

agenda

**Finance and Audit Committee
workshop**



Workshop No. 10 / 2018
22 October 2018

VENUE: Meeting room 3
COMMENCING: 5.40pm

TOPIC 1: Standing orders review
Danielle Uniza

PURPOSE OF THE WORKSHOP ITEM:

Review parts 13-17 of the current *Standing Orders Local Law*, relating to revoking or changing decisions, establishment and membership of committees, meetings of electors, briefings and informal forums and miscellaneous.

TOPIC 2: Review of Local Government Act 1995
Danielle Uniza

PURPOSE OF THE WORKSHOP ITEM:

Provide an update on the review of the *Local Government Act 1995*.

TOPIC 3: Draft Operating Subsidy Policy
Kaitlyn Griggs

PURPOSE OF THE WORKSHOP ITEM:

Seek feedback on draft policy to ascertain whether the Town is heading in the right direction.

TOPIC 4: Parking fine debt collection
Luke Ellis and Graham Patrick

PURPOSE OF THE WORKSHOP ITEM:

Update on parking fine debt collection.

TOPIC 5: Potential co-location of Higgins Park Tennis Club and Victoria Park Croquet Club
Ben Killigrew

PURPOSE OF THE WORKSHOP ITEM:

Provide an update on progress towards the potential co-location of Higgins Park Tennis Club and Victoria Park Croquet Club at Higgins Park. This specifically relates to progress made at the 18 October meeting, how Tennis West can help and the future direction.

TOPIC 6: Investments and revenue diversification
Nathan Cain

PURPOSE OF THE WORKSHOP ITEM:

Discussion about the legal opinion received relating to alternate investment options and the next steps. An update on the property investment timeline will also be provided.

TOPIC 7: General business**TOPIC 8: Request for topics for future consideration****Forthcoming agenda items****Reports**

Schedule of accounts	Every month
Financial statements	Every month
Acceptance of Presiding Member resignation and election of new Presiding Member	October 2018
Parking fine debt collection	October 2018
Annual budget review	January 2019

Workshop topics

Standing orders review	Every month
Elected Member portal and intranet	As required
Funding long-term projects	November 2018
Review of <i>Local Government Act 1995</i>	November 2018
Quarterly capital works program update (by exception)	November 2018
Fees and Charges – determination and analysis of the level of application	December 2018
Annual budget review	January 2019

ACCOMPANYING DOCUMENTS:

TOPIC 1

Standing orders review comparison

TOPIC 3

Draft Operating Subsidy Policy memo

Draft Operating Subsidy Policy

Clause amended

No Changes

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *Town of Victoria Park Meeting Procedures Local Law 2018*.

1.2 Commencement

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

1.3 Purpose and effect

- (1) The purpose of this local law is to provide **rules and** a set of procedures that apply to the conduct of meetings of the Council **and its** committees and to meetings of electors.
- (2) The **effect** of this local laws is intended to result in—
 - (a) better decision-making by the Council and **its** committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) the more efficient and effective use of time at meetings.

1.4 Application

All meetings of the Council, committees and the electors are to be conducted in accordance with the Act, the Regulations and this local law.

1.5 Terms used in this local law

- (1) In this local law unless the context otherwise requires—

absolute majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

amendment in relation to a motion, means an amendment motion which does not alter the basic intent of the primary motion to which the amendment applies;

CEO means the Chief Executive Officer of the local government;

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

PART 1 – PRELIMINARY

1.1 Title

This local law may be cited as the *Town of Victoria Park Standing Orders Local Law 2011*.

1.2 Commencement

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

1.3 Purpose and effect

- (1) The purpose of this local law is to provide a set of procedures to apply to the conduct of meetings of the Council and any committee and to any meeting of electors.
- (2) This local law is intended to result in –
 - (a) better decision-making by the Council and any 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 Application

All meetings of the Council, committees and the electors are to be conducted in accordance with the Act, the Regulations and this local law.

1.5 Terms used in this local law

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

absolute majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer of the Town;

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

committee meeting means a meeting of a committee;

Commented [v1]: New addition.

Commented [v2]: Best practice approach is to change the terminology from 'Town' to local government

committee meeting means a meeting of a committee;

Council means the Council of the local government;

district means the district of the local government;

employee has the meaning given to it in the Act;

local government means the Town of Victoria Park;

mayor means the mayor of the local government 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;

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 this local law, the terms and expressions used in this local laws are to have the meaning given to them in the Act and Regulations.

1.6 Repeal

The *Town of Victoria Park Standing Orders 2011* published in the *Government Gazette* on 23 January 2012 is repealed

Part 2 – Calling and convening meetings

2.1 Ordinary and special Council meetings

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

Council means the Council of the Town;

employee means an employee of the Town;

local government means the Town of Victoria Park;

mayor means the mayor of the Town 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;

presiding member means –

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
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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.

Town means Town of Victoria Park.

(2) Unless otherwise defined in this local law, the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

1.6 Repeal

The *Town of Victoria Park Local Law Relating to Standing Orders* published in the *Gazette* on 23 July 1998 and as amended and published in the *Gazette* on 31 July 2001 is repealed.

Part 2 – Calling and convening meetings

2.1 Ordinary and special Council meetings

Ordinary and special meetings of the Council are dealt with in the Act.

2.2 Calling Council meetings

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

2.3 Convening Council meetings

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

2.4 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.

2.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

Part 3 – Presiding member and quorum**Division 1- Presiding Member****3.1 Who presides**

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

3.2 When the deputy mayor can act

When the deputy mayor can act is dealt with in the Act.

3.3 Who acts if no mayor

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

3.4 Election of presiding members of committees

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

2.2 Calling meetings

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

2.3 Convening meetings

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3.4 Election of presiding members of committees

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

3.5 Election of deputy presiding members of committees

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

3.6 Functions of deputy presiding members

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

3.7 Who acts if no presiding member

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

Division 2 – Quorum**3.8 Quorum for meetings**

The quorum for meetings is dealt with in the Act.

3.9 Reduction of quorum for Council meetings

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

3.10 Reduction of quorum for committee meetings

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

3.11 Procedure where no quorum to begin a meeting

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

3.12 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, is to adjourn the meeting to some future time or date.

