

LOCAL GOVERNMENT ACT 1995

CITY OF SOUTH PERTH

STANDING ORDERS AMENDMENT LOCAL LAW 2017

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the City of South Perth resolved on 28 March 2017 to make the following local law.

1. Short title

This is the *City of South Perth Standing Orders Amendment Local Law 2017*.

2. Commencement

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

3. Local law amended

The *City of South Perth Standing Orders Local Law 2007* as published in the *Government Gazette* on 17 May 2007 and as published and amended in the *Government Gazette* on 9 July 2010 and on 5 October 2012 is referred to as the Principal Local Law. The Principle Local Law is amended.

4. Clause 6.7 amended

Clause 6.7 is deleted and replaced as follows—

‘6.7 Other procedures for question time for the public

(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 maximum of 3 minutes is allotted for each person to ask up to 3 questions, including any contextual or opening statement.

(4) 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.

(5) 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.

(6) 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.

(7) 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 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;
 - (f) if the question uses an offensive or objectionable expression or is defamatory;
 - (g) if the question, including any opening statement exceeds the time allotted by subclause 6.7(3).
- (8) If, in the opinion of the Presiding Member, a question requires further research or a response cannot be given 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.
- (9) Unless subclause (7) or (8) applies—
- (a) the Presiding Member is either to read out each question or to ensure that each question is displayed electronically in a form (which may be summarised by the CEO) 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.
- (10) 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.
- (11) The Presiding Member may extend question time for up to 15 minutes after the end of the minimum time for questions if there are members of the public present who wish to ask questions and have not been given an opportunity to do so.’

5 Clause 6.12(3)(b) amended

Clause 6.12(3)(b) be deleted and replaced with—

- ‘(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 to make a deputation on the issue; and’

6 Clause 10.1A added

Before clause 10.1, insert—

10.1A Alternative motions

- (1) Members are to submit alternative motions to recommendations on Council agendas to the Chief Executive Officer by 12 noon on the day before each Council meeting, so they can be distributed to other elected members to give them an opportunity to reflect on the proposed changes.
- (2) Material amendments and alternative resolutions submitted under subclause (1) must not conflict with the stated purpose of a Special Council Meeting.

Dated 6 April 2017.

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

SUE DOHERTY, Mayor.
GEOFF GLASS, Chief Executive Officer.
