

**Draft 14/9/22**

**EMRC**

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## **MEETING PROCEDURES LOCAL LAW 2023**

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**Local Government Act 1995**

**Eastern Metropolitan Regional Council**

**Meeting Procedures Local Law 2023**

Under the powers conferred by the Local Government Act 1995 and all other enabling powers, the Council of the Eastern Metropolitan Regional Council resolved on \_\_\_\_\_ to make the following local law.

**Part 1 - Preliminary**

**1.1 Short title**

- (1) This is the Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023.
- (2) In the clauses that follow, this local law is referred to as 'this Local Law'.

**1.2 Commencement**

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

**1.3 Application and intent**

- (1) This Local Law contains the rules that apply to the conduct of meetings of the Council and its committees.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and this local law.
- (3) This Local Law is intended to result in –
  - (a) better decision making by the Council and its committees;
  - (b) the orderly conduct of meetings;
  - (c) better understanding of the process of conducting meetings; and
  - (d) more efficient and effective use of time at meetings.

**1.4 Defined terms**

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*;

***CEO*** means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the EMRC;

***Chairperson*** means the Chairperson of the EMRC elected under the Establishment Agreement;

***Code of Conduct*** means the EMRC Code of Conduct for Council Members, Committee Members and Candidates;



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

**Council** means the Council of the EMRC;

**Deputy Chairperson** means the Deputy Chairperson of the EMRC elected under the Establishment Agreement;

**deputy member** means a member of the council of a Participant appointed by the Participant under the Establishment Agreement to act temporarily in place of a member appointed by that Participant;

**employee** has the same meaning as is given to it in the Act;

**EMRC** means the Eastern Metropolitan Regional Council;

**Establishment Agreement** means the establishment agreement between the Participants ;

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

**member** means a member of the council of a Participant appointed by the Participant under the Establishment Agreement to be a member of the Council;

**Participant** means a party to the Establishment Agreement;

**presiding member** means -

- (a) in respect of the Council, the Chairperson or other person presiding under section 5.6 of the Act (see clause 3.1); and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act (see clauses 3.4 and 3.5);

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

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

**special majority** has the meaning given to it in the Act; and

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

## **1.5 Interpretation**

Unless otherwise defined, the terms used in this Local Law have the meaning given to them in the Act and Regulations.

## **1.6 Deputy member**

- (1) If a member is unable to attend a meeting or part of a meeting, a deputy member may attend in place of that member provided that –
  - (a) the deputy member has been appointed by the Participant which appointed the absent member.

- (b) the deputy member has made a declaration in the prescribed form (under section 2.29 of the Act) before acting in the office.
- (2) While attending a meeting in place of a member, a deputy member has all the powers of that member.

## **1.7 Repeal**

The Eastern Metropolitan Regional Council Standing Orders Local Law 2013, published in the Government Gazette on 26 June 2013, is repealed.

## **Part 2 - Meetings of the Council and committees**

### **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.

### **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 48 hours' notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.
- (3) Where, in the opinion of the Chairperson or at least 1/3 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**

A meeting of a committee is to be held –

- (a) if called for in a verbal or written request to the CEO by the Chairperson or by the presiding member of the committee, setting out the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting;
- (c) if called for by the CEO; or
- (d) in accordance with a decision of the Council or the committee.

### **2.5 Public notice of meetings**

Public notice of meetings is dealt with in the Regulations.

## **2.6 Minor irregularity**

The legal effect of a minor irregularity on the validity of a meeting is dealt with in the *Interpretation Act 1984*.

### **Part 3 - Presiding member and quorum**

#### **3.1 Who presides**

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

#### **3.2 When the Deputy Chairperson can act**

When the Deputy Chairperson can act is dealt with in the Act.

#### **3.3 Who acts if no Chairperson or Deputy Chairperson**

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

#### **3.4 Election of presiding members of committees**

The election of presiding members of committees 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 there is no presiding member is dealt with in the Act

#### **3.8 Quorum for meetings**

The quorum for meetings is dealt with in the Act.

#### **3.9 Attendance by means of instantaneous communication**

The circumstances in which a person who is not physically present at a meeting of the Council or a committee is taken to be present at the meeting are dealt with in the Regulations.

#### **3.10 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.

#### **3.11 Reduction of quorum for committee meetings**

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

### **3.12 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.

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

If at any time during a meeting a quorum is not present –

- (a) the Chairperson or presiding member is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
- (b) if a quorum is not present at the expiry of the suspension period under subclause (a), the Chairperson or presiding member may either adjourn the meeting to some future time or date or may extend the extension period for a further period of 30 minutes; and
- (c) if a quorum is not present at the expiry of the extended period of suspension under subclause (b), the Chairperson or presiding member is to adjourn the meeting to a later time on the same day or to another day.

### **3.14 Names to be recorded**

At any meeting –

- (a) at which there is not a quorum present to begin the meeting; or
- (b) which is adjourned under clause 3.13,

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 other than that specified in the agenda, without the approval of the presiding member or a decision of the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda, or given in the notice of the meeting as the purpose of the meeting, without the approval of the presiding member or a decision of the committee.
- (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council, the business unresolved at the meeting that is adjourned is to be dealt with under item 13 of clause 4.2 at that ordinary meeting.
- (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
- (6) Where a Council or committee meeting is adjourned to a meeting not described in subclauses (4) or (5), no business is to be transacted at that later meeting other than that

- (a) specified in the notice of the meeting that is adjourned; and
- (b) which remains unresolved.