3.13 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.

3.5 Election of deputy presiding members of committees

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

3.6 Functions of deputy presiding members

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

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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 4 – Business of a meeting

4.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council **or a committee** 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 **or a committee** 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 decides otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering reports at that ordinary meeting.

4.2 Order of business

- (1) Unless otherwise decided by the Council **or a committee** the order of business at any ordinary meeting of the Council or **committee meeting** is to be as follows –
 - (a) declaration of opening, prayer and announcement of visitors;
 - (b) announcements from the presiding member;
 - (c) attendance;
 - (i) apologies;
 - (ii) approved leave of absence;
 - (d) declaration of interest;
 - (e) public question time;
 - (i) response to previous public questions taken on notice;
 - (ii) public question time;
 - (f) public statement time;
 - (g) confirmation of minutes;

Part 4 – Business of a meeting

4.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the presiding member or 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.
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 - (g) confirmation of minutes;
 - (h) presentations;

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 - (i) petitions;
 - (ii) presentations;
 - (iii) deputations;
 - (i) method of dealing with agenda business;
 - (j) reports;
 - (k) applications for leave of absence;
 - (l) motions of which previous notice has been given;
 - (m) questions from members without notice;
 - (n) new business of an urgent nature introduced by decision of the meeting;
 - (o) public question time;
 - (p) public statement time;
 - (q) meeting closed to public;
 - (i) matters for which the meeting may be closed;
 - (ii) public reading of resolutions that may be made public;
 - (r) 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.

4.3 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or this local law 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 day at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of the district.

- (i) petitions;
 - (ii) presentations;
 - (iii) deputations;
 - (i) method of dealing with agenda business;
 - (j) reports;
 - (k) applications for leave of absence;
 - (l) motions of which previous notice has been given;
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- (2) A notice of motion under subclause (1) is to be given at least three and a half (3½) clear working days before the meeting day at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of the district.

Commented [v3]: Will this be feasible?

- (4) The CEO –
- (a) with the concurrence of the mayor, may exclude from the agenda paper any notice of motion considered to be, or likely to involve, a breach of any of the provision of this local law or any other written law;
 - (b) is to 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 the lapse.

4.4 New business of an urgent nature

- (1) In this clause –
- 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 **local government** and must be considered and dealt with by the Council before the next meeting.
- (2) 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.

4.5 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 employee recommendation as the Council resolution.

- (4) The CEO –
- (a) with the concurrence of the mayor, may exclude from the agenda paper any notice of motion considered to be, or likely to involve, a breach of any of the provision of this local law or any other written law;
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- (2) 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.

4.5 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 employee recommendation as the Council resolution.

- (2) Subject to subclause (3), the Council may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter –
- (a) that requires an absolute 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 5 – Public participation

5.1 Meetings generally open to the public

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

5.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (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 employee 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 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 decision under subclause (2) remains in force, the operation of clause 6.10

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- (3) An adoption by exception resolution may not be used for a matter –
- (a) that requires an absolute 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
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- (2) The Council, 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 employee 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 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 decision under subclause (2) remains in force, the operation of clause 6.10

is to be suspended until the Council by resolution, decides otherwise.

- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council decides 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.

5.3 Question time for the public

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

5.4 Question time for the public at certain meetings

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

5.5 Minimum question time for the public

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

5.6 Procedures for question time for the public

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

5.7 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 response is given to the member of the public in writing; and
 - 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:
- declare that he or she has an interest in the matter; and
 - 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.

is to be suspended until the Council by resolution, decides otherwise.

- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council decides 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.

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5.4 Question time for the public at certain meetings

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

5.5 Minimum question time for the public

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5.6 Procedures for question time for the public

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

(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.

5.8 Public statement time

(1) The presiding member is responsible for the conduct of public statement time.

(2) The procedure for the making of statements by members of the public may be determined by resolution of the Council.

(3) A member of the public wanting to make a public statement must first state their name and full address.

(4) Public statements made by the public at an ordinary meeting are to relate to the business of the local government.

(5) Public statements made by the public at a special meeting are to relate to the business for which the meeting has been called.

(6) Notwithstanding clause 4.2(2), there is no public statement time in meetings of a committee other than a committee to which the local government has delegated a power or duty.

5.9 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.

5.7 Public statement time

(1) The procedure for the making of statements by members of the public may be determined by resolution of the Council.

(2) Notwithstanding subclause (1), there is no public statement time in meetings of committees other than a committee to which the Town has delegated a power or duty.

5.8 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.

5.10 Deputations

- (1) A person or group who completes and submits, with at least 24 hours notice, an application form provided by the local government may be received as a deputation –
- (a) at a meeting of a committee; or
 - (b) if the Council determines, at a Council meeting.
- (2) The CEO may either –
- (a) approve the request and invite the deputation to attend a meeting of a committee; 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 committee meeting at which it is to be received.
- (3) Unless the Council resolves otherwise, a deputation invited to attend a Council meeting or a committee meeting –
- (a) is not to exceed 5 persons, only 2 of whom may address the Council or committee, although others may respond to specific questions from members;
 - (b) is not to address the Council or committee 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 or committee is not to be decided by the Council or committee until the deputation has completed its presentation.

5.11 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.

5.9 Deputations

- (1) A person or group who completes and submits, with at least 24 hours notice, a application form provided by the Town may be received as a deputation –
- (a) at an agenda briefing forum; or
 - (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 forum under clause 17.1; 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 forum at which it is to be received.
- (3) Unless the Council resolves otherwise, a deputation invited to attend a Council meeting or an informal briefing forum under clause 17.1 –
- (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.

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 - (b) be made by electors of the district;
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 - (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) Subject to subclause (3), upon receiving a petition, the local government is to submit the petition to the relevant employee to be included in his or her deliberations and report on the matter that is the subject of the petition.
- (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.

5.12 Presentations

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

5.13 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.
- (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.

- (2) Subject to subclause (3), upon receiving a petition, the Town is to submit the petition to the relevant employee to be included in his or her deliberations and report on the matter that is the subject of the petition.
- (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.

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- (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.

