mm diameter industrial graded floor waste;
- (e) Easy access to allow for the removal of containers;
- (f) The floor area of rubbish room to be determined upon application, by Manager, Environmental Health Services;
- (g) Internal bin areas to be sealed from other internal rooms and be provided with mechanical ventilation capable of exhausting not less than 5 litres of air per second per 1 square metre of floor area, ducted to the outside air.

### **Roof plumbing**

Provide gutters and downpipes, sufficient to receive without overflowing, all rain water flowing from the roof. Downpipes shall be connected to drains and soak wells sufficient in size to carry off all rain water falling on the roof.

### **Mechanical ventilation**

Provide mechanical ventilation in the WC., such ventilation to be ducted to the outside air and capable of effecting a rate of 10 air changes per hour; the flume should be so designed to act as an efficient natural vent in the event of the mechanical equipment failing.

It is recommended that the kitchen be provided with a double bowl sink with drainer to serve as a tea preparation area.

Alysha Kempf  
Senior Environmental Health Officer

<b>9.3.4</b>	<b>Application re Amphibious Tours - Coode Street Boat Ramp</b>
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Location:	City of South Perth
Applicant:	Swan Duck Pty Ltd
File Ref:	GC/PR/9
Date:	8 September 2006
Author:	Mark Taylor Manager City Environment
Reporting Officer:	Glen Flood, Director Infrastructure Services

**Summary**

The Swan River Trust has referred to the City an application to conduct amphibious tours on the Swan River, utilising the Coode Street boat ramp as the entry and exit point. Similar applications have been considered and approved by Council in 2001, 2004 and in March 2006, but none have commenced business to date. It is recommended that this application also be approved subject to a range of conditions.

**Background**

The Swan River Trust has referred to the City an application by Swan Duck Pty Ltd to conduct an amphibious tour business on the river. The tour proposes to utilise the boat ramp at Coode Street within Sir James Mitchell Park as the entry and exit point. The City has until 30 September to provide comment to the Trust, which will in turn provide a recommendation to the Minister for Environment. The Minister will ultimately decide whether to approve the application or not.

Similar applications have been approved by the Trust following support from the City of South Perth in October 2001, February 2004 and March 2006. The first two applications did not commence business and their approvals subsequently lapsed. The most recent applicant, WA Duck Tours, still has an approval, however no formal advice has been received as to when this might commence. Now a new unrelated company (Swan Duck Pty Ltd) has made an application to the Trust seeking approval.

The applicant has submitted information in support of the proposal, including characteristics and specifications of the amphibious vehicle and hours of operation **Attachment 9.3.4** refers.

The amphibious vehicle is 12.4 metres long and 2.5 metres wide, capable of transporting 49 passengers. The vehicle is capable of driving on normal roads and down in to the water where it operates as a vessel.

The amphibious tours proposal is to undertake water based tours commencing and ending at the Coode Street boat ramp. It is proposed to operate up to six tours daily with each trip taking approximately one hour.

At the March 2006 meeting Council resolved to approve a similar application:

*That the Swan River Trust and the applicant be advised that the City of South Perth will grant approval of the use of the Coode Street boat ramp for the amphibious tour vehicle for a period of 12 months subject to the following conditions:*

- (a) *a detailed assessment be carried out by a suitably qualified Structural Marine Engineer, appointed by the City of South Perth, on the suitability of the boat ramp for this type of operation taking into account the load factors experienced on the ramp whilst the vehicle is exiting the water;*
- (b) *the applicant entering into a legal agreement with the City to bear all costs associated with the assessment and any necessary upgrading and future remedial works associated*

*with the use of ramp and erosion around the ramp are to be carried out at the applicant's expense; and*

- (c) *the applicant being required to:*
- (i) *observe, conform and perform in accordance with all State and Federal legislation including the Environmental Protection, Workers Compensation and Occupational Health, Safety and Welfare Acts; and*
  - (ii) *hold a current public risk insurance policy covering both the applicant and the City against any claim against death or injury to persons or property.*

**Comment**

To assist the evaluation of the application, input has been sought from the Manager, Engineering Infrastructure, regarding the suitability of the Coode Street ramp.

The comments provided are as follows: -

- Concern is expressed about the ability of the ramp to support the weight of the vehicle. The ramp is basically a suspended concrete slab anchored to piles sunk into the riverbed. The riverbed at the end of the ramp is frequently washed away and there is concern that it may also be occurring beneath the slab.
- The design of the ramp creates width and manoeuvring restrictions in the vicinity of the ramp. This requires further assessment as to suitability of the vehicle.

Other concern includes future plans for the Coode Street ramp. The City has in the past expressed the view that Coode Street boat ramp should be downgraded, particularly now that the new personalised water craft or jet ski ramp has been constructed to the west of the Narrows Bridge. Consequently, any approval should be conditional on the potential likelihood of the ramp becoming unavailable in the future for this type of use.

A significant difference with this application in comparison to the previous is the applicant's intention is to commence and complete the tours at Coode Street. The applicant has not made it clear what he intends to do in regard to attracting his customers. Informal discussions with him indicate that he may wish to request approval to construct additional facilities within the park, however no formal application has been received.

**Consultation**

The application has been assessed in accordance with the Commercial Activity Statement and recommendations of the Sir James Mitchell Park Foreshore Management Plan which was developed with community consultation.

This application has not been specifically referred to the Sir James Mitchell Park Community Advisory Group as it is a similar operation to that commented on in March 2006. At that time, their comments were:

On balance the comments from the advisory group members indicate general support for the proposal with the following concerns:

- *The strength of the Coode Street boat ramp is questioned as to whether it is strong enough to take the vehicle and if not, who would pay for the strengthening of it?*
- *In the photograph the vehicle puts out a huge amount of spray and churns up the water, what effect would this have on the wildlife?*
- *What are the speed restrictions in the area of the amphibious route?*
- *Number of trips per day, if up to 8 as mentioned what impacts can this have on users of boat ramp area and car parks? This area can get crowded at certain times, will this usage increase frustrations in area?*
- *Issues such as noise levels, pollution from engines and waste etc, disturbance to wildlife in the area are of concern for the whole of the river, not just in the areas adjacent to the South Perth Foreshore, but these are within the responsibilities of the Swan River Trust.*

- *Although there are some concerns about this type of venture on the river, there are already a variety of water-based activities being carried out at the present time. So, as long as the recommendations of the COSP and the SRT are carried out I feel that this is one more opportunity for WA residents and tourists to gain a vision and insight into the beauty of the Swan River and its environs. As always consideration must be taken of the way in which this operation is carried out.*
- *Suggestions for access using ramp near Narrows may be worth considering, but I am not sure what facilities are at present in that area, and if the ramp would be able to support a vehicle of this nature. It would make for an interesting addition if utilised in conjunction with other tourism sites.*
- *I would like to express my support for the proposed Amphibious Vehicle Tours proposal on the Swan River. The proposal will be a much needed tourist attraction for our City.*

### **Policy and Legislative Implications**

The principal policy guiding the City over use of the Coode Street boat ramp is the Sir James Mitchell Park Foreshore Management Plan (April 2001). The following Actions contained within the plan provide guidance when considering this application:

Action 2: Commercial developments and special events should only be permitted in suitable locations which are chosen after careful consideration of social, environmental and physical planning criteria, in the context of the City of South Perth Policy for Commercial Activity on Sir James Mitchell Park.

Action 5: Ensure any new water based activity likely to increase crowding on the foreshore be consistent with the infrastructure required to support the activity.

**Appendix 1 “Commercial Activity on Sir James Mitchell Park”** of the Sir James Mitchell Park Management Plan has been utilised in assessing this proposal.

In Section 1. - **Policy Statement**, the following points are made:

*It is recognised that the area known as Sir James Mitchell Park has been created primarily as a regional passive recreation area, which contains significant environmental, conservation and public amenity areas. It is important that these values together with the integrity and amenity of the area are not compromised.*

*The City of South Perth recognises that limited commercial activity is necessary for the benefit of users however any such activity should be in harmony with the realised values of the parkland.*

In Section 3. - **Commercial Activities** it states:

*To ensure that a development is appropriate to the area preference will be given to developments which demonstrate a clear integration of water based and land-based activities and where the water based activity forms a significant part of the development.*

Under Section 3.3.9 - **Impacts**, development proposals should be considered under the following criteria:

#### **1. Impact on adjoining and adjacent residents**

The applicant has not submitted details about noise output of the vehicle. These have been requested from the applicant and his response is set out below. Approval should be conditional on the vehicle meeting noise regulations as set under the *Environmental Protection Act (1986)*.

*The manufacturer in the USA has never had to produce such figures as the machines are built on an existing truck chassis which would normally comply anyway. The engine is completely enclosed within the hull. Sound proofing materials built around the engine bay also enhance the noise reduction.*

**2. Environmental Impacts**

The major impact of this operation would be during its water-based activities. Assessment of this is therefore the provenance of the Swan River Trust and DPI.

**3. Social and Physical Environment**

The site is compatible with the proposed use except for size and weight concerns as detailed with the boat ramp concerns.

**4. Likely changes to foreshore**

Negligible, if utilising the provided ramp however there could be some erosion concern in the immediate vicinity of the ramp.

**5. Pollution and erosion**

The major pollution concerns are during the vehicle's water based activities. Erosion, both in the vicinity of the ramp and the adjacent foreshore, is an issue of concern for the City and one that will require ongoing monitoring should the application be approved.

**6. Public usage and likely impact on access**

The applicant's vehicle is large and will adversely impact access when it is in the vicinity of ramp, however due to the transient nature of the use; this is not considered to be a significant issue.

**7. Protection of amenity values and without interruption to quiet enjoyment of the parkland by existing passive users**

The boat ramp is currently open for this type of use. Whilst this vehicle will be the largest accessing the ramp, there should not be any additional adverse impacts.

**8. Public amenities**

Will have little or no impact on the public amenities along the foreshore.

**9. Traffic and parking impact**

This may present an issue as this application has the amphibious vehicle entering and exiting the river at Coode Street. Consequently, the vehicle may be parked at the adjacent car park in between tours. No advice about this appears in the application.