#### **4.2 Order of business**

- (1) Unless otherwise decided by the Council, the order of business at any ordinary meeting of the Council is to be as follows -
  - 1. Declaration of opening and announcement of visitors
  - 2. Record of attendance, apologies and leave of absence (previously approved)
  - 3. Disclosure of interests
  - 4. Announcements by the Chairperson or presiding member without discussion
  - 5. Response to previous public questions taken on notice
  - 6. Public question time
  - 7. Applications for leave of absence
  - 8. Petitions, deputations and presentations
  - 9. Confirmation of minutes of previous meetings
  - 10. Questions by members of which due notice has been given
  - 11. Questions by members without notice
  - 12. Announcement of confidential matters for which meetings may be closed to the public
  - 13. Business not dealt with from a previous meeting
  - 14. Reports of employees
  - 15. Reports of committees
  - 16. Reports of delegates
  - 17. Members' motions of which previous notice has been given
  - 18. New business of an urgent nature approved by the Chairperson or presiding member or by decision of the meeting
  - 19. Confidential matters for which the meeting may be closed to the public
  - 20. Future meetings of Council
  - 21. Declaration of closure of meeting
- (2) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the notice of, or agenda for, the meeting.
- (3) Notwithstanding subclauses (1) and (2), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.

#### **4.3 Change to the order of business**

- (1) The Chairperson or presiding member may propose a change to the order of business.
- (2) Any member may move that a change in order of business proposed by the Chairperson or presiding member not be accepted and, if carried by a majority of members present, the proposed change in order is not to take place.

#### **4.4 Disclosure of Interest**

Written notices of disclosure of interests are to be announced –

- (a) at item 3 of clause 4.2(1); and
- (b) immediately before the matter to which the disclosure relates is discussed.

#### **4.5 Announcements by the Chairperson or presiding member**

Announcements by the Chairperson or presiding member under item 4 of clause 4.2(1) are –

- (a) to inform the Council or the committee of any matter of interest or relevance to the business of the Council or a committee; and
- (b) to be brief and concise;

#### **4.6 Response to previous questions taken on notice**

Where a question is taken on notice, the CEO is to ensure that -

- (a) a written answer is forwarded to the questioner as soon as practicable; and
- (b) a summary of the answer is recorded in the minutes of the following meeting of the Council or committee under item 5 of clause 4.2(1).

#### **4.7 Public question time**

Provisions relating to public question time are set out in Part 5 of this Local Law.

#### **4.8 Application for leave of absence**

- (1) A request for leave of absence may be made by a member –
  - (a) verbally at the meeting; or
  - (b) in writing to the CEO before the meeting.
- (2) The grant of leave of absence is dealt with in the Act.

#### **4.9 Petitions, deputations and presentations**

Provisions relating to petitions, deputations and presentations are set out in Part 5 of this Local Law.

#### **4.10 Confirmation of minutes of previous meetings**

Provisions relating to minutes are set out in Part 13 of this Local Law.

#### **4.11 Questions by members of which due notice has been given**

- (1) A question on notice is to be given by a member in writing to the CEO at least 48 hours before the meeting at which it is to be asked.
- (2) If the CEO considers that the question breaches or may breach this Local Law or any other law –
  - (a) the CEO is to refer the question to the Chairperson;
  - (b) the Chairperson is to exclude the question if he or she concurs with the view of the CEO; and

- (c) if the question is excluded, the CEO is to give all members, as soon as practicable but not later than the next ordinary meeting, the reasons for the exclusion.
- (3) Notice of a question that is not withdrawn or excluded under subclause (2), together with the answer to that question, are -
  - (a) where practicable, to be included in the agenda of the meeting; or
  - (b) otherwise, to be tabled at the meeting.
- (4) Each question and answer is to be submitted as briefly and concisely as possible and, unless with the consent of the Chairperson or presiding member, there is to be no discussion on the question or answer.

#### **4.12 Questions without notice**

- (1) In this clause, question includes a request for information.
- (2) At any time during the debate on a motion, before the motion is put, a member may ask a question and, with the consent of the Chairperson or the presiding member, may ask one or more further questions.
- (3) A question asked by a member, and a response given by a member or an employee –
  - (a) is to be brief and concise; and
  - (b) is not to be accompanied by –
    - (i) expressions of opinion, statement of fact or other comment, except where necessary to explain the question or answer; or
    - (ii) any discussion or further question, except with the consent of the Chairperson or presiding member.
- (4) Where a question requests information from an employee who is present at the meeting, the employee may ask that -
  - (a) the question be placed on notice for the next meeting of the Council; or
  - (b) the answer to the question be given to the member who asked it prior to the next ordinary meeting of the Council.
- (5) If the answer to the question without notice cannot be given at the meeting at which it is asked, the member asking the question may request that the answer be given to the appropriate committee or Council meeting and the Chairperson or presiding member may, if he or she thinks fit, so direct.

#### **4.13 Announcement of confidential matters for which meetings may be closed to the public**

Any confidential matters for which the meeting may be closed to the public are to be announced under item 12 of clause 4.2(1).

#### **4.14 Business not dealt with from a previous meeting**

The Council is to deal, under item 13 of clause 4.2(1), with any business that was listed on the agenda of a previous meeting and has not been dealt with.

#### **4.15 Employee reports**

The Council is to deal, under item 14 of clause 4.2(1), with any employee reports included in the agenda under this item by the CEO.

#### **4.16 Reports of committees**

The Council is to deal, under item 15 of clause 4.2(1), with reports of committees.

#### **4.17 Reports of delegates**

- (1) Under item 16 of clause 4.2(1) a member may give a written or oral report on an activity undertaken by the member on behalf of the EMRC.
- (2) Unless the Council decides otherwise on the grounds of urgency, a report which requires a decision of the Council must be the subject of a written report by or on behalf of the CEO.
- (3) The Chairperson or presiding member may declare any report by a member to be out of order and, if he or she does so, the member must immediately cease speaking.