5.14 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 employees and members until the Council resolves otherwise.
- (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, and
- discloses 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, commits an offence.
- (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 of Local Government, Sport and Cultural Industries;
 - (e) to the Minister for Local Government, Heritage, Culture and The Arts;
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

5.15 Recording of proceedings

- (1) A person who uses any electronic, visual or audio recording device or instrument to record the proceedings of the Council, without the permission of the presiding member, commits an offence.
- (2) If the presiding member gives permission under subclause (1), the presiding member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

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- (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.

5.14 Recording of proceedings

- A person who uses any electronic, visual or audio recording device or instrument to record the proceedings of the Council, without the permission of the presiding member, commits an offence.

5.16 Prevention of disturbance

- (1) A reference in this clause to a *person* is to a person other than a member.
- (2) A person addressing the Council or a committee 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
 - (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.

Part 6 – Conduct of members**6.1 Members to be in their proper places**

- (1) At the first meeting held after each election day, the CEO is to allot by random draw, a position at the Council table to each member.
- (2) Each member is to occupy his or her allotted position at each Council meeting until such time as there is a call by a majority of members for a re-allotment of positions.

6.2 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.

6.3 Titles to be used

A speaker, when referring to the mayor, deputy mayor or presiding member, or a member or employee, is to use the title of that person's office.

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6.4 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.

6.5 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.

6.6 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.

6.7 Questions

- (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 employee 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 employee or another employee present at the meeting.
- (3) Where possible the employee 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 employee may ask that –
 - (a) the question be placed on notice for the next meeting of Council; and
 - (b) the answer to the question be given to the member who asked it within 14 days.
- (4) Every question and answer –
 - (a) is to be brief and concise; and
 - (b) 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 employee 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.

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6.8 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 this local law.

6.9 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.

6.10 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.

6.11 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.

6.12 No speaking after conclusion of debate

A member is not to speak on any motion or amendment –

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A member is not to speak on any motion or amendment –

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6.13 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 6.14; or
- (d) to move a procedural motion that the member be no longer heard.

6.14 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.

6.15 No re-opening of discussion

A member is not to re-open discussion on any decision of the Council, except to move that the decision be revoked or changed.

6.16 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.
- (2) A member is not –
 - (a) to reflect adversely on the character or actions of another member or employee; or
 - (b) to impute any motive to a member or employee,
 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, employee or other person.

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 - (b) to impute any motive to a member or employee,
 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, employee 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.

6.17 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 6.16 –
 - (i) reflects adversely on the character or actions of another member or employee; or
 - (ii) imputes any motive to a member or employee; 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.

6.18 Suspension of the limitations on speaking

The Council may suspend the operation of clauses 6.10 and 6.11 during debate on a motion.

6.19 Disclosure of interests

Disclosure of interests is dealt with in the Act.

Part 7 – Preserving order

7.1 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 to be silent and every member present is to preserve strict silence so that the presiding member may be heard without interruption.

- (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
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Part 7 – Preserving order

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- (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 6.8, but to preserve order.

7.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of –
- (a) any of the provisions of this local law; or
 - (b) any other written law.
- (2) Despite any other provision of this local law 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.

7.3 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 raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.
- (3) A member interrupted on a point of order is to **immediately stop speaking** 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.

7.4 Calling attention to breach

A member may, at any time, draw the attention of the presiding member to any breach of the provisions of this local law.

7.5 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) Subclause (2) is not to be used by the presiding member to exercise the right provided in clause 6.8, but to preserve order.

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- (a) any of the provisions of this local law; or
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- (2) Despite any other provision of this local law 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.

7.3 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.

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A member may, at any time, draw the attention of the presiding member to any breach of the provisions of this local law.

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- (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.

7.6 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 7.5(3),

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

7.7 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 8 – Debate of substantive motions

8.1 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.

(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.

7.6 Continued breach of order

If a member –

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- (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.

8.2 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 meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

8.3 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 meeting.

8.4 Only one substantive motion at a time

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

8.5 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.

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- (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.

8.6 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.

8.7 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.

8.8 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.

8.9 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.

8.10 Form of an amendment

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

8.11 Amendment must not negate original motion

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

8.12 Relevance of amendments

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

8.13 Mover of motion may speak on amendment

Any member may speak during debate on an amendment.

8.14 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.

8.15 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.

8.6 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.

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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.

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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.

8.15 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.

8.16 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 has 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; and
 - (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 9 – Procedural motions**9.1 Permissible procedural motions**

In addition to the right to move an amendment to a substantive motion, a member may move the following procedural motions –

- (a) that the motion be deferred;
- (b) **that the motion be now be put;** (note replacing subclause (e) the question be now put)
- (c) **that the item be referred back to a committee (or the CEO);** new enables a refer back
- (d) that the meeting proceed to the next item of business;
- (e) that the debate be adjourned;
- (f) that the meeting now adjourn;
- (g) that the member be no longer heard;
- (h) that the ruling of the presiding member be disagreed with; or
- (i) that the meeting be closed to the public.

8.16 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 has 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; and
 - (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.

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- (c) that the debate be adjourned;
- (d) that the meeting now adjourn;
- (e) **that the question be now put;**
- (f) that the member be no longer heard;
- (g) that the ruling of the presiding member be disagreed with; or
- (h) that the meeting be closed to the public.

9.2 No debate

- (1) The mover of a motion specified in paragraph (a),(c), (d), (e), (f), (h) or (i) of clause 9.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion specified in paragraph (b), or (g) of clause 9.1 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.

9.3 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.

9.4 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.

9.5 Motion to be deferred – effect of motion

- (1) If a motion “that the motion be deferred” is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.
- (2) A motion that the motion be deferred is not to be moved in respect of the election of presiding person or the mayor (if elected by the Council) or the deputy mayor.

9.6 Motion be now put – effect of motion

- (1) If a motion “that the motion 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 motion be now put” is carried during debate of the amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) If the motion “that the motion be now put” is lost, debate is to continue.

9.7 The item be referred back to a committee (or the CEO) – effect of motion (new)

- (1) If a motion “that the item be referred back to a committee (or the CEO)” is carried, debate on the primary motion and any amendment is to cease and the primary motion, excluding any amendment, is to be referred back to the appropriate committee or the CEO for further consideration.

