



# **STANDING ORDERS LOCAL LAW**

**[Consolidated]**

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***Local Government Act 1995***

**Shire of Bridgetown-Greenbushes**

**Standing Orders Local Law 2008**

**ARRANGEMENT**

**Part 1 – Preliminary**

1.1	Citation .....	5
1.2	Application .....	5
1.3	Interpretation .....	5

**Part 2 – Notice of Meetings**

2.1	Ordinary and Special Meetings of Council .....	6
2.2	Notice of Special Meetings of Council.....	6
2.3	Committee Meetings.....	6
2.4	Notice of Adjourned Meeting .....	6

**Part 3 – Business of the Meeting**

3.1	Business to be Specified on Notice Paper .....	6
3.2	Order of Business.....	6
3.3	Public Question Time .....	7
3.4	Petitions/Deputations.....	8
3.4.1	Petitions .....	8
3.4.2	Deputations .....	8
3.4.3	Comments on Agenda Items by Parties with an Interest.....	8
3.5	Confirmation of Minutes.....	9
3.6	Announcements by the Presiding Member Without Discussion .....	9
3.7	Notification of Disclosure of Interests.....	9
3.8	Matters for which Meeting May be Closed .....	9
3.9	Consideration of Officers Reports .....	9
3.10	Motions of which Previous Notice has been Given .....	10
3.11	Consideration of Standing Committee Reports .....	11
3.12	Receival of Minutes from Management Committees .....	11

**Part 4 – Public Access to Agenda Material**

4.1	Inspection Entitlement .....	11
4.2	Confidentiality of Information Withheld.....	12

**Part 5 – Disclosure of Financial Interests**

5.1	Separation of Committee Recommendations.....	12
5.2	Disclosures by Employees.....	12

**Part 6 – Quorum**

6.1	Quorum to be Present .....	12
6.2	Loss of Quorum During a Meeting .....	12

## **Part 7 – Keeping of Minutes**

7.1	Content of Minutes .....	13
7.2	Preservation of Minutes .....	13
7.3	Public Inspection of Unconfirmed Minutes of Council or Committee Meetings.....	13
7.4	Audio Recording.....	14

## **Part 8 – Conduct of Persons at Council and Committee Meetings**

8.1	Official Titles to be Used .....	14
8.2	Members to Occupy Own Seats .....	14
8.3	Leaving Meetings .....	14
8.4	Adverse Reflection .....	14
8.5	Recording of Proceedings .....	14
8.6	Prevention of Disturbance .....	15
8.7	Use of Laptop Computers.....	15

## **Part 9 – Conduct of Members During Debate**

9.1	Members to Rise .....	15
9.2	Priority .....	15
9.3	The Presiding Member to Take Part in Debates .....	15
9.4	Relevance .....	15
9.5	Limitation of Number of Speeches.....	15
9.6	Limitation of Duration of Speeches .....	15
9.7	Members Not to Speak After Conclusion of Debate.....	15
9.8	Members Not to Interrupt.....	16
9.9	Motion to be Taken as Read.....	16

## **Part 10 – Procedures for Debate of Motions**

10.1	Motions to be Stated.....	16
10.2	Motions to be Supported.....	16
10.3	Unopposed Business.....	16
10.4	Only One Substantive Motion Considered .....	16
10.5	Breaking Down of Complex Motions .....	16
10.6	Order of Call in Debate .....	16
10.7	Limit of Debate .....	17
10.8	Member May Require Motion to be Read .....	17
10.9	Consent of Seconder Required to Accept Alteration of Wording .....	17
10.10	Order of Amendments .....	17
10.11	Amendments Must Not Negate Original Motion .....	17
10.12	Substantive Motion .....	17
10.13	Withdrawal of Motion and Amendments .....	17
10.14	Limitation of Withdrawal.....	17
10.15	Personal Explanation.....	17
10.16	Personal Explanation – When Heard .....	18
10.17	Ruling on Questions of Personal Explanation .....	18
10.18	Right of Reply .....	18
10.19	Right of Reply Provisions.....	18

## **Part 11 – Procedural Motions**

11.1	Permissible Procedural Motions .....	18
11.2	No Debate on Procedural Motions .....	19
11.3	Procedural Motions – Closing Debate – Why May Move .....	19