#### **4.18 Members' 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 of the EMRC as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be given at least 4 clear working days before the meeting at which the motion is proposed to be moved.
- (3) A notice of motion must relate to the regional purposes for which the EMRC is established under the Establishment Agreement.
- (4) The CEO -
  - (a) with the concurrence of the Chairperson or presiding member, may exclude from the notice paper any notice of motion that he or she considers to be out of order; or
  - (b) may make such amendments to the form, but not the substance, as will bring the notice of motion into due form.
- (5) A notice of motion is not out of order because its subject is considered to be objectionable.
- (6) If a notice of motion is excluded under subclause (4), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (7) The CEO may provide relevant and material facts and circumstances relating to the notice of motion on such matters as policy, budget and law.



- (8) 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 him or her in writing, moves the motion when called on; or
  - (b) the Council or committee on a motion decides to defer consideration of the motion to a later stage or date.
- (9) If a notice of motion is given and lapses in the circumstances referred to in subclause (8), a notice of motion in substantially the same terms, or to substantially the same effect, is not to be given again for at least 3 months from the date of the lapse.

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

- (1) In cases of extreme urgency or other special circumstance, matters may, on the initiative of the Chairperson or presiding member or by way of a motion that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), “cases of extreme urgency or other special circumstances” means matters –
- (a) that have arisen after the preparation of the agenda that are considered by the meeting to be of such importance and urgency that they are unable to be dealt with administratively by the EMRC and must be considered and dealt with by the Council before the next meeting; and
  - (b) that, if not dealt with at the meeting, are likely to –
    - (i) have a significant adverse effect (financially or otherwise) on the EMRC; or
    - (ii) result in a contravention of a written law.
- (3) Before debate begins on a matter under this clause that is not the subject of a written employee report to the meeting –
- (a) the Chairperson or presiding member is to ask the CEO to give; and
  - (b) the CEO, or the CEO's nominee, is to give, a verbal report to the meeting.
- (4) The minutes of the meeting are to include –
- (a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and
  - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.

#### **4.20 Confidential matters for which the meeting may be closed to the public**

Provisions relating to the closure of all or part of the meeting to the public are set out in Part 5 of this Local Law.

#### **4.21 Future meetings of Council**

Under item 20 of clause 4.2(1), future meeting dates as previously resolved or amended (in accordance with the Act and Regulations) are to be listed.

#### **4.22 Adoption by exception resolution**

- (1) In this clause 'adoption by exception resolution' means –
  - (a) a resolution of the Council that has the effect of adopting, for each of a number of specifically identified reports, the committee or employee recommendation as the Council resolution; and
  - (b) a resolution of a committee that has the effect of adopting, for each of a number of specifically identified reports, the employee recommendation as the committee resolution.
- (2) Subject to subclause (3), the Council or a committee 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 or a special majority;
  - (b) in which an interest has been disclosed;
  - (c) that has been the subject of a petition or deputation;
  - (d) that is a matter on which a member wishes to make a statement; or
  - (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.

#### **4.23 Closure – time limits for meetings**

- (1) If a meeting of the Council is in progress 3 hours after its commencement –
  - (a) the Chairperson or presiding member is to give the Council the opportunity to decide whether the meeting should continue;
  - (b) the meeting may continue –
    - (i) for up to 1 more hour;
    - (ii) only if a motion that the meeting continue is carried; and
    - (iii) only for the time (up to 1 more hour) specified in that motion; and
  - (c) the Chairperson or presiding member is to adjourn the meeting –
    - (i) if the motion under paragraph (b) is not carried; or
    - (ii) at the conclusion of any extension specified in a motion that is carried under paragraph (b).
- (2) Subject to subclause (1), each Council and committee meeting is to be closed not later than 11.00pm.

## **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 (other than any person specified in a resolution).
- (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 to members of the public 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;
    - (iii) any other employee of the EMRC specified in a resolution; and
    - (iv) any other person specified in a resolution; and
  - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3) may, by order of the presiding member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice of the relevant motion.
- (6) The CEO may require any person, other than a member or employee, to sign a confidentiality agreement relating to the disclosure of information acquired at a meeting closed to members of the public.
- (7) Unless the Council or the committee resolves otherwise, once the meeting is reopened to members of the public the presiding member is to ensure that –
  - (a) any resolution of the Council or committee made while the meeting was closed is to be read out; and
  - (b) the vote of a member or members is recorded 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 wishes to ask a question during question time must –
  - (a) first state his or her name and address;
  - (b) direct the question to the presiding member;
  - (c) ask the question briefly and concisely;
  - (d) limit any preamble to matters directly relevant to the question; and
  - (e) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question.
- (2) Each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions.
- (3) A member of the public may give prior written notice to the CEO of the text or substance of a question that he or she wishes to ask at a meeting.
- (4) Unless the presiding member determines otherwise, a question of which prior written notice has been given to the CEO is to be given priority in question time.
- (5) Where a member of the public gives written notice of a question, the presiding member may determine that the question is to be responded to as normal business correspondence.
- (6) A question may be taken on notice by the Council or committee for later response.
- (7) When a question is taken on notice, the CEO is to ensure that –
  - (a) a written response is given to the person who asked the question; and
  - (b) a summary of the response is included in the agenda for the next meeting of the Council or committee.
- (8) Where a question relating to a matter in which a person has an interest is directed to that person, that person is to –
  - (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.
- (9) A response to a question –
  - (a) is to be brief and concise; and

- (b) is not to be the subject of any discussion, except that if in the opinion of a member, false information or any adverse reflection is contained in any question asked or comments made by a member of the public, then (through the presiding member) the member may correct or clarify the matter.
- (10) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes.
- (11) The presiding member may decide that a question is not to be responded to where –
  - (a) the same or similar question was asked at a previous meeting, a response was provided and the person who asked the question is directed to the minutes of the meeting at which the response was provided;
  - (b) it is in the form of a statement, provided that the presiding member has taken reasonable steps to assist the person to phrase the statement as a question; or
  - (c) the question is offensive or defamatory in nature, or is one which, if asked by a member, would be in breach of this Local Law or any other law.
- (12) The Council or committee, by resolution, may agree to extend public question time.