9.2 No debate

- (1) The mover of a motion specified in paragraph (a), (b), (c), (d) (g) or (h) of clause 9.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion specified in paragraph (e) or (f) of clause 9.1 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.

9.3 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.

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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.

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- (1) If a motion “that the motion be deferred” is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.
- (2) A motion that the motion be deferred is not to be moved in respect of the election of presiding person or the mayor (if elected by the Council) or the deputy mayor.

9.9 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.

(2) If the motion in subclause (1) is lost, debate on the primary motion or amendment is to continue.

9.8 Meeting to proceed to the next item of business – effect of motion

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

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

9.7 Debate to be adjourned – effect of motion

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.

9.8 Meeting now adjourn – effect of motion

- (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.
- (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.

9.9 Member to be no longer heard – effect of motion

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.

9.6 Meeting to proceed to the next item of business

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

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

9.7 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.

9.8 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.
- (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.
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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.

9.10 Ruling of the presiding member to be disagreed with – effect of motion

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.

9.11 The meeting be closed to members of the public – effect of motion (new)

If a motion “that the meeting be closed to members of the public” is carried then the presiding member is to close the meeting in accordance with clause 5.2.

Part 10 – Voting**10.1 Question - when put**

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

10.2 Voting

Voting is dealt with in the Act and the Regulations.

10.3 Majorities required for decisions

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

10.4 Method of taking vote

- (1) In taking the vote on any motion or amendment the presiding member –
 - (a) is to put the **motion** first in the affirmative, and then in the negative;
 - (b) may put the **motion** in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
 - (c) is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member’s vote; and
 - (d) subject to this clause, is to declare the result.

9.11 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 10 – Voting**10.1 Question - when put**

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 - (b) if requested by any member, is to again state the terms of the question.
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10.4 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) is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member’s vote; and
 - (d) subject to this clause, is to declare the result.

- (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.

Part 11 – Minutes of meetings

11.1 Keeping of minutes

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

11.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by the **Regulations**, the minutes of a meeting is to include –
 - (a) 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; and
 - (b) the names of members voting in the affirmative and the names of the members voting in the negative. (Clause reworded)

11.3 Public inspection of unconfirmed minutes

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

11.4 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 CEO 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 must, 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.

- (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.

Part 11 – Minutes of meetings

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

11.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by **regulation 11** of the Regulations, the minutes of a 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.

11.3 Public inspection of unconfirmed minutes

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 - (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 12 – Adjournment of meeting

12.1 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.

12.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law –

- (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 6.10 apply when the debate is resumed.

Part 13 – Revoking or changing decisions

13.1 Requirements to revoke or change decisions

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

13.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council 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 13.3 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.

13.3 Implementing a decision

- (1) In this clause –
 - (a) **authorisation** means a licence, permit, approval or other means of authorising a person to do anything;

Part 12 – Adjournment of meeting

12.1 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.

12.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law –

- (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 6.10 apply when the debate is resumed.

Part 13 – Revoking or changing decisions

13.1 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.

13.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council 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 13.3 to implement the decision; or
 - (b) where the decision is procedural in its form or effect.
- (2) The Council 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.

13.3 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 this local law 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 a 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.

13.4 Revocation motions

- (1) In this clause –
- (a) **relevant meeting**, where used in relation to a revocation motion, means –
 - (i) the ordinary, special **or a committee** meeting specified in the notice of revocation motion; or
 - (ii) if that meeting is adjourned before the motion is announced by the presiding person, then at the resumption of the adjourned meeting; or

- (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 this local law and may be considered, but has not yet been considered, by the Council .
- (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.
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- (a) is to take effect only in accordance with this clause; and
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- (1) In this clause –
- (a) **relevant meeting**, where used in relation to a revocation motion, means –
 - (ii) the ordinary or special meeting specified in the notice of revocation motion; or
 - (iii) if that meeting is adjourned before the motion is announced by the presiding person, then at the resumption of the adjourned meeting; or

(iii) if that meeting is closed before the motion is announced by the presiding person, then at the next ordinary meeting or a special meeting **or a committee meeting** convened to consider those matters not considered prior to the closure of the meeting, or

(iv) if the motion is deferred by the Council **or a committee** to another meeting of the Council **or a committee**, then at that other meeting,

as the case may be;

(b) **revocation motion** means a motion to revoke or change a decision made at a meeting.

(2) This clause 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.

(3) A member wishing to move a revocation motion at a meeting of the Council must give to the CEO notice of the revocation motion, which is to –

(a) be in writing;

(b) specify the decision proposed to be revoked or changed;

(c) include a reason or reasons for the revocation motion;

(d) be signed by the number of members required by law to support the motion to revoke or change the decision referred to in the revocation motion;

(e) specify the date of the ordinary or special meeting of the Council, as the case may be, which next follows the expiry of 7 clear days after the notice is given to the CEO; and

(f) be given to the CEO not less than 7 clear days prior to the date of the ordinary or special meeting specified in the notice.

(4) (a) If, at the relevant meeting, the member who gave the notice of the revocation motion is present, then the presiding person is to call on that member to move the revocation motion.

(b) If that member is not present or, being present, does not move the revocation motion when called upon to do so by the presiding person, then notwithstanding clause 3.13 any member of the Council may move the revocation motion.

(5) Where notice of a revocation motion is given in accordance with the requirements of this clause, then the CEO must not implement or continue to implement, the decision the subject of the revocation motion until –

(a) the revocation motion is not supported by the number of members of the Council required by law to support the motion;

(b) no member of the Council moves the revocation motion;

(c) the motion is moved but not seconded; or

(iv) if that meeting is closed before the motion is announced by the presiding person, then at the next ordinary meeting or a special meeting convened to consider those matters not considered prior to the closure of the meeting, or

(v) if the motion is deferred by the Council to another meeting of the Council, then at that other meeting,

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(f) no member of the Council moves the revocation motion;

(g) the motion is moved but not seconded; or

- (d) the motion is moved and seconded but is not made by the kind of majority required by law,
at the relevant meeting.
- (6) A notice of revocation motion given in accordance with the requirements of this clause is to lapse when –
- (a) the revocation motion is not supported by the number of members of the Council required by law to support the motion;
- (b) no member of the Council moves the revocation motion;
- (c) the motion is moved but not seconded; or
- (d) the motion is moved and seconded but is not made by the kind of majority required by law,
at the relevant meeting.
- (7) Subclauses (1), (2), (5) and (6) of clause 4.3 do not apply where the motion is a revocation motion.
- (8) For the avoidance of doubt, subclauses (3) and (4) of clause 4.3 are to apply where the motion is a revocation motion.
- (9) A motion that a revocation motion be deferred is only to be carried by the decision of an absolute majority.