11.4	Procedural Motions – Right of Reply on Substantive Motion.....	19
------	--	----

## **Part 12 – Effect of Procedural Motions**

12.1	Debate to be Adjourned – Effect of Motion .....	19
12.2	Council (or Committee) to Now Adjourn – Effect of Motion .....	19
12.3	Question to be Put – Effect of Motion .....	19
12.4	Member to be No Longer Heard – Effect of Motion.....	20
12.5	Ruling of the Presiding Member Disagreed With – Effect of Motion .....	20
12.6	Council (or Committee) to Meet Behind Closed Doors – Effect of Motion ...	20

## **Part 13 – Making Decisions**

13.1	Motion – When Put .....	20
13.2	Question – Method of Putting .....	20

## **Part 14 – Implementing Decisions**

14.1	Implementation of a Decision.....	20
------	-----------------------------------	----

## **Part 15 – Preserving Order**

15.1	The Presiding Member to Preserve Order .....	21
15.2	Demand for Withdrawal .....	21
15.3	Points of Order – When to Raise – Procedure .....	21
15.4	Points of Order – When Valid .....	21
15.5	Points of Order – Ruling .....	22
15.6	Points of Order Take Precedence.....	22
15.7	Precedence of Presiding Member.....	22
15.8	Right of the Presiding Member to Adjourn Without Explanation to Regain Order .....	22

## **Part 16 – Adjournment of Meeting**

16.1	Meeting May be Adjourned.....	22
16.2	Limit to Moving Adjournment .....	22
16.3	Unopposed Business – Motion for Adjournment .....	22
16.4	Withdrawal of Motion for Adjournment.....	23
16.5	Time to Which Adjourned .....	23

## **Part 17 – Committees of the Council**

17.1	Establishment and Appointment of Committees .....	23
17.2	Appointment of Deputy Committee Members .....	23
17.3	Reports of Committees .....	23
17.4	Standing Orders to Apply to Committees.....	23

## **Part 18 – Administrative Matters**

18.1	Suspension of Standing Orders.....	23
18.2	Cases Not Provided for in Standing Orders .....	24

## **Part 19 – Common Seal**

19.1	The Council's Common Seal .....	24
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## ***Local Government Act 1995***

### **Shire of Bridgetown-Greenbushes**

#### **Standing Orders Local Law 2008**

Under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, the Council of the *Shire of Bridgetown-Greenbushes* resolved on 28<sup>th</sup> August 2008 to make the "*Standing Orders Local Law 2008*".

#### **Part 1 – Preliminary**

##### **1.1 Principal Local Law Amended**

The *Shire of Bridgetown-Greenbushes Standing Orders Local Law 2008*, published in the *Government Gazette* on 14 November 2008 and as amended and published in the *Government Gazette* on 23 September 2011 is referred to as the principal local law. The principal local law is amended.

##### **1.2 Application**

All meetings of the Council or a committee and other matters as prescribed are to be conducted in accordance with the Act, Regulations and these Standing Orders.

##### **1.3 Interpretation**

- (1) In these Standing Orders unless the context otherwise requires:

**Act** means the *Local Government Act 1995*;

**CEO** means the Chief Executive Officer or Acting Chief Executive Officer for the Shire of Bridgetown-Greenbushes;

**Committee** means a committee established in accordance with Section 5.9 of the Act;

**Council** means the Council of the Shire of Bridgetown-Greenbushes;

**Deputation** means a pre-determined arrangement for a person or persons to address the Council or a committee at a specified time during the meeting other than public question time;

**Presiding Member** means the presiding member of a committee or the deputy presiding member, or a member of the committee when performing a function of the presiding member in accordance with the Act;

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

**Simple Majority** is more than 50% of the members present and voting;

**Standing Committee** means the Local Laws, Strategy, Policy & Organisation Development (Standing) Committee established by Council in accordance with Sections 5.8 and 5.9 of the Act;

**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 herein the terms and expressions used in these Standing Orders are to have the meaning given to them in the Act and Regulations.

## **Part 2 – Notice of Meetings**

### **2.1 Ordinary and Special Meetings of Council**

The CEO is to convene an ordinary or special meeting of the Council in accordance with the Act. Notice is to be given in writing and is to include the date, time and place of the meeting, and in the instance of a special meeting is to include the subject of the meeting.

### **2.2 Notice of Special Meetings of Council**

- (1) Subject to the requirements of the Act and subclause (2), the CEO is to convene a special meeting of the Council by giving each member at least 72 hours notice of the date, time, place and purpose of the meeting.
- (2) Notwithstanding clause 2.1, where there is need to meet urgently, in the opinion of the President, the CEO may give a lesser period of notice of a special meeting, than mentioned in subclause (1), in a person to person telephone call or by personal advice to each member.