#### **5.8 Distinguished visitor**

If a distinguished visitor is present at a meeting of the Council or a committee, the Chairperson or presiding member –

- (a) may invite the distinguished visitor to sit beside the Chairperson or presiding member or at the Council table;
- (b) may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting; and
- (c) may direct that the presence of the distinguished visitor be recorded in the minutes.

#### **5.9 Petitions**

- (1) A petition must -
  - (a) be addressed to the Chairperson;
  - (b) be made by electors of the Participants;
  - (c) state the request on each page;
  - (d) contain the legible names, addresses and signatures of the electors making the request, and the date each elector signed;
  - (e) contain a summary of the reasons for the request;
  - (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
  - (g) be respectful and temperate in its language; and
  - (h) comply with any form prescribed by the Act or any other written law.

- (2) On the presentation of a petition –
  - (a) the member presenting it is confined to reading the petition; and
  - (b) the only motion that is in order is that the petition be received and, if necessary, that it be referred for the CEO's report.
- (3) At any meeting, the Council or committee 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 or committee has considered the issues raised in the petition.

#### **5.10 Deputations**

- (1) A deputation may be made to the Council or a committee in accordance with this clause.
- (2) A person or group who wishes to be received as a deputation by the Council or a committee must –
  - (a) apply in writing to the CEO for approval; and
  - (b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the delegation.
- (3) The CEO is to refer a copy of a summary of the application –
  - (a) to the Chairperson – if the request is to attend a Council meeting; or
  - (b) the presiding member – if the request is to attend a committee meeting.
- (4) The Chairperson or presiding member (as the case may be) –
  - (a) may approve the request, in which case the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be; or
  - (b) may ask the CEO to refer the request to the Council or committee to decide whether or not to receive the deputation.
- (5) Unless the meeting resolves otherwise -
  - (a) a deputation is not to exceed 5 people, only 2 of whom may address the meeting, although others may respond to specific questions from the members; and
  - (b) the deputation may address the meeting for up to 15 minutes.
- (6) For the purposes of this clause, a deputation comprises all those people either in favour of, or opposed to, the matter which is the subject of the deputation.
- (7) A matter which is the subject of a deputation to the committee is not to be decided by the committee until the deputation has completed its presentation.

- (8) Where a deputation is to be received by the committee, the person or group comprising of the deputation is to address the meeting at the relevant part in the order of business as detailed in clause 4.2(2).
- (9) Any item of business to be discussed at a committee meeting that is subject of a received deputation, is to be brought forward in the order of business for the meeting as the next item of business after the deputation has been received.

#### **5.11 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) A member or deputy may attend, as an observer, any meeting of a committee.
- (3) Without the consent of the presiding member, a person must not address a committee meeting.
- (4) The presiding member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (5) A person addressing the committee with the consent of the presiding member must cease that address immediately after being directed to do so by the presiding member.
- (6) A person who fails to comply with a direction of the presiding member under subclause (5) may, by order of the presiding member, be removed from the committee room.
- (7) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

#### **5.12 Public inspection of agenda material**

The right of a member of the public to inspect the documents relating to a Council or committee meeting are dealt with in the Regulations.

#### **5.13 Confidentiality of information withheld**

- (1) Information withheld by the CEO from members of the public under regulation 14(2) of the Regulations is to be –
  - (a) identified in the agenda of a Council or committee meeting under item 19 of clause 4.2(1) (ie “Confidential matters for which the meeting may be closed to the public”);
  - (b) marked “confidential” in the agenda; and
  - (c) kept confidential by members and employees until the Council or committee 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,

must not disclose any part of that information to any person other than another member or an employee of the Council to the extent necessary for the purpose of carrying out his or her functions.

- (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 decides;
- (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**

- (1) An audio recording is to be taken of the proceedings of each meeting and is to be published on the official Website of the EMRC.
- (2) With the exception of the audio recording referred to in subclause (1), a person must not use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the permission of the Council.
- (3) Subclause (2) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee.

#### **5.15 Prevention of disturbance**

- (1) A reference in this clause to a “person” is to a person other than a member.
- (2) A person must ensure that his or her electronic communication or information device is not switched on or used during any meeting of the Council or a committee.
- (3) A person addressing the Council or a committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the presiding member.
- (4) A person present at or observing a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (5) The presiding member may warn a person who fails to comply with this clause.
- (6) If –
  - (a) after being warned, the person again acts contrary to this clause, or to this Local Law; 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 - Disclosure of interests**

### **6.1 Disclosure of interests**

The requirements for members and employees to disclose financial and other interests, the nature of the interests that must be disclosed, and related matters, are dealt with in the Act, the Regulations and the Code of Conduct.

### **6.2 Separation of committee recommendations**

Where, at a committee meeting, a member discloses a financial or proximity interest in a matter, and the matter is included in the recommendations (or part of the recommendations) of the committee to a Council or to another committee meeting that will or may be attended by the member, the agenda of that Council or committee meeting is to separate the relevant recommendation (or relevant part of the recommendations) from other recommendations of the committee.

## **Part 7 - Conduct of members**

### **7.1 Official titles to be used**

A speaker, when speaking or referring to the Chairperson or Deputy Chairperson, or to a member or employee, must use the title of that person's office.

### **7.2 Members to occupy own seats**

- (1) At Council meetings, members must be seated in the positions determined by the Council.
- (2) At committee meetings, committee members must be seated in those positions, if any, that are determined by the relevant committee.