Part 14 – Miscellaneous

14.1 Where this local law makes no provision

- (1) Where there is no provision or insufficient provision is made in this local law, the presiding person is to determine the procedure to be observed.
- (2) The decision of the presiding member under subclause (1) is final, except where a motion is moved and carried under clause 9.11.

14.2 Penalty for breach

A person who breaches a provision of this local law commits an offence.
Penalty: \$5,000.00 and a daily penalty of \$500.00. (amounts amended in the Act)

14.3 Who can prosecute

Who can prosecute is dealt with in the Act.

- (h) the motion is moved and seconded but is not made by the kind of majority required by law,
at the relevant meeting.
- (6) A notice of revocation motion given in accordance with the requirements of this clause is to lapse when –
- (e) the revocation motion is not supported by the number of members of the Council required by law to support the motion;
- (f) no member of the Council moves the revocation motion;
- (g) the motion is moved but not seconded; or
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14.2 Penalty for breach

A person who breaches a provision of this local law commits an offence.
Penalty: \$1,000.00 and a daily penalty of \$100.00.

14.3 Who can prosecute

Who can prosecute is dealt with in the Act.

Part 15 – Establishment and membership of committees

15.1 Establishment of committees

- (1) The establishment of committees is dealt with in the Act.
- (2) A decision 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, employees and other persons to be appointed to the committee;
 - (c) the names or titles of the Council members and employees to be appointed to the committee;
 - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
 - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- (3) The provisions of this local law are to apply to the conduct of a meeting of a committee to which power or duties are delegated by the Council under section 5.16 of the Act.

15.2 Types of committees

The types of committees are dealt with in the Act.

15.3 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.

15.4 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.

15.5 Appointment of committee members

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

15.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

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 - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
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The appointment of committee members is dealt with in the Act.

15.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

15.7 Resignation of committee members

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

15.8 Register of delegations to committees

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

15.9 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.

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

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Part 16 – Meetings of electors**16.1 Electors' general meetings**

Electors' general meetings are dealt with in the Act.

16.2 Matters for discussion at electors' general meetings

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

16.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

16.4 Requests for electors' special meetings

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

16.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

16.6 Who presides at electors' meetings

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

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16.7 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and 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 the provisions of this local law.

16.8 Participation of non-electors

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

16.9 Voting at electors' meetings

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

16.10 Minutes of electors' meetings

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

16.11 Decisions made at electors' meetings

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

Part 17 was included in the 2011 Local Law as the view was expressed by some Elected Members that the EMBS could be abandoned and a Briefing Forum implemented in its place.

The EMBS as a Committee of the Council is preferred by the administration due to the legislative requirements to comply with the *Local Government Act 1995*. The EMBS Committee has function well since the inception of the Town.

IT IS PROPOSED TO DELETE PART 17 FORM THE NEW LOCAL LAW.

Part 17 – Briefings and other informal forums**17.1 Briefings and other informal forums**

- (1) The Council may conduct briefings, workshops and other informal forums.
- (2) Where the Council conducts briefings, workshops and other informal forums, the CEO is to –
 - (a) advise all members of the time, date and place of the forum; and

16.7 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.
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 - (a) advise all members of the time, date and place of the forum; and

(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 listed on the agenda for the forum, of the time, date and place of the forum.

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

17.2 Restriction on meeting

The Council is not to meet except at –

(a) a Council or committee meeting; or

(b) a briefing, workshop or informal forum under this clause.

(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 listed on the agenda for the forum, of the time, date and place of the forum.

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

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Proposed New Local Law(based on WALGA Model)		Town of Victoria Park current Standing Orders Local Law
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Notes:

Please scribe any amendments or new clauses you think some be included:

Name: _____

Amendments requested or new clause to be included comprise:



memorandum

To: Finance and Audit Committee	From: Manager Community
File No: Briefing Paper	Date: 15 October 2018

Attachment: Draft Operating Subsidy Policy- to be read in conjunction with this briefing paper.

Context setting

The purpose of this briefing is to provide the Finance and Audit Committee (F&AC) with context and background information as to why an Operating Subsidy policy is required.

Feedback from Not-for-profit organisations and Community Development Committee has been collected and included to provide rationale for the structure of the policy, and to generate further discussion with Elected Members.

Funding Programs

The Town has the following funding programs in place;

Policy FIN7 Donation - capped \$600

- A donation is the gift of giving- there is no 'return on investment' or acquittal process.

Policy REC6 Grants- capped \$10,000

- The Town's grants program has a Social outcomes focused approach. Recipients must demonstrate evidenced based social outcomes for the community, aligned to the Towns Strategic Community Plan (SCP). Recipients are required to acquit against the grant and the Town can showcase/ celebrate the grant.

Policy REC5 Sponsorship- capped \$60,000

- The objective of this policy is to maximize opportunities for collaboration/ partnerships between the Town and organisations (business and community) with the aim to increase economic vibrancy by raising the profile of the Town and achieving the Town's marketing and communications objectives.
- Acquittal process required.

No policy- Operating Subsidy- \$ open

- Draft policy- Objectives; (i) to support operating capacity of local eligible organisations to deliver meaningful programs, supports, initiatives or services which are underpinned by evidence-based need, outcomes reporting and acquittal process. And
- (ii) Finances are managed appropriately and transparently by the Town, to promote sustainable business practices of funding recipients, and for the benefit of the community.



memorandum

Background

The Town currently provides operating subsidies to not-for-profit organisations in receipt of peppercorn leases. At present, the Town does not have a policy or management practice in place to ensure alignment to SCP outcome **Civic Leadership 6: *Finances are managed appropriately, sustainable and transparently for the benefit of the community.***

The following organisations have historically received or do receive funding payments;

Higgins Park Tennis Club

- Received a donation of \$10,600 in 2014
- Received Operating Subsidy funding between 2014-2017 totalling \$38,000
- Any future Operating Subsidy will need to comply with policy (draft) or seek OCM endorsement.

