

# LOCAL GOVERNMENT ACT 1995

*City of South Perth*

## STANDING ORDERS AMENDMENT LOCAL LAW 2010

Under the powers of the *Local Government Act 1995* and all other powers enabling it, the Council of the City of South Perth resolved on 22 June 2010 to adopt the following local law.

### **1. Citation**

This local law may be cited as the *City of South Perth Standing Orders Amendment Local Law 2010*.

### **2. Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

### **3. Principal local law**

In this local law, the *City of South Perth Standing Orders Local Law 2007* as published in the *Government Gazette* on 17 May 2007 is referred to as the principal local law. The principal local law is amended.

### **4. Clause 1.4 amended**

In alphabetical order insert —

“employee” means an employee of the City;

### **5. Clause 1.5 amended**

Delete “; and” in subclause (1) and insert a full stop.

### **6. Clause 2.1 amended**

Delete “officers” in subclauses 2(b) and 2(c) and insert “employees”.

### **7. Clause 5.2 amended**

Delete items 7, 8.4 and 13 in the order of business list and insert in numerical order—

7. Confirmation of minutes and tabling of notes of briefings and other meetings under clause 19.1
  - 8.4. Council delegates reports
  - 8.5. Conference delegates reports
13. Questions from Members
  - 13.1. Response to previous question from Members taken on notice
  - 13.2. Questions from Members

### **8. Clause 5.3 amended**

Delete “notice paper” in subclause 4(a) and insert “agenda paper”.

### **9. Clause 5.5 amended**

Delete “officer” in subclause (1) and insert “employee”.

### **10. Clause 6.2 amended**

Delete “Officer” in subclause 3(a)(iii) and insert “employee”.

### **11. Clause 6.7 amended**

Delete subclauses (1) to (10) and insert—

- (1) In this clause—
  - (a) a “person” means a member of the public; and
  - (b) a question includes a part of a question (so that a question in 3 parts is to be treated as being 3 questions).
- (2) Unless the Presiding Member determines otherwise, a person may ask up to 3 questions at a meeting.
- (3) A person who wishes to ask a question at a meeting must—
  - (a) before the commencement of the meeting, complete a question form provided by the City and place the completed question form in the question tray provided by the City; and
  - (b) be present at the meeting when the question is asked.
- (4) A completed question form must include—
  - (a) the name and residential or contact address of the person who wishes to ask the question; and
  - (b) the terms of no more than 3 questions that the person wishes to ask.

*Note—a question form that does not include the residential or contact address of the person is to be treated as correspondence—see clause 6.7(7) below.*
- (5) In cases of disability or other extenuating circumstances—
  - (a) the City, if requested to do so, is to assist a person to complete a question form; and

- (b) in the absence of that assistance, the Presiding Member may permit a person to ask a question that was not included on a question form.
- (6) The Presiding Member may decide that a question is out of order, and is not to be recorded or responded to—
  - (a) if the same or a similar question was asked at a previous meeting, a response was provided and the person is directed to the minutes of the meeting at which the response was provided;
  - (b) if it is not in the form of a question or, having regard to its content and length, is essentially a statement or expression of opinion rather than a question;
  - (c) if, in respect of a Council meeting, the question does not relate to a matter affecting the City;
  - (d) if, in respect of a special meeting of the Council, the question does not relate to the purpose of the meeting;
  - (e) if, in respect of a committee meeting, the question does not relate to a function of the committee; or
  - (f) if the question uses an offensive or objectionable expression or is defamatory.
- (7) If, in the opinion of the Presiding Member, a question requires further research or cannot be answered satisfactorily at the meeting, or if a question form does not contain the name and residential or contact address of the person who wishes to ask the question—
  - (a) the Presiding Member may determine that the question is to be treated as correspondence or is to be taken on notice;
  - (b) the CEO, unless of the opinion that a response would divert a substantial and unreasonable portion of the City's resources away from its other functions, is to ensure that a written response is given as soon as practicable after the meeting to the person who asked the question; and
  - (c) if a question is treated as correspondence, the question, but not the response, is to be recorded in the minutes of the meeting.
- (8) Unless subclause (6) or (7) applies—
  - (a) the Presiding Member is either to read out each question or to ensure that each question is displayed electronically in a form that may be viewed by members of the public attending the meeting;
  - (b) the Presiding Member is to respond personally or is to ask another Member or an employee to respond to the question; and
  - (c) a summary of the question and response is to be recorded in the minutes of the meeting.
- (9) A response to a question is not to be the subject of any discussion, except that if, in the opinion of a Member, false information or any adverse reflection is contained in any question asked or comments made by any member of the public, then (through the Presiding Member) the Member may correct or clarify the matter.
- (10) The Presiding Member may extend question time for up to 15 minutes after the end of the minimum time for questions.