**10. Visual amenities**

The applicant's vehicle is large and could have an impact as it will be staying in the area during the day.

**11. Complementary Activities**

This proposal does not figure strongly in this aspect and has very limited benefits for South Perth. There may be an opportunity to provide added value to South Perth by proposing that one location (eg Old Mill) is included in their cruise back to the City with added incentives offered to consider such aspects.

The Legislative implication of this application is that it is within the Swan River Trust's Management Area and as such is subject to the requirements of the Swan River Trust Act (1988). Council's resolution on this issue will be the subject of consideration by the Swan River Trust Board and then approval or otherwise, with conditions, by the Minister for Environment.

**Financial Implications**

The direct financial implications are difficult to determine at this stage. However conditions of any approval would need to address the financial risks associated with:

- Any resultant soil erosion costs will need to be met by the applicant.
- Initial ramp maintenance costs to be met by applicant.

**Strategic Implications**

The assessment of this application relates to the City's Strategic Plan Goal 3, Environmental Management. Strategy 3.3 is of particular relevance:

*Ensure all future development and current maintenance of the river foreshore, wetlands, lakes, bushlands and parks is properly planned and sustainable and that interaction with the built environment is harmonious and of benefit to the community.*

**Conclusion**

The amphibious tours proposal by Swan Duck Pty Ltd has been assessed against established policy and assessment criteria. Whilst the proposal does not conflict to any great extent with the assessment criteria, there are concerns about the suitability of the boat ramp for the operation.

Additional input has been provided by officers of the City in respect to the suitability of the ramp at Coode Street to accommodate a vehicle of this nature. The result is that a detailed assessment of the suitability of the ramp needs to be carried out before an approval is finally given. The City should also advise that it may in the future decide to downgrade or move the ramp at Coode Street, but this will be subject to future discussion. Consequently, a twelve month approval period is recommended.

In regard to the possibility of additional facilities being requested within the park, the City will need to consider any application received at that time in light of the recommendations of the Sir James Mitchell Park Foreshore Management Plan, statutory planning regulations and the requirements of the Swan River Trust.

There may be concern that there is already an approval for a company to commence a similar type of operation. Whether that application will become a reality is unknown, however contact has recently been made with City officers regarding aspects of the approval and it appears that the applicant still intends to pursue the commencement of an operation. Whether there is enough business for two operators is not known, but is outside the scope of this assessment.

Conditional approval of the application is recommended to Council.

**OFFICER RECOMMENDATION ITEM 9.3.4**

That the Swan River Trust and the applicant be advised that the City of South Perth will grant approval for the use of the Coode Street boat ramp for Swan Duck Pty Ltd to operate an amphibious tour vehicle for a period of 12 months subject to the following conditions:

- (a) a detailed assessment be carried out by a suitably qualified Structural Marine Engineer, appointed by the City of South Perth, on the suitability of the boat ramp for this type of operation taking into account the load factors experienced on the ramp whilst the vehicle is exiting the water;
- (b) the applicant entering into a legal agreement with the City to bear all costs associated with the assessment and any necessary upgrading and future remedial works associated with the use of ramp and erosion around the ramp are to be carried out at the applicant's expense; and



- (c) the applicant being required to:
- (i) observe, conform and perform in accordance with all State and Federal legislation including the Environmental Protection, Workers Compensation and Occupational Health, Safety and Welfare Acts; and
  - (ii) hold a current public risk insurance policy covering both the applicant and the City against any claim against death or injury to persons or property.

COMMENT ON DEPUTATION ITEM 9.3.4

The Mayor requested an officer comment on the Deputations in relation to Item 9.3.4

The Director Infrastructure Services pointed out that Council's resolution on this issue will be forwarded as a 'comment' to the Swan River Trust for consideration and recommendation to the Minister for the Environment who makes the final decision. He stated that Council is only required to comment in relation to the use of the ramp and that the Swan Duck set up on site is not an issue for consideration at this time. If they did propose to set up a ticketing facility then this would be the subject of a further application. Mr Flood confirmed that the previously approved applications for this type of proposal and the current proposal on the Agenda have all had the same conditions placed on them. He said that there was nothing to prevent the applicant who received approval in March/April 2006 and the current applicant getting together to share costs in relation to the legal agreement with the City and any upgrading/future remedial works associated with the use of ramp.

MOTION

Cr Gleeson moved the officer recommendation. Sec Cr Macpherson.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Gleeson opening for the Motion

- only giving approval to Swan River Trust in relation to ramp - they have final say
- same conditions as previously approved applications for amphibious tours
- there would be no cost to the City for upgrade of ramp
- support officer recommendation

Cr Macpherson for the Motion

- summary of officer report states similar applications approved in 2001, 2004 and 2006
- same conditions apply to this applicant
- support the Motion

Cr Ozsdolay against the Motion

- March 2006 we approved application from another operator
- issued a licence for a 12 month trial
- trial period included by Council due to reservations re possible impact on ramp / river walls etc
- some reservations in relation to traffic issues / impact on residents
- approved trial with intention of assessing if reservations were founded
- believe to now approve a second application is premature
- see how current licence operates, then evaluate before looking at another application
- against the Motion

Cr Gleeson closing for the Motion

- Swan River Trust make the final decision - they may suggest a trial
- impact on river walls / ramp nothing to do with us cost-wise
- any ramp works, as stated in officer report, will be at applicant's expense
- may seem unreasonable to approve this application when the other operator has not yet started up - that business may not proceed - in any event that is business
- application goes to Swan River Trust for final approval
- to refuse this application believe it will be for no valid reason
- ask Members support Motion

The Mayor put the Motion

LOST (2/10)

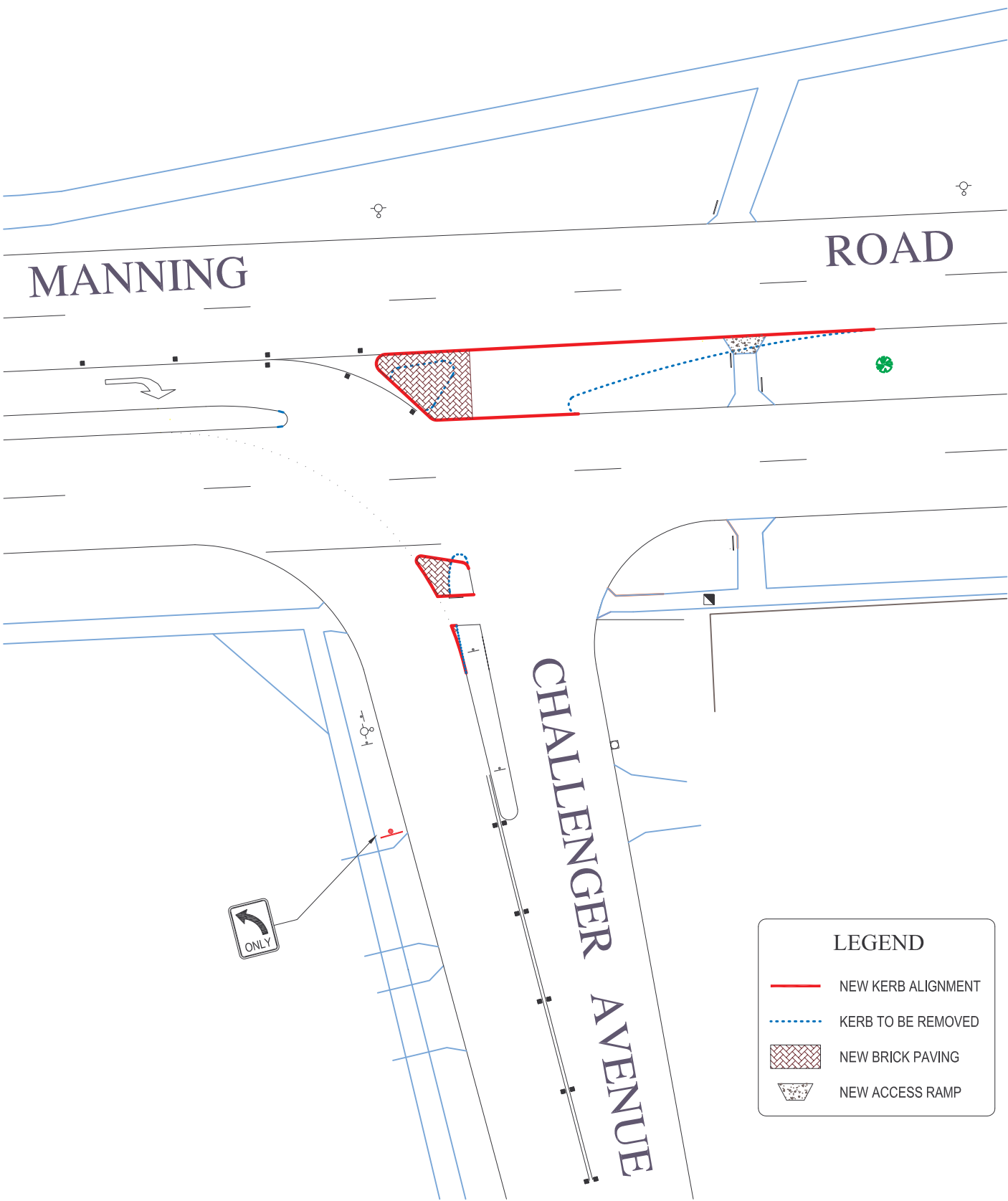
**NOTE:CR GLEESON REQUESTED IT BE RECORDED THAT HE VOTED FOR THE MOTION**

<b>COUNCIL DECISION ITEM 9.3.4</b>
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Moved Cr Trent, Sec Cr Maddaford

That the Swan River Trust and the applicant Swan Duck Pty Ltd be advised that as the City of South Perth granted approval in March 2006 for the use of the Coode Street boat ramp to WA Duck Tours to operate an amphibious tour vehicle for a trial period of 12 months and as that approval is still current Council will not consider another application until the effectiveness of that trial can be assessed.