### **2.3 Committee Meetings**

A notice of meeting shall be in writing and served on each member. The notice is to include the date, time, place and agenda of the meeting.

### **2.4 Notice of Adjourned Meeting**

When a meeting is adjourned to a date and time other than the next ordinary meeting, notice of the adjourned meeting shall, if time permits, be sent to each member, specifying the nature of the business to be transacted.

## **Part 3 – Business of the Meeting**

### **3.1 Business to be Specified on Notice Paper**

- (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 including the answering of public questions is to be transacted at a special meeting of the Council other than that specified in the notice as the purpose of the meeting. Only public questions relating to the specified purpose of the meeting will be accepted.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting, without the approval of the Presiding Member or a decision of the committee.
- (4) No business is to be transacted at an adjourned meeting of the Council or a committee other than that –
- (a) specified in the notice of the meeting which had been adjourned; and
  - (b) which remains unresolved;

except in the case of an adjournment to the next ordinary meeting of the Council or the committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

### **3.2 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) Attendance, Apologies and Leave of Absence;
  - (2) Attendance of Gallery;
  - (3) Response to Previous Questions Taken on Notice;
  - (4) Public Question Time;
  - (5) Petitions/Deputations/Presentations;
  - (6) Comment on Agenda Items by Parties With an Interest;
  - (7) Applications For Leave of Absence;
  - (8) Confirmation of Minutes;
  - (9) Announcements by the Presiding Member Without Discussion;
  - (10) Notification of Disclosure of Interests;
  - (11) Questions on agenda items by elected members;
  - (12) Consideration of Motions of which Previous Notice has been given;
  - (13) Reports of Officers;
  - (14) Consideration of Standing Committee recommendations;
  - (15) Receival of Minutes from Management Committees;
  - (16) Urgent Business Approved By Decision;
  - (17) Responses to Elected Member Questions Taken on Notice;
  - (18) Elected Members Questions With Notice;
  - (19) Notice of Motions for Consideration at Next Meeting;
  - (20) Matters Behind Closed Doors;
  - (21) Closure.
- (2) Unless otherwise decided by the Committee the order of business at any meeting of the Standing Committee is to be as follows –
  - (1) Attendance, Apologies and Leave of Absence;
  - (2) Attendance of Gallery;
  - (3) Petitions/Deputations/Presentations;
  - (4) Comment on Agenda Items by Parties With an Interest;
  - (5) Confirmation of Minutes;
  - (6) Announcements/Briefings by Elected Members;
  - (7) Notification of Disclosure of Interests;
  - (8) Consideration of Motions of Which Previous Notice Has Been Given;
  - (9) Reports of Officers;
    - 9.1 Policy
    - 9.2 Local Laws
    - 9.3 Strategy
    - 9.4 Organisational Development
  - (10) Urgent Business Approved by Decision;
  - (11) Responses to Elected Member Questions Taken on Notice;
  - (12) Elected Members Questions With Notice;
  - (13) Briefings By Officers;
  - (14) Notice of Motions for Consideration at Next Meeting;
  - (15) Matters Behind Closed Doors;
  - (16) Closure.
- (3) Unless otherwise decided by the members present, the order of business at any other meeting is to be the order in which that business stands in the agenda of the meeting.

- (4) Notwithstanding subclauses (1), (2) and (3), in the order of business for any meeting of the Council or a committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

### **3.3 Public Question Time**

Public question time shall be held in accordance with the Act and Regulations.

#### **3.4.1 Petitions**

- (1) (1) A petition, in order to be effective, is to –
- (a) be addressed to the President;
  - (b) be made by electors of the district;
  - (c) state the request on each page of the petition;
  - (d) contain the 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 in the form prescribed by the Act and *Local Government (Constitution) Regulations 1996* if it is –
    - (i) a proposal to change the method of filling the office of President;
    - (ii) a submission about changes to wards, the name of a district or ward or the number of Councillors for a district or ward.
- (2) The CEO is to present any petition received to the next ordinary meeting of Council, together with an appropriate officer report and recommendation(s).