Perth Cricket Club

- A tender was undertaken for the \$100,000 ground maintenance works. As such no issue.

Harold Hawthorne Community Centre (HHCC)

OCM resolution 14 June 2005 endorsed the following aligned to the then lease

- \$85,000 operating subsidy for 2005/2006; and
- Of that, to endeavour to place \$15,000 into a maintenance reserve fund held by HHCC
- Currently HHCC receives \$118,000 exc GST
- The current operating subsidy supports the delivery of the Community Centre activities and programs (\$35,000), along with fixed costs to maintain and insure the premises (\$83,000)
- The Centre has commenced reporting bi-monthly to Community Development Committee
- The Town is currently exploring if there any other OCM resolutions post 2005/06 to continue the operating subsidy funding.

Perth Football Club

OCM June 2010 resolution

- \$20,000 annually for building maintenance- The Town is exploring if we still pay this to Perth Football Club
- Receives \$55,000 annually for ground maintenance, subject to annual prioritised works program to be endorsed by the Town
- The Town is currently exploring if Perth Football Club submits an annual prioritised works program, which is endorsed by the Town, and if the funding is used as intended purpose.

Croquet Club

OCM Resolution 5 July 2005

- Annual grant funding donation until 2017/18, of approx. \$15,000



memorandum

- If immediate funding is to be continued, an OCM report is required seeking approval

Victoria Park Centre of the Arts (VPCA)

OCM Resolution 2017

- \$97,000 annual operating subsidy for salary and projects
- Bi-monthly reporting to Community Development Committee
- Annual Acquittal
- Required to reapply annually (no other group is required to continually reapply)
- Funding agreement managed by Manager Community
- Accounted for in Community Development budget.

Connect Vic Park

OCM Resolution 2017

- \$50,000 per year, over three years for Village Hub (conditional upon budget approval)
- Bi-monthly reporting to Community Development Committee
- Annual acquittal
- Funding agreement managed by Manager Community
- Accounted for in Community Development budget

Draft Operating Subsidy Policy

The draft operating subsidy policy has been informed by various stakeholders including, other Local Government Authorities, WALGA, VPCA, HHCC and Connect Victoria Park.

On 11 September 2018, 1pm- 2.30pm Manager Community hosted a round table meeting with VPCA, HHC and Connect Victoria Park, to review the draft Operating Subsidy Policy.

The following should be read in conjunction with the policy, as the policy was explored in sequential order.

Competitive Neutrality Principles- Government of Western Australia Policy Statement on Competitive Neutrality

“Misallocation of resources to subsidies (by artificially conferring a net competitive advantage) the provision of services by the public sector, if to do so limits or prevents the opportunity for more efficient provisions of those services by the private sector”. Pg 1.

“It is important to realise that the implementation of competitive neutrality should not be at the expense of social welfare and equity, economic and regional development, or at the interests of a class of consumers or consumers generally. Government can still pursue social and economic development objectives, but needs to do so through more transparent measures. This highlights that competition is



memorandum

not an objective in its own right, but is desirable for the broader benefits it brings to the community". Pg 2.

Q. Should it be an Operating Subsidy or Service Delivery Subsidy?

An Operating Subsidy would support the purpose of the organisation, which is critical. Service delivery is the output of the organisation, and is project/ program/ service specific.

A Service Delivery Subsidy would be limiting to only supporting services, such as a project or initiative. i.e 5 x yoga or 6 x counselling service.

Recommendation: To be an Operating Subsidy / **Agreed by CDC.**

Q. Are the Objectives clear?

Yes- however an organisation can be sustainable, whilst receiving grants and sponsorship. It is not necessarily possible for organisations to be 100% financially independent.

Organisations have cost disease. Thus, the amount of resources required to do something will always remain the same, however costs will increase with CPI.

Q. Are the aims clear?

Yes. **Agreed by CDC.**

Recommendation: There should be a consistent application of the Operating Subsidy. Consistency relates to the application of the policy, management practice, reporting requirements.

Is the eligibility criteria clear?

Yes. **Agreed by CDC.**

Recommendation: The applying party must be established and solvent. The Town should not fund 'start-ups' through the Operating Subsidy. Instead, the Town can redirect start-ups to innovation funds/ programs. **Agreed by CDC**

Q. Should this statement apply? Demonstrated effort by the applicant to increase financial sustainability and efficiencies;

Recommendation: Change wording to; Demonstrated sound financial management, including demonstrated effort to increase financial sustainability and practices, and demonstrated capacity to report and acquit. **Agreed by CDC**



memorandum

To be eligible to qualify for a large amount of ratepayers funds, there needs to be a high expectation by the Town on acquittals. This aligns to Cl6 for organisations to make the most of the money they are given. Thus, it is important that organisations can actually report and acquit. **Agreed by CDC**

Q. Should social enterprises be eligible?

Yes. **Agreed by CDC, however there needs to be a clear definition of a Social Enterprise.**

Additional info:

[The Victoria State Government defines Social Enterprises as:](#)

- Led by an economic, social, cultural or environmental mission consistent with a public or community benefit
- Derive a substantial portion of their income from trade
- Reinvest the majority of their profits/ surplus in the fulfilment of their mission. *Source: Social Traders.*

Skoll Centre for Social Entrepreneurship at Oxford University and the Social Enterprise Coalition in the UK : Social entrepreneurship is the product of individuals, organisations and networks that challenge conventional structures by addressing failures- and identifying new opportunities- in the institutional arrangements that currently cause the inadequate provision or unequal distribution of social and environmental goods.

Social entrepreneurship has three key characteristics: sociality (in the public benefit), innovation, and market orientation. Social enterprises are businesses trading for social or environmental purposes. Many commercial businesses would consider themselves to have social objectives, but social enterprises are distinctive because their social or environmental purposes is central to what they do.