CARRIED (11/1)



**LEGEND**

- NEW KERB ALIGNMENT
- - - KERB TO BE REMOVED
- NEW BRICK PAVING
- NEW ACCESS RAMP

DRAWN M.A.  
 DESIGNED T.Q.  
 APPROVED L.H.C.

City of SouthPerth  
  
 DATE: 9/02/07



**MANNING ROAD**  
 CHALLENGER AVENUE INTERSECTION  
 PROPOSED MEDIAN CLOSURE

ENGINEERING INFRASTRUCTURE  
 PART DRAWING  
**3590-CP**  
 NOT TO SCALE

### INFRASTRUCTURE SERVICES - SLAB PATH REPLACEMENT SCHEDULE 2007/08

Project		2007/08
Henning Crescent, Welwyn Avenue to Jarman Avenue, Left, 219m	1.5m Concrete	\$12,745.80
Griffin Crescent, Marsh Avenue to Welwyn Avenue, Left, 141m	1.5m Concrete	\$8,207.00
Gentilli Way, Clydesdale Street to Edgumbe Street, Right, 103m	1.5m Concrete	\$7,992.80
Gentilli Way, Mt. Henry Road to Clydesdale Street, Right, 62m	1.5m Concrete	\$3,608.40
Edinburgh Street, Rose Avenue to Forrest Street, Left, 109m	1.5m Concrete	\$6,363.20
Monk Street, Monk Avenue to South Terrace, Right, 154m	1.5m Concrete	\$8,962.80
Greenock Avenue, Mary Street to Robert Street, Left, 48m	1.5m Concrete	\$2,793.60
Hardy Street, Labouchere Road to Melville Parade, Left, 206m	1.5m Concrete	\$11,990.00
Eric Street, Mary Street to Melville Parade, Left, 84m	1.5m Concrete	\$4,888.80
Vista Street, Collins Street to Douglas Avenue, Left, 75m	1.5m Concrete	\$4,365.00
Vista Street, Collins Street to Cliffe Street, Right, 78m	1.5m Concrete	\$4,539.60
Vista Street, Dyson Street to Collins Street, Left, 231m	1.5m Concrete	\$13,444.20
Eric Street, Coode Street to Labouchere Road, Left, 279m	1.5m Concrete	\$16,237.80
York Street, Forrest Street to King Edward Street, Left, 211m	1.5m Concrete	\$12,280.20
Glyde Street, Ridge Street to Labouchere Road, Right, 217m	1.5m Concrete	\$12,629.40
Gardner Street, Coode Street to Labouchere Road, Right, 239m	1.5m Concrete	\$13,909.80
Forrest Street, Angelo Street to Hensman Street, Left, 417m	1.5m Concrete	\$24,269.40
Forrest Street, Edinburgh Street to York Street, Left, 101m	1.5m Concrete	\$5,878.20
Forrest Street, Karoo Street to Hill Street, Right, 92m	1.5m Concrete	\$5,354.40
Forrest Street, Mill Point Road to Hopetoun Street, Left, 94m	1.5m Concrete	\$5,470.80
Forrest Street, York Street to Angelo Street, Left, 102m	1.5m Concrete	\$5,936.40
Forrest Street, York Street to Angelo Street, Right, 76m	1.5m Concrete	\$4,423.20
Forrest Street, Hopetoun Street to York Street, Right, 29m	2.5m Concrete	\$2,832.40
Edgumbe Street, Davilak Street to Wooltana Street, Right, 186m	1.5m Concrete	\$10,825.20
Edgumbe Street, Henley Street to McDougall Street, Right, 162m	1.5m Concrete	\$9,428.00
Edgumbe Street, McDougall Street to Davilak Street, Right, 189m	1.5m Concrete	\$11,000.00
Edgumbe Street, Paterson Street to Gentilli Way, Left, 159m	1.5m Concrete	\$9,253.80
Edgumbe Street, Wooltana Street to Manning Road, Right, 214m	1.5m Concrete	\$12,454.00
Canning Highway, Canning Highway off ramp to Canning Bridge, Left, 116m	1.8m Concrete	\$10,113.87
Rose Avenue, Swan Street to Victoria Street, Left, 25m	1.5m Concrete	\$1,474.40
First Avenue, Lansdowne Road to Second Avenue, Left, 174m	1.5m Concrete	\$10,126.80
First Avenue, Second Avenue to Hovia Terrace, Left, 42m	1.5m Concrete	\$2,444.40
Eric Street, McDonald Street to Coode Street, Left, 152m	1.5m Concrete	\$8,846.40
Ellam Street, Mill Point Road to Scenic Crescent, Left, 71m	1.5m Concrete	\$4,132.20
Ednah Street, Labouchere Road to Mary Street, Right, 220m	1.5m Concrete	\$12,804.00
Gardner Street, Coode Street to Labouchere Road, Right, 124m	1.5m Concrete	\$7,216.80
York Street, Rose Avenue to Forrest Street, Left, 131m	1.5m Concrete	\$7,624.20
York Street, Rose Avenue to Forrest Street, Right, 128m	1.5m Concrete	\$7,449.60
Weston Street, Weston Court (APTS) to Mill Point Road, Left, 189m	1.5m Concrete	\$10,999.80
Waverley Street, Angelo Street to Carr Street, Left, 108m	1.5m Concrete	\$6,285.60
Waverley Street, Angelo Street to Hensman Street, Right, 234m	1.5m Concrete	\$13,618.80
Waverley Street, Carr Street to Hensman Street, Left, 106m	1.5m Concrete	\$6,169.20
Wattle Street, Angelo Street to Carr Street, Left, 298m	1.5m Concrete	\$17,343.60
Wattle Street, Angelo Street to Carr Street, Right, 298m	1.5m Concrete	\$17,343.60
Swanview Tce, Brookside Ave to Ranelagh Crescent (South), Right, 110m	1.5m Concrete	\$6,570.13
Swanview Tce, Delamere Avenue to Mill Point Road, Right, 136m	1.5m Concrete	\$7,915.20
Swanview Tce, Swanview Loop to Mill Point Road, Left, 81m	1.5m Concrete	\$4,714.20
Stone Street, Scott Street to Cul de sac, Right, 158m	1.5m Concrete	\$9,195.00
South Perth Esplanade, Frasers Lane to Harper Street, Right, 104m	1.5m Concrete	\$6,052.80
South Perth Esplanade, Harper Street to Mends Street, Right, 89m	1.5m Concrete	\$5,179.80
South Perth Esplanade, Queen Street to Frasers Lane, Right, 278m	1.5m Concrete	\$16,180.00
Scott Street, Mill Point Road to Melville Parade, Right, 157m	1.5m Concrete	\$9,137.40
Scott Street, Stone Street to Melville Parade, Left, 40m	1.5m Concrete	\$2,328.00
Stirling Street, Mill Point Road to Melville Parade, Right, 132m	1.5m Concrete	\$7,682.40
Robert Street, Greenock Avenue to Saunders Street, Right, 152m	1.5m Concrete	\$8,846.40
Robert Street, Alston Avenue to Greenock Avenue, Left, 141m	1.5m Concrete	\$8,206.20
Riverview Street, Labouchere Road to Onslow Street, Right, 175m	1.5m Concrete	\$10,185.00

<b>Project</b>		<b>2007/08</b>
Preston Street, Coode Street to Labouchere Road, Left, 186m	1.5m Concrete	\$10,825.20
Eric Street, McDonald Street to Coode Street, Left, 136m	1.5m Concrete	\$7,915.00
Preston Street, Coode Street to Labouchere Road, Left, 20m	1.5m Concrete	\$1,164.00
Labouchere Road, Amherst Street to opposite Riverview Street, Right, 17m	1.5m Concrete	\$1,008.80
Preston Street, McDonald Street to Coode Street, Left, 193m	1.5m Concrete	\$11,233.00
Preston Street, McDonald Street to Coode Street, Right, 186m	1.5m Concrete	\$18,640.00
Bruning Road, Canavan Crescent to Goss Avenue, Right, 6 to 227	1.5m Concrete	\$12,881.60
Pether Road, Goss Avenue to Canavan Crescent, Left, 92m	1.5m Concrete	\$5,355.00
Park Street, Barker Avenue to Alston Avenue, Right, 98m	1.5m Concrete	\$5,703.60
Park Street, Greenock Avenue to Saunders Street, Right, 116m	1.5m Concrete	\$6,751.20
Onslow Street, Angelo Street to Riverview Street, Left, 90m	1.5m Concrete	\$5,238.00
Onslow Street, Angelo Street to Riverview Street, Right, 50m	1.5m Concrete	\$2,910.00
Onslow Street, Karoo Street to Hensman Street, Left, 128m	1.5m Concrete	\$7,450.00
Onslow Street, Karoo Street to Hensman Street, Right, 194m	1.5m Concrete	\$11,290.80
Onslow Street, Riverview Street to Karoo Street, Left, 104m	1.5m Concrete	\$6,052.80
Onslow Street, York Street to Angelo Street, Left, 28m	1.5m Concrete	\$1,086.40
Norfolk Street, Angelo Street to Carr Street, Right, 298m	1.5m Concrete	\$17,343.60
Norfolk Street, Angelo Street to Carr Street, Left, 298m	1.5m Concrete	\$17,343.60
Monash Avenue, Murray Street to Throssell Street, Right, 279m	2m Concrete	\$21,650.40
<b>EXTENT OF PROGRAM AT CURRENT LEVEL OF EXPENDITURE</b>		<b>\$670,113.00</b>
Monash Avenue, Throssell Street to Canning Highway, Right, 291m	2m Concrete	\$22,581.60
Murray Street, Monash Avenue to Bessell Avenue, Right, 39m	2m Concrete	\$3,026.40
Mill Point Road, Forrest Street to King Edward Street, Left, 155m	1.5m Concrete	\$9,021.00
Mill Point Road, Salisbury Avenue to Roseberry Avenue, Left, 117m	1.5m Concrete	\$6,809.40
Melville Parade (A), Bowman Street to Lyall Street, Left, 47m	1.2m Concrete	\$2,192.20
Melville Parade (A), Charles Street to Richardson Street, Left, 102m	1.5m Concrete	\$5,936.40
Melville Parade (A), Hardy Street to Charles Street, Left, 84m	1.5m Concrete	\$4,888.80
Melville Parade (A), Judd Street to Bowman Street, Left, 85m	1.5m Concrete	\$4,947.00
Melville Parade (A), Lyall Street to Hardy Street, Left, 95m	1.5m Concrete	\$5,529.00
Melville Parade, Cul de sac to Stirling Street, Left, 96m	1.5m Concrete	\$5,587.20
Melville Parade, Scott Street to Cul de sac, Left, 185m	1.5m Concrete	\$10,767.00
Melville Parade, Stirling Street to Scott Street, Left, 35m	1.5m Concrete	\$2,037.00
McDougall Street, Edgecumbe Street to Lockhart Street, Right, 107m	1.5m Concrete	\$6,227.40
McDonald Street, Ednah Street to Thelma Street, Right, 140m	1.5m Concrete	\$8,148.00
Mary Street, Preston Street to Ednah Street, Right, 44m	Brick Pave full width	\$6,686.53
Marsh Avenue, Conochie Crescent to Griffin Crescent, Right, 102m	1.5m Concrete	\$5,936.40
Manning Terrace, Swanview Terrace to Hurlingham Road, Left, 110m	1.5m Concrete	\$6,402.00
Manning Road, Clydesdale Street to Lockhart Street, Right, 233m	2m Concrete	\$18,091.00
Elderfield Road, Manning Road to Henning Crescent, Right, 111m	2m Concrete	\$8,613.60
Lyall Street, Labouchere Road to Melville Parade, Right, 226m	1.5m Concrete	\$13,153.00
Lyall Street, Labouchere Road to Melville Parade, Left, 266m	1.5m Concrete	\$15,481.20
Lockhart Street, Thelma Street to Alston Avenue, Left, 170m	1.5m Concrete	\$9,894.00
Leane Street, Mill Point Road to Swan Street (East), Right, 135m	1.5m Concrete	\$7,857.00
Lawler Street, Angelo Street to Tate Street, Right, 105m	1.5m Concrete	\$6,111.00
Challenger Avenue, Parsons Avenue to Hope Avenue, Right, 108m	1.5m Concrete	\$6,285.60
Lansdowne Road, Canning Highway to Second Avenue, Left, 211m	1.5m Concrete	\$12,280.20
Lawler Street, Angelo Street to Tate Street, Left, 421m	1.5m Concrete	\$24,502.20
<b>POSSIBLE EXTENT OF PROGRAM AT PROPOSED LEVEL OF EXPENDITURE</b>		<b>\$909,105.13</b>

