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JUSTICE

JU301

Sentencing Act 1995

Sentencing Amendment Regulations 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Sentencing Amendment Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — when the *Graffiti Vandalism Act 2016* section 6 comes into operation.

3. Regulations amended

These regulations amend the *Sentencing Regulations 1996*.

4. Schedule 2 amended

- (1) In Schedule 2 in the item for *The Criminal Code* delete “557G”.
- (2) In Schedule 2 insert in alphabetical order:

Graffiti Vandalism Act 2016 s. 6(1)

K. H. ANDREWS, Clerk of the Executive Council.

LOCAL GOVERNMENT

LG301

LOCAL GOVERNMENT ACT 1995*City of Greater Geraldton***MEETING PROCEDURES AMENDMENT LOCAL LAW 2016**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Greater Geraldton resolved on 27 September 2016 to make the following local law.

PART 1—PRELIMINARY**1.1 Citation**

(1) This local law may be cited as the *City of Greater Geraldton Meeting Procedures Amendment Local Law 2016*.

1.2 Commencement

This local law comes into operation 14 days after the date on which it is published in the *Government Gazette*.

1.3 Principal local law amended

The *City of Greater Geraldton Meeting Procedures Local Law 2011*, as published in the *Government Gazette* on 16 February 2012, is referred to as the principal local law. The principal local law is amended.

PART 2—AMENDMENTS**2.1 Clause 4.2 amended**

Clause 4.2 (1) is amended as follows—

- (a) Delete subclause (1) 1 and subclause (1) 2.
- (b) Insert subclause 1. “Declaration of Opening”.
- (c) Insert subclause 2. “Acknowledgement of Country”.
- (d) In subclause 13 after the word “Motions” insert the words “by Members”.

2.2 Clause 4.5 amended

Clause 4.5 is amended as follows—

- (a) In the title, insert the words “by Members” after the word “Motions”.

2.3 Clause 5.7 amended

In Clause 5.7 (1)—

- (a) Delete subclause (a) to subclause (h) and insert—
 - (a) be in attendance at the meeting;
 - (b) first state their name and address;
 - (c) direct the question to the Presiding Member;
 - (d) ask the question briefly and concisely;
 - (e) limit any preamble to matters directly relevant to the question; and
 - (f) 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;
 - (g) 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;
 - (h) where a member of the public seeks a written response to their questions to be tabled at a meeting, the member of the public must submit their questions to Council by no later than 12 noon on the day prior to the meeting date of which the response is to be tabled;
- (b) After subclause (h) insert—
 - (i) where a member of the public submits their questions after 12 noon on the day prior to the meeting date of which the response is to be tabled, a written response may be provided at the discretion of the presiding member;
 - (j) where a member of the public submits a written question after 12 noon the day prior to the meeting at which they are to be tabled, a verbal response may be provided at the meeting;
 - (k) a member of the public may ask questions without notice at a meeting, provided they present a written copy of their questions to Council prior to the commencement of the meeting.
- (c) Delete subclauses 5.7 (2) to 5.7 (8) and insert—
 - (2) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
 - (3) 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.
 - (4) 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) A question may be taken on notice by the Presiding Member for a later response.

- (6) When a question is taken on notice the CEO is to ensure that—
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (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) The maximum amount of time to be set aside for public question time is to be 15 minutes.
- (d) After subclause 5.7 (8) insert—
 - (9) The Presiding Member has the discretion to extend public question time to ensure that all members of the public who wish to ask questions are able to do so.
 - (10) Questions relevant to items on the agenda of the meeting at which they are asked will be given priority over those not relating to items on the agenda.

2.4 Clause 5.17 amended

Clause 5.17 is amended as follows—

- (a) Delete subclause (4).

2.5 Part 6—Questions by Members amended

Part 6 is amended as follows—

- (a) In subclause (1) delete the word “governance” and replace with the word “government”;
- (b) In subclause (2)—
 - i. Insert “, but” after the first instance of the word “motion”;
 - ii. Insert “that relates to the motion”, after the first instance of the word “question”; and
 - iii. Insert “provided they relate to the motion being debated” after “further questions”.
- (c) Insert the following after subclause (2)—
 - (3) A Member may ask a question not the subject of a debate or not relevant to any item on the agenda, provided it relates to the good government of people in the district, at the part of the meeting set aside for questions from Elected Members.
- (d) All subsequent subclauses are renumbered.

2.6 Clause 9.5 amended

Clause 9.5 is amended as follows—

- (a) Delete subclauses (e)–(h) and replace with the following—
 - (e) the Presiding Member to call for any questions from Members on the motion;
 - (f) a speaker against the motion;
 - (g) a speaker for the motion;
 - (h) the Presiding Member to continue calling for speakers against and for the motion in alternating order, until there are no more speakers either for, or against;
 - (i) mover takes right of reply, which closes debate.

Dated: 3 October 2016.

The Common Seal of the City of Greater Geraldton was affixed by the authority of the resolution of Council in the presence of—

SHANE VAN STYN, Mayor.
KENNETH DIEHM, Chief Executive Officer.