## **12. Clause 6.9 amended**

- (a) Delete subclause (1) and (2) and insert—
  - (1) A person or group who completes and submits, with at least 24 hours notice, a 'Request for Deputation' application form (available on the City's website) may be received as a deputation—
    - (a) at an agenda briefing session
    - (b) if the Council determines, at a Council Meeting.
  - (2) The CEO may either—
    - (a) approve the request and invite the deputation to attend an agenda briefing under clause 19.1; or
    - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation and, if so, the meeting or briefing at which it is to be received.
- (b) Delete the opening words in subclause (3) and insert—
  - (3) Unless the Council resolves otherwise, a deputation invited to attend a Council meeting or an informal briefing or meeting under clause 19.1.

## **13. Clause 6.10 amended**

Delete "officer" in subclause (2) and insert "employee".

## **14. Clause 6.15 amended**

- (a) Delete "officer" in subclause 1(c) and insert—"employee".

(b) Delete subclauses (2) and (3) and insert—

(2) A member or an employee who has—

- (a) confidential information under subclause (1); or
- (b) information that is provided or disclosed for the purposes of or during a meeting, or part of a meeting, that is closed to the public,
- (c) must not disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.

Penalty \$5,000

(3) Subclause (2) does not prevent a member or employee from disclosing information—

- (a) at a closed meeting;
- (b) to the extent specified by the Council and subject to such other conditions as the Council determines;
- (c) that is already in the public domain;
- (d) to an officer of the Department;
- (e) to the Minister;
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

**15. Clause 6.17 amended**

Delete subclauses (2), (3), (4) and (5) and insert—

- (2) A person addressing the Council or a committee shall extend due courtesy and respect to the Council or the committee and the processes under which it operates and shall comply with any direction by the Presiding Member.
- (3) A person present at or 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 or a committee.
- (5) The Presiding Member may warn a person who fails to comply with this clause.
- (6) If—
  - (a) after being warned, the person again acts contrary to this clause, or to these Standing Orders; or
  - (b) a person refuses or fails to comply with a direction by the Presiding Member,

the Presiding Member may expel the person from the meeting by ordering him or her to leave the meeting room.

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

**16. Part 7 amended**

(a) After Part 7 Heading —

Delete “Officer” in subclause (2), (3) and (5) and insert—“employee”.

**17. Clause 8.3 amended**

Delete “Officer” and insert “employee”.

**18. Clause 8.4 amended**

Delete “time or” and insert “time of”.

**19. Clause 8.15 amended**

Delete “Officer” in subclauses 2(a), 2(b) and (3) and insert—“employee”.

**20. Clause 8.16 amended**

Delete “Officer” in subclause 1(a) and insert—“employee”.

**21. Clause 13.1 amended**

Delete “Council” in subclause 1(a) and insert—“meeting”.

**22. Clause 13.4 amended**

Delete subclauses 1(c) and (d), (2), (3), (4) and (5) and insert —

- 1(c) is to count and determine the votes of Members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member’s vote; and
- 1(d) subject to this clause, is to declare the result.
- (2) The CEO is ensure that the minutes record—
  - (a) the name of each member who voted; and

- (b) whether he or she voted in the affirmative or negative.

**23. Clause 19.1 amended**

Delete subclause 2(b) and (3) and insert —

- 2(b) in respect of a Council agenda briefing or major development briefing which is open to the public, advise a person who has made an application that is to be considered at the meeting, of the time, date and place of the meeting; and
- 2(c) cause notes of the meetings to be kept.
- (3) A Member or an employee 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 regulation 11 of the *Local Government (Rules of Conduct) Regulations 2007*.

**24. Clause 21.1 amended**

Delete subclauses (1) to (10) and its heading and insert—

**21.1 Custody of the common seal**

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

**25. Clause 21.2 inserted**

**21.2 Register**

The CEO is to maintain a register that is to record, in respect of each occasion when the common seal is affixed to a document—

- (a) the date that the common seal was affixed;
- (b) the nature of the document; and
- (c) the parties described in the document.

**26. Clause 21.3 inserted**

**21.3 Use of common seal**

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

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Dated: 28 June 2010.

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

JAMES BEST, Mayor.  
CLIFF FREWING, Chief Executive Officer.