## City of South Perth

### List of Application for Planning Consent Determined Under Delegated Authority for the Period 1/12/2006 to 31/12/2006

Application #	Ext. Ref.	PC Date	Address	Applicant	Status	Description
011.2006.0000037.001	DO2/125	11/12/2006	125 Douglas AVE SOUTH PERTH	Iliadis & Associates Architects Pty	Approved	TWO SINGLE HOUSES
011.2006.00000175.001	- NO1/5	6/12/2006	5 Norfolk ST SOUTH PERTH	Mr M Little	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000253.001	SW3/55	8/12/2006	55A Swanview TCE SOUTH PERTH	Seacrest Homes	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000258.001	LE3/30	29/12/2006	30 Leonora ST COMO	PM Constructions (WA) Pty Ltd	Approved	THREE STOREY SINGLE HOUSE
011.2006.00000285.001	- ON1/8	22/12/2006	8C Onslow ST SOUTH PERTH	Amano Homes	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000339.001	DE1/14	27/12/2006	14 Delamere AVE SOUTH PERTH	Tangent Nominees Pty Ltd	Approved	Additions / Alterations to Single House
011.2006.00000344.001	390 & 2	27/12/2006	394 Mill Point RD SOUTH PERTH	TX Bui & TMH Truong	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000363.001	4185	7/12/2006	58 Sandgate ST SOUTH PERTH	John Pendred Architect	Approved	ADDITIONS TO GROUPED DWELLING(S)
011.2006.00000398.001	RO1/73	27/12/2006	Robert ST COMO	A J Property Developments Pty Ltd	Approved	TWO SINGLE HOUSES : TWO STOREY
011.2006.00000414.001	EL3/17	7/12/2006	17 Elizabeth ST SOUTH PERTH	The Design Mill	Approved	Additions / Alterations to Single House
011.2006.00000428.001	MC1/81	27/12/2006	81 McDonald ST COMO	Corniche Homes	Approved	THREE GROUPED DWELLINGS
011.2006.00000438.001	MI3/244	27/12/2006	244 Mill Point RD SOUTH PERTH	Harden Jones Architects	Approved	ADDITIONS/ALTERATIONS TO GRPED DWELLIN
011.2006.00000447.001	6506	11/12/2006	Lockhart ST COMO	Icon Homes WA Pty Ltd	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000473.001	- LA6/7	12/12/2006	7 Lawler ST SOUTH PERTH	Mrs S N Barnes	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000487.001	TR3/13	11/12/2006	13 Treacy WY WATERFORD	Danmar Homes Pty Ltd	Refused	TWO STOREY SINGLE HOUSE
011.2006.00000497.001	KA2/81	28/12/2006	81 Kardan CC KARAWARA	Scott Park Homes Pty Ltd	Approved	Single House
011.2006.00000499.001	VE1/101	7/12/2006	101A Welwyn AVE SALTER POINT	Mr A B Stone	Approved	Additions / Alterations to Single House
011.2006.00000501.001	CR5/24	8/12/2006	Crossman PS SALTER POINT	Mr Z F Bishay	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000505.001	GL1/47	28/12/2006	47 Gladstone AVE SOUTH PERTH	Mrs Q M Parera	Approved	Additions / Alterations to Single House
011.2006.00000507.001	FI3/8	19/12/2006	8 First AVE KENSINGTON	Mr J Houdalakis	Approved	Carport Addition to Single House
011.2006.00000512.001	ST4/47	6/12/2006	47 Strickland ST SOUTH PERTH	Manor Home Builders	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000513.001	MC1/76	6/12/2006	76 McDonald ST COMO	Perth Home Improvement Centre	Approved	Additions / Alterations to Single House

**List of Application for Planning Consent Deterimed Under Delegated Authority for the Period 1/12/2006 to 31/12/2006**

Application #	Ext. Ref.	PC Date	Address	Applicant	Status	Description
011.2006.00000517.001	WA1/72	22/12/2006	72 Walanna DR KARAWARA	Perth Home Improvement Centre	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2006.00000519.001	BE2/74	7/12/2006	74 Bessell AVE COMO	Mr R J Lister	Approved	Additions / Alterations to Single House
011.2006.00000528.001	LE3/30	29/12/2006	30 Leonora ST COMO	P M Constructions	Approved	TWO SINGLE HOUSES
011.2006.00000530.001	TH1/28	8/12/2006	28 Thelma ST COMO	Mr B A Cripps	Approved	ADDITIONS/ALTERATIONS TO GRPED DWELLIN
011.2006.00000532.001	MC1/26	8/12/2006	26 McDonald ST COMO	Design & Construct	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000534.001	ST4/29	7/12/2006	29 Strickland ST SOUTH PERTH	Building Corporation Pty Ltd	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000535.001	ST4/29	7/12/2006	29 Strickland ST SOUTH PERTH	Building Corporation Pty Ltd	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000536.001	ST4/29	7/12/2006	29 Strickland ST SOUTH PERTH	Building Corporation Pty Ltd	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000539.001	TA1/52	12/12/2006	52 Talbot AVE COMO	Ms K Hardie	Refused	HOME OCCUPATION
011.2006.00000542.001	SO2/127	27/12/2006	127 South TCE COMO	Australian Renovation Group	Approved	Additions / Alterations to Single House
011.2006.00000544.001	CA6/370	12/12/2006	370A - 370.00B Canning HWY COMO	Gray & Lewis	Approved	Change of Use
011.2006.00000549.001	PI2/23	13/12/2006	23 Pitt ST KENSINGTON	Outdoor Transformations	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2006.00000552.001	ER1/71	11/12/2006	71 Eric ST COMO	Mr R W Leak	Approved	Additions / Alterations to Single House
011.2006.00000560.001	CL3/45	29/12/2006	45 Cloister AVE MANNING	DevelopWise Pty Ltd	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000562.001	WA8/7	18/12/2006	7 Waverley ST SOUTH PERTH	Tangent Nominees Pty Ltd	Approved	Single House
011.2006.00000564.001	HE2/77	1/12/2006	77 Henning CRES MANNING	Mr J R Bond	Approved	Additions / Alterations to Single House
011.2006.00000568.001	PE4/38	5/12/2006	38 Pether RD MANNING	Westral Outdoor Centre	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2006.00000569.001	WE2/14	5/12/2006	14 Westbury RD SOUTH PERTH	Eden Home Improvements	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2006.00000576.001	LA1/133	5/12/2006	133 Labouchere RD COMO	Outdoor World	Approved	PATIO ADDITION TO GROUPED DWELLING
011.2006.00000582.001	AL4/32	5/12/2006	32A Alston AVE COMO	Modern Home Improvers	Approved	ADDITIONS/ALTERATIONS TO GRPED DWELLIN
011.2006.00000587.001	TA1/22	7/12/2006	22 Talbot AVE COMO	Mr M Crone	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2006.00000588.001	MI3/219	14/12/2006	219 Mill Point RD SOUTH PERTH	Conwood Fencing & Retaining Walls	Approved	Additions / Alterations to Multiple Dwel
011.2006.00000591.001	AX1/7	21/12/2006	7 Axford ST COMO	B Szajnkienig	Approved	Additions / Alterations to Single House
011.2006.00000598.001	WO3/9	14/12/2006	9 Wonil WY KARAWARA	Outdoor World	Approved	PATIO ADDITION TO SINGLE HOUSE