Q. Is the ineligibility criteria clear?

Yes/ **Agreed by CDC**

Recommendation: Rateable premises....the notion of having to work from a rateable premise in the Town is difficult, as we work in age of mobile technology, hot desking etc. It should be a requirement for an Organisation to be operating in the Tow, however could be based elsewhere. There has to be direct benefit for our community for the use of ratepayers funds. For example, Manner Inc operating from a rateable premise however delivered services outside of the Town. Must specify that services take place in Town.

Q. Should this statement apply? The applicant is ineligible if they are seeking a subsidy to top-up a direct support or service delivery program, which is funded through Commonwealth or State Government funding, with the exclusion of crisis support services.



memorandum

Very robust conversation with no firm recommendation due to the complexity of funding constraints.

There is an argument that commonwealth and state funding is insufficient. The Operating funding is high level and supports the organisation to operate. However, the Town should not be responsible to top up Fed or State funding, which is insufficient. Or should it be, if the service is being delivered within the Town and benefiting local residents?

CDC- complex issue which needs further discussion. There may be no black or white answer to this question.

Q. Should the Operating Subsidy cover utility services, insurance, rent, capital work items, pest control, or maintenance works?

Recommendation:

The following items should be covered by the Operating Subsidy;

- Utilities, insurance other than building, rent, rate subsidy

The following items should be excluded;

- Capital works, pest control, maintenance etc. these items should be managed in the lease or separately.

CDC discussion was divided.

- if the Org cannot cover the costs of insurance, should it exist?
- The purpose of the operating subsidy is to cover such costs.

Additional info:

Rates: Under the Local Government Act (Pg 58-59 of LG Act Review).

Other than land used or held by the Crown (State Government) for a public purpose, a local government or a regional local government, exemptions from rates apply to:

- Land used or held exclusively for churches (religious bodies);
- Land used or held exclusively for schools;
- Land used exclusively for charitable purposes;
- Land vested in trustees for agriculture or horticultural show purposes;
- Land owned by Co-operative Bulk Handling Limited (CBH); and
- Land exempted by the Minister for Local Government.

There is an argument that everyone should pay local government rates as everyone uses the services and facilities provided by the local government, from roads to parks and community facilities. In addition, rate exemptions can have a significant impact on the capacity of local governments to raise rate revenue, especially in regional and remote areas. It is then left to the ratepayers to make up the shortfall.



memorandum

Nevertheless, a number of organisations provide important services within the community with very limited funding. If those organisations are required to pay rates, it may impact on the ability for them to continue to provide those services. This may ultimately cost the local government in having to provide the services in house or alternatively the services to the community are removed or reduced. Examples could include aged care, domestic violence support services and disability service providers.

Rather than requiring everyone to pay rates, an alternative approach could be to require every occupier of land to pay a contribution to the local government. The capped rate could be the minimum payment set by the local government, or alternatively, an amount set in legislation.

Concessions can also be used by local governments, including to reduce the rate burden on a ratepayer when there have been significant valuation changes. Currently, offering a concession is at the discretion of individual local governments.

Exemptions: Charitable Organisations

One of the more contentious exemptions is for 'land used exclusively for 'charitable purposes'. The meaning of 'land used exclusively for charitable purposes' is not defined in the Act and differing interpretations of the meanings of 'charity' and 'charitable purposes' have continued to prove challenging across all levels of government in Australia.

Q. Is there a need by the broader community for Operating Subsidies?

Yes, as the current funding environment for community services, sporting groups etc, is tight, and Organisations are struggling. **Agreed by CDC**

Q. Should the Town advertise the Operating Subsidy when funds may not be available, or already tied up in funding agreements with existing not-for-profits?

This raises the question of equitability. If the Town does not advertised the program, how is it equitable? It could be advertised locally through Life in the Park, and rolled out at the same time as Community grants, sponsorship etc.

Q. Should Admin administer the Operating Subsidy program, based on Policy and Management Practice approval by Council? This would negate the need to go to OCM.

Yes.

CDC- There should be one annual funding round which is advertised and takes place prior to the Annual budget approval by Council. Council would be required to take into consideration all the applications and determine which council 'services or programs' would need to be dropped in order to provide the Operating Subsidies. The decision to sit with Council not Administration.



memorandum

Recommendation: That there would need be an approved Policy and management practice which is applied by a panel of qualified Administration staff. **Not supported by CDC.**

Q. Do you support 4 year funding agreements, with annual acquittal process, to allow for sufficient funding security?

Yes

Recommendation: The four year funding agreements would allow for funding security, whilst at the same time it is understood that it would be subject to funding availability, as per annual budget allocation/ approval by Council.

CDC- supported a three year funding agreement, conditional upon annual satisfactory acquittals.

Q. Should CPI (all Groups) apply, and should it be aligned to the March quarter?

Yes- CPI should apply. **Question not reviewed by CDC due to time constraints.**

Recommendation: It doesn't necessarily need to be the March Quarter as they are so varied. There needs to be the ability to apply for a funding variation, even if you have a four-year funding contract. i.e if you were hit with an unexpected cost? Is there a better measure than CIP all groups? Wages are an issue.

Q. Should the option to decrease funding annually by a discretionary amount to incrementally reduce financial reliance, be applied? What would the impact be?

This is very problematic for a variety of reasons. Is the decrease due to non-delivery? This would only apply to a start-up. An operating subsidy is in recognition of certain services in a Town, which have value and are deemed at a cheaper cost than the Town could deliver. For this to occur they need to be supported without fear of funding being decreased. At the same time there is a criteria to demonstrate responsible financial management.

CDC- this concept was supported as the decision to decrease funding incrementally would be assessed and 'deemed appropriate' by Council.

Q. Should an organisation in receipt of an Operating subsidy be eligible for a Grant or sponsorship? Yes/ Agreed by CDC

Q. Should the operating subsidy be managed separately to the lease and licence agreement? Yes/ Agreed by CDC

Recommendation: to sort out the leasing/ licensing policy and management practice ASAP to align to Cl6 and ensure a consistent framework.



memorandum

Q. How should the rollout of this new policy be managed, once adopted? For example are existing organisations exempt from having to apply if they are already reporting and acquitting?