### **7.3 Entering or leaving a meeting**

During the course of a meeting, a member must not enter or leave the meeting without giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

### **7.4 Members who wish to speak**

A member who wishes to speak at a Council meeting –

- (a) must indicate his or her intention to speak by raising his or her hand, or by any other method determined by the Council; and
- (b) when invited by the Chairperson or presiding member to speak, must address the meeting through the Chairperson or presiding member and, unless

otherwise determined by the Council, may either rise or remain seated while speaking.

#### **7.5 Priority of speaking**

- (1) At a Council meeting where 2 or more members indicate, at the same time, their intention to speak, the Chairperson or presiding member is to decide which member is entitled to be heard first.
- (2) At a committee meeting, the presiding member is first to invite committee members to speak followed by, at the discretion of the presiding member, other members and attendees.
- (3) A decision of the Chairperson or presiding member under this clause is not open to discussion or dissent.

#### **7.6 The Chairperson or presiding member may take part in debates**

- (1) Subject to compliance with the procedures for the debate of motions contained in this Local Law, the Chairperson or presiding member, without vacating the chair, may take part in a discussion of any matter before the meeting.
- (2) Before the Chairperson or presiding member moves a motion or amendment, he or she must first vacate the chair and the Deputy Chairperson or other person elected for the purpose is to preside over the meeting while the motion or amendment is being debated and voted upon.

#### **7.7 Relevance**

- (1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Chairperson or presiding member, at any time, may –
  - (a) draw the attention of the meeting to any irrelevant or repetitious remarks by a member; or
  - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member must comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

#### **7.8 Speaking twice**

- (1) A member must not 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.
- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.

## **7.9 Duration of speeches**

A member must not speak on any matter for more than 5 minutes without the consent of the meeting which, if given, is to be given without discussion.

## **7.10 No speaking after conclusion of debate**

A member must not speak on any motion or amendment –

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

## **7.11 No interruption**

A member must not 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 7.16; or
- (d) to move a procedural motion that the member be no longer heard (see clause 10.1(e)).

## **7.12 Respect for the Chairperson or presiding member and speaker**

A member must not –

- (a) while a motion is being voted on, walk out of or across the meeting room ; and
- (b) while any other member is speaking, pass between the speaker and the Chairperson or presiding member.

## **7.13 No re-opening of discussion**

A member must not re-open a discussion on any decision of the Council or committee, except to move that the decision be revoked or changed (see Part 14).

## **7.14 Offensive language**

- (1) A member must not reflect adversely on a decision of the Council or a committee except on a motion that the decision be revoked or changed (see Part 14).
- (2) A member must not –
  - (a) reflect adversely on the character or actions of another member or employee;
  - (b) impute any motive to a member or employee; or
  - (c) use an expression that is offensive or objectionable.
- (3) A member must not use offensive or objectionable expressions in reference to any other member, employee or other person.

### **7.15 Withdrawal of offensive language**

A member who, in the opinion of the Chairperson or presiding member –

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

must, when directed by the Chairperson or presiding member, withdraw the reflection, imputation or expression and make a satisfactory apology.

### **7.16 Personal explanation**

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

## **Part 8 - Preserving Order**

### **8.1 The Chairperson or presiding member to preserve order**

The Chairperson or presiding member is to preserve order and, whenever he or she considers it necessary, may –

- (a) call a member to order; or
- (b) may direct a member to cease breaching, or to comply with, any provision of this Local Law.

### **8.2 Point of order**

- (1) A member may object, by way of a point of order, only to a breach of –
  - (a) any provision of this Local Law; or
  - (b) any other written law.
- (2) Examples of valid points of order are –
  - (a) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 7.7); and
  - (b) a speaker's use of offensive or objectionable expressions (see clause 7.14).
- (3) Despite anything in 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.

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

- (1) A member who is addressing the Chairperson or presiding member must not be interrupted except on a point of order.
- (2) A member interrupted on a point of order must 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.

### **8.4 Ruling by the Chairperson or presiding member**

- (1) The Chairperson or 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 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 direct the member to make an explanation, retraction or apology.

### **8.5 Continued breach of order**

If a member –

- (a) persists in any conduct that the Chairperson or presiding member has ruled is out of order; or
- (b) fails or refuses to comply with a direction from the presiding member (such as a direction under clause 7.7(2)(b), 7.15 or 8.4),

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 must comply with that direction.

### **8.6 Presiding member may adjourn meeting**

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period 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 9 - Debate of substantive motions**

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

- (1) A 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 Chairperson or presiding member, is to put the motion or amendment in writing.
- (2) The written terms of the motion or amendment are to be given to the CEO who is to ensure that they are recorded in the minutes.

### **9.2 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 (see clause 14.1).

### **9.3 Unopposed business**

- (1) Immediately after a substantive motion has been moved and seconded, the Chairperson or presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the Chairperson or presiding member may put the motion directly to the vote.
- (3) If a member opposes the motion, the motion is to be dealt under this Part.
- (4) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a meeting (see Part 14).

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

The Council or committee –

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

### **9.5 Complex motions**

The Chairperson or presiding member may require that a complex substantive motion, or a complex amendment to a substantive motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

### **9.6 Call of order in debate**

The Chairperson or 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, alternating between those against and for the motion; and
- (h) the mover invited to take the right of reply which closes debate.

#### **9.7 Limit of debate**

The Chairperson or presiding member may offer the right of reply and put a substantive motion to the vote if he or she considers that sufficient discussion has taken place even though all members may not have spoken.

#### **9.8 Members may require motion to be read**

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

#### **9.9 Consent of seconder required to amend motion**

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

#### **9.10 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, lost or carried.

#### **9.11 Amendments must not negate original motion**

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

#### **9.12 Relevance of amendments**

An amendment must be relevant to the substantive motion in respect of which it is moved.