**List of Application for Planning Consent Deterimed Under Delegated Authority for the Period 1/12/2006 to 31/12/2006**

<b>Application #</b>	<b>Ext. Ref.</b>	<b>PC Date</b>	<b>Address</b>	<b>Applicant</b>	<b>Status</b>	<b>Description</b>
011.2006.00000600.001	CA6/61	19/12/2006	61 Canning HWY SOUTH PERTH	Hames Sharley Architects	Approved	MIXED DEVELOPMENT
011.2006.00000605.001	TO1/53	19/12/2006	53 Todd AVE COMO	Heritage Outdoor	Approved	Additions / Alterations to Single House
011.2006.00000609.001	LA5/24	20/12/2006	24 Lansdowne RD KENSINGTON	Mr A M Patterson	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2006.00000615.001	HE3/140	20/12/2006	140 Hensman ST SOUTH PERTH	Mr I L Bradford	Approved	Additions / Alterations to Single House



## City of South Perth

### List of Application for Planning Consent Determined Under Delegated Authority for the Period 1/01/2007 to 31/01/2007

Application #	Ext. Ref.	PC Date	Address	Applicant	Status	Description
011.2006.00000488.001	BA2/15	4/01/2007	15 Banksia TCE SOUTH PERTH	Webb & Brown-Neaves Pty Ltd	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000495.001	KE6/7	17/01/2007	Kenneally CC SALTER POINT	Residential Attitudes	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000496.001	1/33-39	12/01/2007	37 Walanna DR KARAWARA	Greg Rowe & Associates	Approved	ALTERATIONS/ADDITIONS TO SHOPPING CENT
011.2006.00000498.001	O6/90A	4/01/2007	90A Coode ST SOUTH PERTH	Mr J L Caulfield	Approved	Additions / Alterations to Single House
011.2006.00000520.001	HE3/110	3/01/2007	110 Hensman ST SOUTH PERTH	Matthew Coniglio Architect	Approved	Additions / Alterations to Single House
011.2006.00000523.001	BR1/25	3/01/2007	25A Bradshaw CRES MANNING	Mr A M Shaw	Approved	ADDITIONS TO GROUPED DWELLING(S)
011.2006.00000547.001	DE2/9	3/01/2007	9 Deerpark GNS WATERFORD	Anthony J Casella Designers	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000557.001	PE4/11	12/01/2007	11 Pether RD MANNING	Barratt Construction & Development	Approved	Additions / Alterations to Single House
011.2006.00000570.001	HE3/166	23/01/2007	166 Melville PDE COMO	One Stop Patio Shop	Approved	PATIO ADDITION TO GROUPED DWELLING
011.2006.00000571.001	BR1/42	18/01/2007	42 Bradshaw CRES MANNING	APG Homes Pty Ltd	Refused	TWO GROUPED DWELLINGS
011.2006.00000578.001	A6/L809	8/01/2007	Lawler ST SOUTH PERTH	Mr M A Thurston	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000581.001	LA1/92	17/01/2007	92 Labouchere RD SOUTH PERTH	Daniel Cassetta Designs	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000583.001	UN1/8	17/01/2007	8 Unwin CRES SALTER POINT	Unihomes Pty Ltd	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000584.001	PA1/57	17/01/2007	57 Park ST COMO	Asnigo Pty Ltd	Approved	Additions / Alterations to Multiple Dwel
011.2006.00000585.001	HE1/98	3/01/2007	48 Henley ST COMO	Mr M F Nichols	Approved	Additions / Alterations to Single House
011.2006.00000589.001	ST5/27	3/01/2007	27 Stitfold PRO SALTER POINT	Mr B Collins	Approved	Additions / Alterations to Take-Away Foo
011.2006.00000602.001	A1/258	3/01/2007	258 Labouchere RD COMO	PATIO LIVING	Approved	PATIO ADDITION TO GROUPED DWELLING
011.2006.00000603.001	IC1/100	8/01/2007	100 McDonald ST COMO	Webb & Brown-Neaves Pty Ltd	Approved	Single House
011.2006.00000604.001	DE2/13	17/01/2007	13 Deerpark GNS WATERFORD	Manor Home Builders	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000608.001	MI5/284	3/01/2007	284 Mill Point RD SOUTH PERTH	TO1 Architecture & Interiors	Approved	ALTERATIONS TO GROUPED DWELLING(S)
011.2006.00000614.001	MC1/37	17/01/2007	37 McDonald ST COMO	Mr L E Grondal	Approved	TWO STOREY SINGLE HOUSE
011.2006.00000616.001	HE3/170	18/01/2007	170 Melville PDE COMO	Mr R Gornik	Approved	ADDITIONS TO GROUPED DWELLING(S)

**List of Application for Planning Consent Determined Under Delegated Authority for the Period 1/01/2007 to 31/01/2007**

<b>Application #</b>	<b>Ext. Ref.</b>	<b>PC Date</b>	<b>Address</b>	<b>Applicant</b>	<b>Status</b>	<b>Description</b>
011.2006.00000619.001	TH1/62	23/01/2007	62 Thelma ST COMO	APG Homes Pty Ltd	Approved	Single House
011.2006.00000624.001	NO1/27	3/01/2007	27 Norfolk ST SOUTH PERTH	Mr T K L Choy	Approved	Additions / Alterations to Single House
011.2007.00000002.001	JA1/63	29/01/2007	63 Jackson RD KARAWARA	Mr R Scott	Approved	SIGN
011.2007.00000009.001	- SC2/1	17/01/2007	1D Scott ST SOUTH PERTH	Infinite Developments Pty Ltd T/A P	Approved	Additions / Alterations to Single House
011.2007.00000010.001	IE3/136	11/01/2007	136 Hensman ST SOUTH PERTH	The Patio Guys	Approved	Additions / Alterations to Single House
011.2007.00000018.001	BE2/8	19/01/2007	8 Bessell AVE COMO	Mr B J Fowler	Approved	Additions / Alterations to Single House
011.2007.00000019.001	CL4/1	22/01/2007	1 Clydesdale ST COMO	Carport Constructions	Approved	Additions / Alterations to Multiple Dwel
011.2007.00000027.001	CO6/132	24/01/2007	132 Coode ST SOUTH PERTH	Heritage Outdoor	Approved	PATIO ADDITION TO SINGLE HOUSE



**SUBMISSION TO THE ENVIRONMENT AND  
PUBLIC AFFAIRS STANDING COMMITTEE**

**Local Government Amendment Bill (No 2)  
2006  
Local Government Elections**

**February 2007**



### **Attachment 9.5.3**

This submission has been prepared by the City of South Perth. Any questions pertaining to this submission may be addressed to -

Mr Cliff Frewing  
Chief Executive Officer  
City of South Perth  
Sandgate Street  
SOUTH PERTH WA 6151

Tel: 08 9474 0723

Fax: 08 9474 2425

Email: [enquiries@southperth.wa.gov.au](mailto:enquiries@southperth.wa.gov.au)

In making this submission it is the City's intention to seek to give evidence to the Standing Committee.

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## **1. INTRODUCTION**

On 23 November 2006 the Legislative Council referred the Local Government Amendment Bill (No 2) 2006 to the Standing Committee on Environment and Public Affairs for inquiry and report. The referral allows the Committee to consider the policy of the Bill.

This submission is in response to the invitation received from the Standing Committee on Environment and Public Affairs dated 15 December 2006 in relation to the proposal to introduce Proportional Voting to Local Government as contained in the Local Government Amendment Bill (No 2) 2006.

Before providing detailed comment on the proposed changes, it must be stated that the City is extremely disappointed that the consultative measures established between State and Local Government were ignored on this occasion. This is somewhat surprising given the significance of the proposed change as voting mechanisms go to the very core of the democratic system that we enjoy today.

The City takes the opportunity to remind the Committee of the Partnership Agreement between State and Local Government that exists for the purpose of Communication and Consultation and some of the principles that this Agreement contains.

The *State and Local Government Partnership Agreement*, signed in December 2002, provides the framework under which both spheres of government can work together to enhance the sustainable social, environmental and economic development of Western Australia through consultation, communication, participation, co-operation and collaboration at both strategic and project levels.

A key initiative in achieving the broad objectives of this overarching partnership agreement was the development of a Communication and Consultation Partnership and this document was signed in June 2004. Genuine and credible communication and consultation between both spheres of government will contribute significantly to building trust and improving working relationships at all levels.

The Communication and Consultation Partnership Agreement states that:

*"In strengthening relations between State and Local Government, each must ensure that:*

- *Communication is based upon information that is complete, objective, reliable, relevant, easy to find and understand;*
- *Consultation has clear goals and is organised around best practice principles; and*
- *Consultation provides sufficient time and flexibility to allow for the emergence of new ideas and proposals, as well as mechanisms for integration into policy-making."*

It is agreed that State and Local Government must invest commitment, adequate time and resources in communication and consultation processes. Inadequate resources and communication and consultation practices undermine relations between both spheres of government.

The City of South Perth considers the State has failed to meet its obligations by not communicating or consulting with Local Government with respect to the proposed change as Local Government was effectively presented with a 'fait accompli'.

The aims, objectives and principles of the Consultation and Communication Partnership is to define principles and objectives to assist State and Local Government in achieving maximum effectiveness in the way they communicate and consult with each other. In particular, the principles contained in the Partnership Agreement are defined as follows:

### **Commitment**

Leadership and unwavering commitment to sharing information and engaging in effective communication and consultation processes is needed at all levels of State and Local Government.

### **Clarity**

Objectives for, and the limitations on, the sharing of information, communication and consultation during policy making should be well defined from the outset. The respective roles and responsibilities of both State and Local Government must be clear to all.

### **Rights**

State and Local Governments have rights to receive information, provide feedback and to be properly consulted on issues affecting them. Both spheres of government should also be actively involved in policy processes to which they have an interest.

### **Timing**

Consultation and communication should be undertaken early in the policy process to allow a greater range of policy solutions and to maximise the chances for successful decision making and implementation. Sufficient time at all stages in the policy cycle must be allowed for conducting effective consultation and communication.

### **Objectivity**

Information provided through communication and consultation should be objective, complete and accessible.