Yes

CDC- there needs to be 'a line in the sand'. For example organisations currently in receipt of operating subsidies will need to reapply for an operating subsidy at a certain point in time.

Recommendation: the current reporting framework and template used to report to Community Development Committee is great, and should be maintained/ incorporated into the management practice.

Meeting ceased at 2.30pm.

The draft Policy was amended based upon feedback.

Overview of Lease/ Licence review

The Operations Team is currently undertaking a review of the Leasing policy, along with the development of a management practice.

The Management Practice will include;

- An application process for lease or licence of Town owned assets;
- A scoring matrix which takes into account;
 - Alignment to, and achievement of the Town's Social Outcomes (social return on investment);
 - Rental subsidy requests (sliding scale of rental subsidy from 20-99%);
 - Financial contribution by the Applicant towards maintenance of the premises, in return for rental subsidy;
 - Financial contribution by the Town towards any capital works/ maintenance;
 - Amongst additional criteria.

**Kaitlyn Griggs
Manager Community.**

POLICY NUMBER:	Needs a number allocated
POLICY TITLE:	OPERATING SUBSIDY or SERVICE DELIVERY SUBSIDY?
Management Practice:	In development
Delegation:	Needs delegation

OBJECTIVE:

- i. To support the operating capacity of eligible organisations to deliver meaningful programs, supports, initiatives or services which are underpinned by evidence-based need, outcomes reporting and acquittal process; and
- ii. Finances are managed appropriately and transparently by the Town, to promote sustainable business practices of funding recipients, and for the benefit of the community.

POLICY STATEMENT:

The Council is committed to supporting the operating capacity of eligible organisations to enhance the social health and wellbeing of individuals and the community, through a single or annual payment by the Council.

Aims:

The aims of the Operating Subsidy program are:

- i. To provide a transparent framework for financial assistance to eligible organisations, inclusive of evidence-based outcomes reporting aligned to the Social Outcomes of the Town’s Strategic Community Plan;
- ii. To facilitate fair and equitable distribution of community resources and programs throughout the Town;
- iii. To encourage collaboration between local organisations to provide holistic initiatives, supports and services to address evidence based needs; and
- iv. To increase participation and accessibility to a range of quality and innovative programs and activities which increase the social health and wellbeing of the community.

Eligibility:

To be eligible for an operating subsidy:

- a. the applying party must be established and solvent;
- b. purpose of an organisation must be a not-for-profit sporting or recreational group, or cultural or community service organisation, or social enterprise where a profit may be made, but is redirected back into the business to create a social outcome/ benefit;
- c. the purpose of the organisation must align to the Town’s Strategic Outcome: Social- to promote sustainable, connected, safe and diverse places for everyone through either;
 - S1 A healthy community;

-
- S2 An informed and knowledgeable community;
 - S3 An empowered community with a sense of pride, safety and belonging; or
 - S4 A place where all people have an awareness and appreciation of arts, culture, education and heritage.
- d. the purpose will be stated in the organisation's constitution, details of incorporation or similar statement of purpose;
 - e. demonstrated sound financial management, including demonstrated effort to increase financial sustainability and practices, along with capacity to report and acquit against the Operating Subsidy.
 - f. demonstrated effort by the applicant to increase community capacity building opportunities and have positive social impact outcomes;
 - g. the operating purpose for which the subsidy is being sought must be used for the purpose for which the organisation exists.

Ineligibility:

Applicants will be ineligible for an operational subsidy where the;

- a. eligibility criteria is not met;
- b. the applicant is seeking a subsidy to top-up a direct support or service delivery program which is funded through Commonwealth or State Government funding, with the exclusion of crisis support services;
- c. applicant has an outstanding debt to the Town;
- d. the application is incomplete;
- e. the applicant is seeking funds for capital work items, pest control, building insurance or maintenance works.
- f. applicant has failed to submit a satisfactory acquittal for a previous operating subsidy, grant or sponsorship; and
- g. the application is submitted retrospectively.

Process:

The following processes, requirements and considerations will be applied;

- v. On an annual basis the Town will publically advertise the Operating Subsidy program, inclusive of submission timelines and requirements, conditional upon annual budget approval and availability;
- vi. Applications will be assessed by a panel once per year, with a report submitted to Council for approval.
- vii. The provision of an Operational Subsidy on a previous occasion is not a guarantee of continued subsidy, and should not be relied upon by applicants as such;
- viii. Council reserves the right to deny any operating subsidy which it considers conflicts with the Town's Vision, Mission or Values, or which would bring the Town's brand or reputation into disrepute, or at its discretion;
- ix. Contract agreements will be for a maximum of a three year (3) period at any one time;

- x. Where applicable, review of the contract agreement will take place in the second year to allow for sufficient lead in time for reapplication or contract extension;
- xi. Operating subsidies must be acquitted on an annual basis against Key Performance Indicators, submission of audited annual accounts, and any other specific conditions as set within the funding contract to determine ongoing eligibility and continuation of multi-year funding contracts;
- xii. Where assessed and deemed appropriate by Council, annual funding increases may be aligned to the March quarter CPI Perth (All Groups);
- xiii. Where assessed and deemed appropriate by Council, funding may be decreased annually by a discretionary amount to incrementally reduce the financial reliance upon the Town;
- xiv. Operating Subsidies will be considered and managed separately to the Donations, Grants and Sponsorship programs, or any other arrangements implemented by the Town; and
- xv. Considered and managed separately to the Lease or Licence agreements relating to Town owned assets.

Responsible Officer:	Insert the responsible officer to oversee and manage the policy. This must be a Director, Executive Manager or a Business Unit Manager.
Related Polices:	Insert any related policies by title and number or N/A
Related Local Law:	Insert any related local law/s by title or N/A
Delegation:	Delegated to CEO – <u>Yes or No</u> If yes insert Delegation Number Sub-delegation – <u>Yes or No</u>
Authority:	Insert date adopted by Council
Last Reviewed:	Insert review date adopted by the Council
Next Review date:	Insert proposed review date (policies to be reviewed every 2 years by the Council or earlier if required)

Note: Please use style “Normal Arial 12 Pt.” for all entries into this document.