#### **9.13 Mover of motion may speak on amendment**

Any member may speak during debate on an amendment.

#### **9.14 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.

### **9.15 Withdrawal of motion and amendments**

- (1) The Council or a committee may, without debate, grant leave to withdraw a substantive motion or amendment on the request of the mover of the motion or amendment if –
  - (a) it has the approval of the seconder; and
  - (b) there is no voice expressed to the contrary by any member.
- (2) If either paragraph (a) or (b) of subclause (1) does not apply, the discussion on the motion or amendment is to continue.
- (3) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

### **9.16 Right of reply**

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

## **Part 10 - Procedural motions**

### **10.1 Permissible procedural motions**

In addition to the right to move an amendment to a substantive motion (under Part 9), a member may move any of the following procedural motions -

- (a) that the meeting proceed to the next item of business;
- (b) that the item be referred or adjourned to a Council or committee meeting;
- (c) that the meeting now adjourn;
- (d) that the motion be now put;
- (e) that the member be no longer heard;



- (f) that the ruling of the Chairperson or presiding member be disagreed with; and
- (g) that the meeting be closed to members of the public (see clause 5.2).

## **10.2 No debate on procedural motion**

- (1) The mover of a motion stated in paragraphs (a), (b), (c), (f) or (g) of clause 10.1 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 stated in paragraphs (d) and (e) of clause 10.1 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.

## **10.3 Who may move**

A person who has moved, seconded, or spoken for or against a substantive motion, or any amendment to a substantive motion, cannot move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

## **10.4 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.

## **10.5 Meeting to proceed to next item of business**

A 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; and
- (b) no decision is made on the substantive motion;
- (c) the meeting moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

## **10.6 Item to be referred or adjourned**

A motion “that the item be adjourned” -

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

## **10.7 Meeting now adjourn**

- (1) A member is not to move or second more than one motion of adjournment during the same meeting.

- (2) Before putting a motion for the adjournment, the Chairperson or presiding member may seek leave of the meeting to deal first with matters that may be the subject of an adoption by exception resolution (see clause 4.22);
- (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 Chairperson or presiding member, or the meeting, determines otherwise.

#### **10.8 Motion to be put**

- (1) If a motion “that the motion be now put”, is carried during discussion on a substantive motion without amendment, the Chairperson or presiding member is to offer the right of reply and then immediately put the motion to the vote without further debate.
- (2) If the motion, “that the motion be now put” is carried during debate of an 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.

#### **10.9 Member to be no longer heard**

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

#### **10.10 Ruling of the Chairperson or presiding member be disagreed with**

If the motion “that the ruling of the Chairperson or presiding member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

### **Part 11 - Voting**

#### **11.1 Motion – when put**

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

#### **11.2 Voting**

Voting is dealt with in the Act and the Regulations.

### **11.3 Majorities required for decisions**

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

### **11.4 Method of taking vote**

In taking the vote on any motion, the presiding member –

- (a) is to put the motion, first in the affirmative, and then in the negative;
- (b) may put the motion in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
- (c) is to count and determine the votes of members in any way (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.

## **Part 12 - Adjournment of meeting**

### **12.1 Meeting may be adjourned**

The Council or a committee may decide to adjourn any meeting to a later time on the same day, or to any other day.

### **12.2 Limit to moving adjournment**

No member is to move or second more than one motion of adjournment during the same meeting of the Council or committee.

### **12.3 Unopposed business – motion for adjournment**

On a motion for the adjournment of the Council or committee, the Chairperson or presiding member, before putting the motion, may seek leave of the Council or committee to proceed to the transaction of unopposed business.

### **12.4 Withdrawal of motion for adjournment**

A motion or an amendment relating to the adjournment of the Council or committee may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal, debate of the motion is to continue.

### **12.5 Time to which adjourned**

The time to which a meeting is adjourned for want of a quorum, by the Chairperson or presiding member to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

## **Part 13 - Minutes**

### **13.1 Keeping of minutes**

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

### **13.2 Content of minutes**

- (1) The content of minutes is dealt with in the Regulations.
- (2) The votes of all members voting on a motion are to be recorded in the minutes.

### **13.3 Public inspection of unconfirmed minutes**

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

### **13.4 Confirmation of minutes**

- (1) If a member is dissatisfied with the accuracy of the unconfirmed minutes, he or she is to provide to the CEO a written copy of the alternative wording to amend the unconfirmed minutes no later than 3 clear working days before the meeting where the minutes are to be confirmed.
- (2) At that meeting, the member who provided the alternative wording shall, at the time for confirmation of minutes –
  - (a) state the item or items with which he or she is dissatisfied; and
  - (b) propose a motion clearly outlining the alternative wording to amend the minutes.

## **Part 14 - Revoking or changing a decision**

### **14.1 Requirements to revoke or change a decision**

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

### **14.2 Limitations on powers to revoke or change a decision**

- (1) In this clause –

***authorisation*** means a licence, permit, approval, or other means of authorising a person to do anything; and

***implement***, in relation to a decision, includes –

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
  - (b) take any other action to give effect to the decision.
- (2) Subject to subclause (3), the Council or a committee is not to consider a motion to revoke or change a decision –
    - (a) where, at the time the motion is moved or notice is given, any action has been taken to implement the decision;
    - (b) where the decision concerns the grant of an authorisation, and where that authorisation has been communicated in writing by the EMRC to the applicant; or
    - (c) where the decision is procedural in its form or effect.

- (3) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (2)(a) or (b) if the motion is accompanied by a written statement, by or on behalf of the CEO, of the legal and financial consequences of the motion being carried.