### **Resources**

Adequate financial, human and technical resources must be made available if the sharing of information communication and consultation are to be effective. State and Local Government officials must have access to appropriate skills and training, as well as an organisational culture that supports their efforts.



### **Co-ordination**

Initiatives to inform, communicate and consult should be co-ordinated across State and Local Government to enhance knowledge management, ensure policy coherence, avoid duplication and reduce the risk of 'consultation fatigue'. However, co-ordination should not reduce the capacity of State and Local Government to pursue innovation and ensure flexibility.

### **Evaluation**

State and Local Governments need the tools, information and capacity to evaluate their performance in communicating, consulting and engaging each other in policy formulation. This will facilitate continuous improvement and changes to improve effectiveness.

It is also clear that many of these principles contained in the Partnership Agreement have been breached by the State as it has not followed the agreed process for communicating proposed changes to legislation.

The Partnership Agreement is quite clear and specifies the circumstances when the State should communicate and consult with Local Government. The Agreement requires that consultation should occur when developing or reviewing State policy or legislation that may affect Local Government.

Obviously, Local Government is a major stakeholder in many State Government decisions - particularly in this case where a change in the method of voting for elected members is concerned.

### **A clear instance where consultation should occur with Local Government includes the development or review of policy or legislation that may affect Local Government.**

It was therefore disappointing to be advised by the then Minister for Local Government the Hon Jon Ford, JP in September 2006 that "as a consequence of moving the election day, there is a need to amend the *Local Government Act 1995* to introduce a system of voting that is similar that which is encountered by electors at State and Federal elections."

This is the manner in which Local Government was advised that the Amendment Bill to facilitate this change provided for the removal of the "first past the post" voting system and the inclusion of a similar system that applies to State Parliament. The system would be based on the proportional system applying for the Legislative Council which would "provide greater uniformity in the method of voting used for State, Commonwealth and Local Government elections".

In subsequent correspondence the Minister advised that a Preferential Proportional System was favoured for Local Government Elections in all other states of Australia and further advised that the proposal was justified because of some of the submissions received by the Local Government Advisory Board as a result of its inquiries into Local Government voting systems.

Whilst it is acknowledged that the LGAB touched on the subject during the course of a general inquiry, there was no indication that this could result in legislative changes.

It is noted that one of the benefits that can be obtained through effective consultation is that the relevant parties have the opportunity to gain a thorough understanding of the nature and benefit of the proposed changes and this is what has been lacking on this occasion. The State Government has not effectively communicated with Local Government or demonstrated the need or benefit for the proposed change.

The City of South Perth urges the Committee to comment in its report to the Parliament on the failure of the State to follow the principles and protocols established in *The State and Local Government Partnership Agreement*. Only through effective consultation can the two spheres of Government work effectively.

The remainder of the City's submission looks at changes proposed in the Local Government Amendment Bill (No 2) 2006 and whether or not these changes, if implemented, will provide for a better system of local democracy.

**2. RECENT HISTORY OF VOTING SYSTEMS USED IN THE CONDUCT OF LOCAL GOVERNMENT ELECTIONS IN WESTERN AUSTRALIA**

Prior to 1995 Local Government in Western Australia employed a preferential voting system known as the "Exhaustive Preferential Voting System". With the introduction of the *Local Government Act 1995* this method of voting was changed to a "first past the post" (FPP) voting system.

The appropriateness of the FPP voting system was examined by the Local Government Advisory Board (LGAB) in its recent review<sup>1</sup>.

It is pertinent to the City's submission to the Environment and Public Affairs Standing Committee that the relevant parts of its submission to the LGAB and the LGAB's recommendations with respect to whether or not electoral reform be instigated form part of this submission.

The LGAB's Term of Reference Number 4 dealt with the system of voting used in Western Australia. Local Governments were asked to consider recommendations that address whether the current system of "first past the post" voting should be maintained, or whether preferential or proportional representation should be introduced.

**Question 31 was: Should the current system of "first past the post" voting be maintained?**

The response by the City of South Perth was as follows:

*The City of South Perth supports the continuation of the "first past the post" system of voting in Local Government elections.*

*Council believes that the "first past the post" system of voting has worked well since its introduction. It is a method that is easily understood, both by voters and candidates alike. It is also simple to operate.*

*The City accepts that, like all systems of voting, the "first past the post" method has disadvantages but on balance it appears to be the fairest.*

*In using the "first past the post" voting method, Council also considers that single tick votes should be considered valid in multi-vacancy elections. The City believes that such a system provides electors with maximum voting flexibility – voting only for those candidates they wish elected to Council.*

**Question 32 was: Should a preferential voting system be introduced?**

The response by the City of South Perth was as follows:

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<sup>1</sup> Gregorini, C (Chair), 2006. Report of the Local Government Advisory Board into Local Government and Structural Reform in Western Australia – Ensuring the Future Sustainability of Communities.

The City of South Perth does not believe a preferential voting system should be introduced. Refer to Questions 31 and 33 for further information as to Council's views on this issue.

**Question 33 was: Should a proportional representation voting system be introduced?**

The response by the City of South Perth was as follows:

*The City of South Perth does not believe application of a system of "proportional" representation for Local Government Elections should be introduced.*

*The City of South Perth believes that a local government's elected members are community representatives and should not be viewed as politicians. Furthermore, Council believes that "party politics" has no place in ensuring good and effective local governance.*

*Given that "proportional" representation enables political parties to be elected in proportion to the votes received this voting system could not be supported by the City."*

Chapter 15 of the LGAB's final report deals with Electoral Reform. Table 34 on Page 171 of the report details information on method of voting collated from all submissions received by the LGAB. The table is shown below.

**Table 34 Feedback from Submissions re Method for Counting Votes**

	"First past the Post"	Preferential/Proportional	Total
Local governments	58	11	69
Councillor/CEO personal submissions	2	9	11
Individuals/resident groups	12	14	26
Total	72	34	106

It should be noted that 68% of respondents preferred the retention of the FPP voting system compared with all other alternatives, including combination of preferential or proportional voting systems. This does not reflect any mandate to change from the existing system of voting to an alternative system of voting.

Local Government's call for maintenance of the "status quo" was recognised by the LGAB, with its views detailed in Recommendation 2.5 which stated:

***That the current provisions for the "first past the post" system of voting be retained.***

It must be emphasised that the LGAB's recommendations were not solely based on the submissions it received from local governments across Western Australia. In coming to the above conclusion, it undertook a comprehensive investigation of the FPP voting system, preferential voting systems and proportional representation systems, as well as enquiring into voting systems that operate in other Australian jurisdictions.

In addition to the above, the LGAB also made enquiries as to the costs of changing from FPP to a preferential or proportional voting system, concluding that the costs associated with a FPP election were lower than where other voting systems were employed.

One of the references cited by the LGAB in its review of electoral literature is that of the International Institute for Democracy and Electoral Assistance (IDEA)<sup>2</sup>. The LGAB's report details 10 criteria identified by IDEA that should be used when considering the design of an electoral system. These criteria are listed below:-

1. Providing representation. Representation has four forms, geographical, ideological, party political and demographic;
2. Making elections accessible and meaningful;
3. Minimisation of wasted votes;
4. Providing incentives for conciliation and community building. Some systems will encourage candidates to be less divisive and exclusionary, and more unifying and inclusive;
5. Facilitating stable and efficient government;
6. Holding the government and individual representatives accountable;
7. Encouraging or discouraging political parties;
8. Promoting legislative opposition and oversight;
9. Making the election process sustainable in relation to cost and administrative complexity; and
10. Taking into account 'international standards'. These include the principles of free, fair and periodic elections that guarantee universal adult suffrage, the secrecy of the ballot and freedom from coercion, and a commitment to the principle of one person, one vote.

While it did not consider all of the above criteria relevant to the Local Government electoral system in Western Australia, the LGAB utilised a number of these criteria in deciding whether or not a move from FPP should be considered, concluding that:-

- *An FPP election is easily understood by electors;*
- *An FPP election can be counted more quickly; preferential voting is time consuming to count;*
- *An FPP election removes or minimises the 'politics' in election campaigns; preferential voting encourages alliances to be formed for the distribution of preferences, and facilitates increased party politics in local government elections.*

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<sup>2</sup> International Institute for Democracy and Electoral Assistance (IDEA), 2005. Electoral system design; the new international IDEA handbook. Sweden. International Institute for Democracy and Electoral Assistance.

- *An FPP election removes or minimises the potential for 'dummy' candidates; under preferential voting the election process can be manipulated through the use of alliances or 'dummy' candidates.*

In coming to the above conclusions, the LGAB acknowledged the shortcomings of the FPP voting system. It remained, however, of the view that FPP provided electors in a local government election with the most effective means of participating in the electoral process

It is noted that the proposed system of voting is based on the "Proportional Preferential Representation System".

At this time it is not believed that the proposed change has been justified or properly explained and it is argued that any further change would create additional confusion to members of the community. The argument that this method is consistent with the way in which members of the Legislative Council are elected, and is therefore appropriate for Local Government is not accepted. It is believed that the community of Western Australia is mature enough to know the difference between the different tiers of Government that exists within Australia and recognises that different systems apply in each tier of Government. After all, different voting systems used to elect members are only one of many differences that exist between elected Commonwealth, State and Local Government members.

**3. COMPULSORY VOTING**

As mentioned earlier, the then Minister for Local Government the Hon Jon Ford, JP in September 2006 advised Local Government that “as a consequence of moving the election day, there is a need to amend the *Local Government Act 1995* to introduce a system of voting that is similar that which is encountered by electors at State and Federal elections.”

Local Government was advised that the Amendment Bill to facilitate this change provided for the removal of the “first past the post” voting system and the inclusion of a similar system that applies to State Parliament. The system would be based on the proportional system applying for the Legislative Council which would “*provide greater uniformity in the method of voting used for State, Commonwealth and Local Government elections*”.

In subsequent correspondence the Minister advised that a Preferential Proportional System was favoured for Local Government Elections in all other states of Australia and further advised that the proposal was justified because of some of the submissions received by the Local Government.

It must be said that the proposed change to the method of voting is only one component of the electoral process and if adopted will not bring uniformity and consistency between the different systems of voting either between WA Local Government and the State or between WA and the other States.

This is simply because in WA, Local Government voting is not compulsory whereas voting in State elections is compulsory. In addition, WA is also different from the majority of other States in that in the populous States, Local Government elections are generally compulsory (to a degree) whereas is in WA and the less populous States, they are not. A summary of the States is as follows:-

New South Wales	Compulsory for residents but not non-residents - excluding the City of Sydney where voting is compulsory.
Queensland	Voting is compulsory for all residents
South Australia	Not Compulsory
Tasmania	Not Compulsory
Victoria	Compulsory for residents but not non-residents - excluding the City of Melbourne where voting is compulsory.

The compulsory nature of voting seems to demonstrate that there is a relationship between politicisation of Local Government and features of the Local Government system of elections and voting as it is generally accepted that Local Government in the populous States is politically motivated.

There are therefore major inconsistencies and differences that currently exist between WA Local Government, the State and other States in terms of different aspects of election systems utilised.

The introduction of a "Preferential Proportional System of voting" for WA Local Government would not therefore bring uniformity and consistency between State and Local Government as argued by the State.



**4. PROPORTIONAL PREFERENTIAL REPRESENTATION SYSTEM OF VOTING**

**4.1 Method of Election Proposed by the Local Government Amendment Bill (No 2) 2006**

In direct contrast to the existing system of FPP voting system which is simple to understand and clearly transparent in its method of operation, the proportional preferential representation system is extremely complex and difficult to understand. In fact, the proposed system appears to be a combination of "first past the post", preferential and proportional voting systems dependent upon the number of vacancies, the number of candidates and the way in which votes are cast in the election.

For example, where a single vacancy exists which is contested by two candidates the candidate with the most votes cast in the candidate's favour wins the election similar to the "first past the post" system. The proportional representation voting system becomes much more complex where multiple vacancies exist which are contested by a multiple number of candidates and the system of distributing preferences varies dependent upon whether or not a candidate receives an initial majority of votes, ie a quota of votes.

To further illustrate the complexity and "pot-pourri" of vote counting methods contained within the proportional preferential voting system, the following case studies are provided.

**Case 1 Single Vacancy - Candidate elected immediately on receiving majority of primary vote**

The details for Case 1 are provided in Attachment 1.

**Result:**

1. The successful candidate is the same whether elected by first past the post, preferential or proportional voting systems. Candidate A is the winner regardless of electors' preferences. Therefore no advantage is seen using the proposed system in these circumstances.
2. In this example, the preferential system does not result in electors having their preferred candidate elected, ie Candidate B is 'preferred' over Candidate A with in excess of 4 000 additional votes cast in his favour after notional distribution of preferences (had this been done).
3. The preferential or proportional voting system does not therefore always produce a more 'equitable' result as suggested and in this instance one of its anomalies.

**Case 2      Single Vacancy - Candidate elected after distribution of preferences**

The details for Case 2 are provided in Attachment 2.

**Result:**

Candidate A elected, but only after eliminated Candidate C's preferences are allocated.

**Case 3      Multiple vacancies with multiple candidates - Candidate elected at first count**

The details for Case 3 are provided in Attachment .3.

**Result:**

Candidate C elected to join Candidate A, but only after successful Candidate A's preferences are allocated at transfer value.

**Case 4      Multiple Vacancies with multiple candidates - Candidate not elected at first count**

The details for Case 4 are provided in Attachment 4.

**Result:**

1. Candidate A is elected but only after unsuccessful Candidate E's preferences are allocated at full value.
2. As no remaining candidate has received quota, process is repeated.

The above case studies reveal that the results of each election are determined by different count methods, though each is considered under the banner of proportional preferential voting. It is this variation of counting methods that is of concern to the City of South Perth because there is little or no consistency in the system of counting votes from one election to another.

This is particularly disturbing given that a Council with multiple ward elections could easily face such a situation at the same elections.

This 'pot-pourri' of vote counting methods, when compared with the simplicity of the existing system, is but one reason why the City of South Perth considers proportional preferential voting a poor alternative to the FPP system.

The complexity of preferential voting methods may also serve as a disincentive for electors to participate in local government elections.

### **Attachment 9.5.3**

At both State and Commonwealth elections where proportional preferential voting is used the voter is provided with the opportunity to vote "above" or "below" the line. Voting "above the line" provides the elector with a simple and convenient way for casting their preferred vote – voting in accordance with particular political party's recommendations on how to cast a vote. Electors can, however, choose to vote "below the line" which means they need to fill in all the squares to cast a valid vote. The 'above the line' method of voting allows for a reduced chance of spoilt votes to be cast.

The changes provided for in the Local Government Amendment Bill (No 2) 2006 do not allow for "above the line" voting. Electors in a local government election will be required to fill in all boxes. This means that voting in Local Government is not the same as that which applies for the Legislative Council - contrary to the main argument for its introduction to Local Government.

Clearly the Government's assertion that the electoral changes would "provide greater uniformity in the method of voting used for State, Commonwealth and Local Government elections" is not true.

Given the added complexity of this election method over FPP it is entirely plausible that local governments will turn to the Western Australian Electoral Commission (WAEC) for the conduct of their elections. With increasing numbers of councils making use of postal voting and given that there is no compulsion to vote, there is every possibility that should an elector spoil his or her ballot papers they will not return the spoilt papers (because of the effort required) to the WAEC, (to obtain fresh voting papers). The accessibility that postal voting has provided to the local government electoral process will be negated by a system that is not easily understood and where mistakes are more difficult to rectify.

## **4.2 Comment on the Proposed Features/Advantages of Proportional Preferential Representation**

### **4.2.1 Uniformity of Election Methods**

One of the reasons provided by the State Government when announcing its decision to change the method of voting in Local Government election was that the new system of voting would be similar to that encountered by electors at State and Federal elections. In particular, the system would be similar to that currently applied to State Parliament. Specifically, the system would be based on the proportional system applying for the Legislative Council which would provide greater uniformity in the method of voting used for State, Commonwealth and Local Government elections.

The City acknowledges the need for a more complex means of election system for election at the State Parliament level of government. Given the proposed system to be used is based on that currently applied within the Legislative Council, a brief overview of the method of election is necessary.

The Western Australian Electoral Commission's (WAEC) website – [www.waec.wa.gov.au](http://www.waec.wa.gov.au) – details by Region the number of candidates that stood for election in the 2005 State Election. A cursory examination of the information held on the 2005 elections shows that each seat was contested by significantly larger fields of candidates than experienced at any Local Government election. As a consequence, FPP is unlikely to provide an appropriate degree of sophistication for selection of the winning candidate

Local Government elections by contrast are quite simple affairs. This simplicity is borne out when electoral results available from the WAEC's website are examined.

Since the introduction of postal voting in 1997 the WAEC has undertaken the responsibility of conducting elections for an increasing number of local governments in Western Australia.

An examination of ordinary elections from 2000 until 2006 was undertaken to test the validity of the claim that a system of preferential voting would be a more appropriate method of electing councillors throughout Western Australia.

The election results detailed in the table below were categorised into one of following types:–

1. Elections where there was a single candidate for a single vacancy
2. Elections where there were two (2) candidates for a single vacancy;
3. Elections where there were three candidates for a single vacancy;
4. Elections where there were three (3) candidates for multiple vacancies;
5. Elections where there four (4) or more candidates for a single vacancy; and

6. Elections where there were four (4) or more candidates for multiple vacancies.

**Table 1: WAEC Local Government Election Profile – Ordinary Elections held between 2000 and 2006**

<b>Number of Candidates</b>	<b>Number of Elections</b>	<b>%</b>
Single candidate election – elected unopposed	134	23.8
2 candidates – single vacancy	148	26.3
3 candidates – single vacancy	73	13.0
4 or more candidates – single vacancy	18	3.2
3 candidates – multiple vacancies	45	8.0
4 or more candidates – multiple vacancies	145	25.7
Total Elections	563	100%

From the above table it can be seen that if a similar election profile occurred over the next five years, a change in voting system would have little effect on Local Government elections. As an absolute minimum, the above data suggests that for 50.1% of Local Government elections, the result would not change. An important difference between Local Government and State elections is that in Local Government many Councillors are elected unopposed and this rarely, if ever, occurs in State Government. Indeed the figure of 50.1% would probably be higher as it is certain there would be a reasonable component of elections contested by three or more candidates where an outright winner is elected at the first count, eliminating the need to go to a preference count.

It is therefore estimated that as a minimum, any change in the voting system cannot have any impact on up to 70% of Local Government elections and there is no guarantee that a change will affect the remaining 30%.

It must be said that for elections where there were multiple vacancies preferential voting might provide a different election result. These elections, however, make up only a quarter of all the election results examined. The remaining election results are comprised of single vacancy elections where three (3) or fewer candidates stood for election. And in a quarter of all elections contested no election was held, with the single candidate being elected unopposed.

It should be noted that the data shown in Table 1 is for only 59 of the 142 mainland Western Australian Local Governments. The City of South Perth, believes that these results are indicative of what occurs across the sector.

The City believes that the election data presented above supports the view that FPP provides equally effective result to any system of preferential voting because in the majority of elections the results would be unchanged irrespective of electoral method adopted.

**As a consequence, the City of South Perth remains of the view that there is currently no place for a preferential system of voting within Western Australian Local Government.**

#### **4.2.2 Recognition by Local Government in Western Australia that Preferential Proportional Voting was a better means of conducting Local Government elections**

In announcing its desire to change the system of elections, Local Government was advised by the State Government that a Preferential Proportional System was favoured for Local Government Elections in all other states of Australia and that the proposal was justified because of some of the submissions received by the LGAB as a result of its inquiries into Local Government voting systems. Whilst the LGAB received some submissions calling for some form of preferential voting system to be employed **this was not the majority view expressed**. As detailed above, 68% of all submissions received on this issue were in favour of maintaining the “*status quo*”.