## **Part 15 - Committees**

### **15.1 Establishment and appointment of committees**

- (1) The establishment of committees is dealt with in the Act.
- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include -
- (a) the terms of reference or functions of the committee;
  - (b) either –
    - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
    - (ii) the number of members, employees and other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
  - (c) details of the delegation of any powers or duties to the committee 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.

### **15.7 Appointment of deputies**

The appointment of a person to be a deputy of a member of a committee is dealt with in the Act.

### **15.8 Resignation of committee members**

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

### **15.9 Register of delegations to committees**

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

### **15.10 Appointment of Participant members to committees**

- (1) Where the Council establishes a committee with a member from a Participant, the appointment of that member must be made according to the wishes of the Participant.
- (2) Where the members of a committee established by the Council is to include an employee of a Participant, that employee is to be the CEO of the Participant, or an employee appointed by the CEO of the Participant.

### **15.11 Reports of committees – questions**

Where a recommendation of a committee is submitted for adoption by the Council, any member of the Council may direct a question directly relating to the recommendation, through the Chairperson or presiding member, to the presiding member of the committee or to any member of the committee in attendance.

### **15.12 Permissible motions on committee recommendations**

A recommendation made by a committee may -

- (a) be adopted by the Council without amendment;
- (b) be rejected by the Council and replaced by an alternative decision;
- (c) be amended, and adopted as amended, by the Council; or
- (d) be referred back to the committee for further consideration.

### **15.13 This Local Law to apply**

This Local Law applies generally to the proceedings of committees except for clause 7.8, in relation to the limit on the number of speeches.

## **Part 16 - Administrative matters**

### **16.1 Suspension of any provision of this Local Law**

- (1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more of the provisions of this Local Law.
- (2) The mover of a motion to suspend temporarily any one or more of the provisions of this Local Law is to state the clause or clauses to be suspended, and the purpose of the suspension.
- (3) A provision of this Local Law so suspended is to remain suspended until decided otherwise by the Council or the committee.

### **16.2 Cases not provided for in this Local Law**

- (1) The Chairperson or presiding member is to decide questions of procedure in cases where this Local Law and the Act and Regulations are silent.

- (2) The decision of the Chairperson or presiding member in these cases is final, except where a motion is moved and carried under clause 10.1(f).

**16.3 Representation on public bodies**

Wherever it becomes necessary to nominate a member of the Council to represent the Council on a public body or State agency, that nomination must be made by the Council.

**Part 17 - Enforcement**

**17.1 Penalty for breach**

A person who breaches a provision of this Local Law commits an offence.

Penalty: \$1,000 and a daily penalty of \$500.

**17.2 Who can prosecute**

Who can prosecute is dealt with in the Act.

**Part 18 - Common seal**

**18.1 Custody of the common seal**

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

**18.2 Use of the common seal**

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

**18.3 Recording of common seal uses**

The CEO is to record in a register each instance where the common seal of the EMRC was affixed to a document including -

- (a) the date on which it was affixed;
- (b) the nature of the document; and
- (c) where the document is an agreement, the parties to that agreement.

This local law was made by the EMRC at an Ordinary Meeting held on.





## 14.5 MAKING OF THE EMRC MEETING PROCEDURES LOCAL LAW 2023

D2022/18546

### PURPOSE OF REPORT

To seek Council approval to make *Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023* (Local Law 2023) as a result of the review of the existing *Eastern Metropolitan Regional Council Standing Orders Local Law 2013* (Local Law 2013) in accordance with the requirements of the *Local Government Act 1995* (the Act).

### KEY POINT(S)

- Local laws are required to be reviewed within a period of eight years from the day they commenced.
- Following a review of the existing Local Law 2013, it was recommended that they be repealed and a new Local Law 2023 be adopted.
- To facilitate this, the statutory process in accordance with section 3.12 of the Act is to be followed.

### RECOMMENDATION(S)

That:

1. Council, by absolute majority in accordance with section 3.16 of the *Local Government Act 1995*, repeal the *Eastern Metropolitan Regional Council Standing Orders Local Law 2013*.
2. Council commence the process required by section 3.12 of the *Local Government Act 1995*, to make the *Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023*.

### SOURCE OF REPORT

Chief Executive Officer

### BACKGROUND

- 1 Section 3.16 of the Act 'Periodic review of local laws' states:  
  
“(1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.”
- 2 Under the powers conferred by the Act, the EMRC Council resolved on 21 March 2013 to adopt the *EMRC Standing Orders Local Law 2013* which was published in the Government Gazette on 26 June 2013.
- 3 Section 3.16 of the Act stipulates the review process which incorporates the following:  
  

S. 3.16 (2) (a)	Giving statewide public notice that the Local Government proposes to review the local law
S. 3.16 (2) (b)	Permitting copies of the local law to be inspected or obtained
S. 3.16 (2) (c)	Allowing 6 weeks from printing of public notice for submissions to be made
S. 3.16 (2a)	Notice to be published and exhibited as though it were a local public notice
S. 3.16 (3)	Local Government to consider any public submissions and prepare a report of the review for Council consideration
S. 3.16 (4)	Any determination to repeal or amend the local law to be made by absolute majority

4 At the Ordinary Meeting of Council 25 November 2021 (Ref: D2021/23182), it was resolved:

*“THAT:*

1. *IN ACCORDANCE WITH SECTION 3.16(1) OF THE LOCAL GOVERNMENT ACT 1995, COUNCIL COMMENCES A REVIEW OF THE EASTERN METROPOLITAN REGIONAL COUNCIL STANDING ORDERS LOCAL LAW 2013.*
2. *IN ACCORDANCE WITH SECTION 3.16(2) OF THE LOCAL GOVERNMENT ACT 1995, LOCAL PUBLIC NOTICE BE GIVEN OF THE EMRC PROPOSING TO REVIEW THE EASTERN METROPOLITAN REGIONAL COUNCIL STANDING ORDERS LOCAL LAW 2013.”*