**The City of South Perth is unable to see how the State Government could come to such an erroneous viewpoint based on the limited response to a survey. This is not regarded as proper and effective consultation and cannot be justified to introduce such a significant change.**

#### **4.3 Comment on the Disadvantages of Proportional Preferential Representation**

##### **4.3.1 Complexity**

In direct contrast to the existing system of FPP voting system which is simple to understand and clearly transparent in its method of operation, the proportional preferential representation system is extremely complex and difficult to understand. In fact, on the information currently available to Local Government, the proposed system appears to be a combination of “first past the post”, preferential and proportional voting systems dependent upon the number of vacancies, the number of candidates and the now of votes are cast in the election.

Given the complexity of preferential system of voting it is probable that more local governments will look to the WAEC for assistance in the conduct of local government elections. This has potential resource implications for both the WAEC and the local governments themselves.

### 4.3.2 **Vote Wastage**

One of the claimed advantages of the proportional preferential voting system is that voters' votes are not "wasted" as for a valid vote to be cast a voter must indicate preferences to all candidates. Whilst this is the case where a voter consciously orders preferences, the contrary argument applies that demonstrates this is another weakness of the system where a voter is required to give a preference to a candidate that they do not wish to favour, but is required to in order to lodge a valid vote.

It is understood that if a voter only votes for a number of candidates in preferential order, but not all candidates, then the vote would deem to be invalid. This is compared to the voting method under "first past the post" where the voter's intention is clear by simply marking the ballot paper with the candidate of the voter's choice.

### 4.3.3 **Establishment of Voting Alliances/Party Politics within Western Australian Local Government**

Whilst the City of South Perth accepts that to a degree "party politics" exists in Western Australian Local Government, it is not to the same extent as operates within the local governments across New South Wales and Victoria for example. The City believes that this is a situation that all elected members, irrespective of their personal political views value highly as they wish to represent their communities and not a particular party political platform. All the City's elected members subscribe to this view.

This view is also shared by the LGAB, concluding in its final report that preferential voting encourages alliances to be formed for the distribution of preferences, thereby facilitating increased party politics in Local Government elections.

Furthermore, under preferential voting the election process can be manipulated through the use of alliances or 'dummy' candidates. By contrast, a FPP election removes or minimises the potential for 'dummy' candidates.

One of the strengths of Local Government in Western Australia is that it is largely free from party politics and in the City's view no compelling reason has been advanced to promote a change to this position. As a consequence, it is strongly advocates that the *status quo* should remain.

**5. RESOURCE IMPLICATIONS FOR LOCAL GOVERNMENT AND THE WAEC SHOULD A PROPORTIONAL PREFERENTIAL REPRESENTATION SYSTEM OF VOTING BE ADOPTED**

The City of South Perth is also concerned at the potential resource implications that the proposed system would have not only on Local Government but on the WAEC.

In the first instance, it would appear undeniable that for all but the smallest of elections in the smallest country councils, some form of computer counting software will be required by Local Governments. In addition to the cost of acquisition of vote counting software there would also need to be considerable training of staff (and presumably the general public to some degree) in its application. This would entail documentation and education and training seminars being conducted throughout the state.

At this stage the State has not quantified the additional cost associated with the proposed system, but the LGAB in its report estimated that additional costs would be in the order of 16 cents per elector.

If, as is likely many more Councils turned to the WAEC, then the capacity of the WAEC to effectively manage the election process for in excess of 100 Local Government elections, with potentially numerous ward elections, remains unanswered. Clearly this would be a significant challenge for the WAEC to have suitably experienced and trained personnel to be available throughout the State to assist Local Government during the election process.

The City believes that further work on the ability of Local Government and the WAEC to properly resource the conduct of any new electoral system is required before any changes can be considered.



### 6. CONCLUSIONS

The City of South Perth's view on preferential voting, in whatever form it takes, is that it is not suited to Local Government within Western Australia. Like the LGAB, the City believes that FPP provides an electoral process that, whilst it has shortcomings meets the needs and aspirations of the vast majority of those who participate in local government elections. This is because:-

- FPP is an electoral process that is easily understood by electors;
- FPP *elections* can be counted more quickly; preferential voting is time consuming to count;
- FPP *elections* remove or minimise the 'politics' in election campaigns - preferential voting encourages alliances to be formed for the distribution of preferences, and facilitates increased party politics in local government elections;
- FPP elections remove or minimise the potential for 'dummy' candidates - under preferential voting the election process can be manipulated through the use of alliances or 'dummy' candidates;
- FPP elections are less costly to run than preferential voting methods where some form of electoral software is necessary for counting of votes to be undertaken. The resource implications for Local Government in using a preferential system of voting are still to be determined;
- The reasons for the proposed voting system have not been justified;
- Importantly, the disadvantages of the proposed voting system outweigh the benefits of its introduction; and
- In any event, it is estimated that the new system would have little, if any, impact on the results on future Local Government elections.

It is hoped the above views will be given careful consideration by the Standing Committee in its final deliberations before preparing its report to the Parliament.

The City also urges the Committee to make strong comment on the need for the State Government to recognise and uphold *The State and Local Government Partnership Agreement* and all the consultative mechanisms that have arisen from this collaborative measure.

**ATTACHMENTS: Case Studies**

**Case 1 Single Vacancy - Candidate elected immediately on receiving majority of primary vote**

Number of Votes 10 000  
 Number of Vacancies 1  
 Number of Candidates 3  
 Quota:  $(\frac{10000}{1+1}) + 1 = 5001$

Votes for each Candidate:

Candidate	Primary Vote		1 <sup>st</sup> Preferences			
	A	5 400		B	5 200	C
B	4 500		A	300	C	4 200
C	100		A	20	B	80
	10 000			5 520		4 480

**Result:** Candidate A is elected as the number of votes (5 400) exceeds the quota of 5001.

However, the Vote Analysis after notional distribution of 1<sup>st</sup> Preferences is:

		<b>A</b>	<b>B</b>	<b>C</b>
Primary Vote		5 400	4 500	100
1 <sup>st</sup> Preferences	A	-	5 200	200
1 <sup>st</sup> Preferences	B	300	-	4 200
1 <sup>st</sup> Preferences	C	20	80	-
		5 720	9 780	4 500

**Conclusion**

- The successful candidate is the same whether elected by first past the post, preferential or proportional voting systems. Candidate A is the winner regardless of electors' preferences. Therefore no advantage is seen using the proposed system in these circumstances.
- In this example, the preferential system does not result in electors having their preferred candidate elected, ie Candidate B is 'preferred' over Candidate A with in excess of 4 000 additional votes cast in his favour after notional distribution of preferences (had this been done).
- The preferential or proportional voting system does not therefore always produce a more 'equitable' result as suggested and in this instance, in fact it highlights one of its anomalies.

**Case 2      Single Vacancy - Candidate elected after distribution of preferences**

Number of Votes                      10 000  
 Number of Vacancies                1  
 Number of Candidates                3  
 Quota:                                     $( \frac{10000}{1+1} ) + 1 = 5001$

Votes for each Candidate:

Candidate	Primary Vote		1 <sup>st</sup> Preferences		
	A	4 500	B	400	C
B	3 500	A	200	C	3 300
C	2 000	A	1 000	B	1 000
	10 000		1 600		8 400

Vote analysis is as follows:-

- No Candidate with quota; and
- Candidate 'C' eliminated and preferences distributed.

	<b>A</b>	<b>B</b>	<b>C</b>	
Primary Vote	4 500	3 500	2 000	
C Preferences	1 000	1 000	- 2 000	
	5 500*	4 500	0	* A Elected

**Conclusion**

Candidate A elected, but only after eliminated Candidate C's preferences are allocated.

**Case 3 Multiple vacancies with multiple candidates - Candidate elected at first count**

Number of Votes 10 000  
 Number of Vacancies 2  
 Number of Candidates 3  
 Quota:  $(\frac{10000}{2+1})+1 = 3334$

Votes for each Candidate:

Candidate	Primary Vote		1 <sup>st</sup> Preferences			
	A	6 000		B	300	C
B	3 000		A	200	C	2 800
C	1 000		A	900	B	100
	10 000			1 400		8 600

Vote analysis is as follows:-

- Candidate A elected with more primary votes than quota; and
- Transfer value of A's excess votes.

$> 6\ 000 - 3\ 334 = 2\ 666$

$> (\frac{2666}{6000}) = 0.444$

$> \text{Preferences for B} = 300 \times 0.444 = 133$

$\text{Preferences for C} = 5\ 700 \times 0.444 = 2\ 530$

<b>A</b>	<b>B</b>	<b>C</b>
6 000	3 000	1 000
<u>Elected</u>		
	133	2 530
	<u>3 133</u>	<u>3 530</u>

**Conclusion**

Candidate C elected to join Candidate A, but only after successful Candidate A's preferences are allocated at transfer value.

**Case 4 Multiple Vacancies with multiple candidates - Candidate not elected at first count**

Number of Votes 10 000  
 Number of Vacancies 2  
 Number of Candidates 5  
 Quota:  $(\frac{10000}{2+1})+1 = 3334$

Votes for each Candidate:

Candidate	Primary Vote		Preferences				
	A	B	B	A	C	D	E
A	3 000		1 600	500	600	500	300
B	2 500		500	800	800	700	500
C	2 400		1 000	1 000	1 000	200	200
D	1 500		800	400	400	200	100
E	600		500	50	50	30	20

Vote analysis is as follows:-

- No Candidate with quota; lowest candidate (E) eliminated; and
- Candidate E's votes transferred at full value.

	<b>A</b>	<b>B</b>	<b>C</b>	<b>C</b>	<b>E</b>	
Primary Vote	3 000	2 500	2 400	1 500	600	
E Preferences	500	50	30	20	- 600	
	3 500*	2 550	2 430	1 520	0	* A Elected

A's excess votes allocated at transfer value  
 > 3 500 - 3334 + 166

>  $(\frac{166}{3500}) = 0.047$

- > The transfer value of 0.047 is then applied to elected Candidate A's excess votes.
- > As no remaining candidate has received quota, process is repeated.

**Conclusions**

1. Candidate A is elected but only after unsuccessful Candidate E's preferences are allocated at full value.
2. As no remaining candidate has received quota, process is repeated.