## REPORT

- 5 On Wednesday 8 December 2021 an advertisement was placed in the West Australian newspaper informing members of the public of a review of the Local Law 2013 to determine whether it should be repealed or amended. The information was available for public comment for a period of six weeks (submissions closed on 21 January 2022).
- 6 By the closing date, the EMRC had not received any public submissions.
- 7 An e-mail was sent to all Councillors on 9 May 2022 seeking feedback in respect of the review of the EMRC Standing Orders Local Law 2013. No major feedback was received from Councillors except for a couple of queries which were answered by EMRC staff.
- 8 An initial review of the Local Law 2013 by EMRC’s legal representative, McLeods noted that the current structure was sound and only minor amendments are required to ensure consistency with the current provisions of the Act and Regulations and the requirements of the Joint Standing Committee on Delegated Legislation. However, McLeods recommended amending the existing Local Law 2013 by making a new local law rather than by making an amendment local law. The same process is required to make an amendment local law as is required to make a new local law but the outcome of making an amendment local law is two documents (the existing local law plus the amendment local law), whereas the outcome of making a new local law is one document (a new local law which will effectively be the existing Local Law 2013 with the required amendments).
- 9 McLeods has provided a reviewed copy (with tracked changes) of the Local Law 2013 forming attachment 1 to this report.
- 10 At the Agenda Briefing Forum on 13 October 2022 Council discussed the draft Meeting Procedures Local Law 2023 and the followings requested amendments have now been incorporated in the tabled Local Law 2023 forming attachments 1 and 2:
  - Names of all votes are recorded in the minutes [Clause 13.2(2)]
  - All council meetings are recorded [Clause 5.14(1)]
  - Recordings of all council meetings are publicly available (on the EMRC website) [Clause 5.14(1)]
  - Removal of time limitation on the announcements by the chairperson or presiding member [Clause 4.5(c); and
  - Attendance at a Committee meeting as an observer for members and deputy members [Clause 5.11(2)]
- 11 The proposed new Local Law 2023 recommended for adoption forms attachment 2 to this report. Section 3.12 of the Act requires the following process to be carried out before the proposed new Local Law 2023 can be made.

- 12 Notice of the purpose and effect of the proposed local law must be included in both the agenda and minutes of the meeting at which it is proposed. The purpose and effect of the proposed new Local Law 2023 is included in this agenda by its inclusion in clause 1.3 of the proposed local law in attachment 2.
- 13 If Council resolves to commence the process required to make new Local Law 2023 the EMRC will be required to:
- give local public notice of that proposal stating the purpose and effect of the proposed local law, that copies of it may be inspected or obtained and submissions made by a date that is not less than 6 weeks after the notice is given;
  - give a copy of the proposed local law to the Minister, with a copy of the local public notice; and
  - consider any submissions made in response to the local public notice before Council may (by an absolute majority decision) make the proposed local law or one that is not significantly different from what was proposed.
- 14 If Council resolves to make the proposed new Local Law 2023 (or one that is not significantly different to that local law) the EMRC will be required to publish it in the *Government Gazette*, give a copy of the Gazetted local law to the Minister, give local public notice of the making of the local law and provide the local law to the Joint Standing Committee on Delegated Legislation along with the Explanatory Memorandum and other material required by the Minister's *Local Laws Explanatory Memoranda Directions 2010*.

## STRATEGIC/POLICY IMPLICATIONS

- 15 Key Result Area 4 – Good Governance
- 4.6 To provide responsible and accountable governance and management of the EMRC

## FINANCIAL IMPLICATIONS

- 16 Nil

## SUSTAINABILITY IMPLICATIONS


- 17 Nil

## RISK MANAGEMENT

Risk – Failure to comply with section 3.16 of the <i>Local Government Act 1995</i> by not conducting the required periodic review of local laws		
Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate
Action/Strategy		
Council to resolve to repeal the <i>Eastern Metropolitan Regional Council Standing Orders Local Law 2013</i> pursuant to section 3.16 of the <i>Local Government Act 1995</i> and commence the process to replace it with the proposed new <i>Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023</i>		



## MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	 Nil
City of Bayswater	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

## ATTACHMENT(S)

1. Draft Eastern Metropolitan Regional Council *Meeting Procedures Local Law 2013* – Tracked Changes (D2022/18548)
2. Draft Eastern Metropolitan Regional Council *Meeting Procedures Local Law 2013* – Final (D2022/18549)

## VOTING REQUIREMENT

Absolute Majority

## RECOMMENDATION(S)

That:

1. Council, by absolute majority in accordance with section 3.16 of the *Local Government Act 1995*, repeal the *Eastern Metropolitan Regional Council Standing Orders Local Law 2013*.
2. Council, commence the process required by section 3.12 of the *Local Government Act 1995*, to make the *Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023*

## COUNCIL RESOLUTION(S)

MOVED CR ZANNINO

SECONDED CR THOMAS

THAT:

1. COUNCIL, BY ABSOLUTE MAJORITY IN ACCORDANCE WITH SECTION 3.16 OF THE *LOCAL GOVERNMENT ACT 1995*, REPEAL THE *EASTERN METROPOLITAN REGIONAL COUNCIL STANDING ORDERS LOCAL LAW 2013*.
2. COUNCIL, COMMENCE THE PROCESS REQUIRED BY SECTION 3.12 OF THE *LOCAL GOVERNMENT ACT 1995*, TO MAKE THE *EASTERN METROPOLITAN REGIONAL COUNCIL MEETING PROCEDURES LOCAL LAW 2023*

**CARRIED UNANIMOUSLY**