#### **3.4.2 Deputations**

- (1) Persons wishing to make a deputation to the Council or a committee are to apply in writing to the CEO outlining the subject matter to be raised by the deputation. On receiving such a request the CEO shall notify the President, or the presiding member if the deputation is to be made to a committee, who may elect to invite the deputation to attend.
- (2) A deputation invited to attend a Council or committee meeting shall not exceed 5 in number and no more than two shall address the meeting, although others may respond to specific questions from members.
- (3) A deputation shall cease speaking within 5 minutes unless pre-arranged prior to the meeting with the permission of the Presiding Member at the meeting.

#### **3.4.3 Comments on Agenda Items by Parties With an Interest**

- (1) After a meeting of Council or Standing Committee has been formally constituted and after public question time has been held, the Presiding Member shall extend an invitation to persons from the public present to address the Council or Standing Committee on any item listed in the notice paper.
- (2) Persons electing to address the Council or Standing Committee on an item in the notice paper must first state their name, identify the item on the notice paper and demonstrate to the Presiding Member that they have an interest in the item as a result of being –
- a) the applicant or a consultant or a duly authorised representative of the applicant;



- b) a nominated person representing an organisation or a group of persons involved with the application;
  - c) an abutting or directly opposite neighbour of the applicant;
  - d) an author of a submission to Council or the Standing Committee on the application or proposal the subject of the item in the notice paper;
  - e) such other persons as in the opinion of the Presiding Member have a significant direct interest (not including an interest common to all or a significant number of the community) in the item on the notice paper.
- (3) Persons addressing the Council or Standing Committee on an item on the notice paper will be limited to a period of 3 minutes unless the person is granted an extension of time of a further 3 minutes by the President Member.
  - (4) Members of the Council or Standing Committee or an officer may, through the Presiding Member, question persons addressing the Council on the item in the notice paper but no debate or general discussion will be permitted.

### **3.5 Confirmation of Minutes**

- (1) When minutes of a meeting are submitted to an ordinary meeting of the Council or committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to provide to the CEO a written report before 3.00pm on the day prior to the meeting where the minutes are to be confirmed -
  - (a) stating the item or items with which he or she is dissatisfied; and
  - (b) proposing a motion clearly outlining the alternative wording to amend the minutes.
- (2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

### **3.6 Announcements by the Presiding Member Without Discussion**

- (1) At any meeting of the Council or a committee the person presiding may announce or raise any matter of interest or relevance to the business of the Council or committee, or propose a change to the order of business.
- (2) Any member may move that a change in order of business proposed by the person presiding not be accepted and if carried by a majority of members present, the proposed change in order is not to take place.

### **3.7 Notification of Disclosure of Interests**

For the convenience of the Presiding Member, members and employees attending meetings are to identify any item(s) in which they will be disclosing an interest by stating the item number and its title.

### **3.8 Matters for Which Meeting May be Closed**

For the convenience of members of the public, the Council or committee may identify by decision, early in the meeting, any matter on the agenda of the meeting to be discussed behind closed doors, and that matter is to be deferred for consideration as the last item of the meeting.

### **3.9 Consideration of Officers Reports**

- (1) At ordinary meetings of Council matters included in an officer's items will be put by the Presiding Member and voted upon. No debate on an item is to occur unless the item has been identified for debate in either of the following ways:
  - (a) Prior to or during the meeting, by the CEO where an item requires an absolute or special majority decision of the Council without discussion.
  - (b) Prior to or during the meeting, by the CEO when an item requires revision or to be varied in any way.
  - (c) Prior to or during the meeting, by the CEO when a member discloses an interest in an item, in writing, to the CEO, prior to the meeting without discussion.
  - (d) Prior to or during the meeting, by a member when that member discloses an interest in a matter at the meeting without discussion.
  - (e) Prior to the meeting, by a member wishing to move a motion different to an officer's recommendation on any particular item if that member provides written notification of the proposed motion and the reasons for the proposed motion to the CEO no later than 3.00pm on the day prior to the Council meeting.
  - (f) During the meeting, by a resolution of Council. In these circumstances the Member moving the motion to allow full debate and consideration of the nominated item is to provide reasons why the item should be debated, notwithstanding that an alternative recommendation was not provided in accordance with subclause 3.9(1)(e).
- (2) The CEO shall provide details of all "pulled" agenda items to be debated and voted upon, to all members, as early as practicable prior to the meeting.
- (3) All items for consideration at Committee meetings and Special Meetings of Council will be put and voted upon.

### **3.10 Motions of which Previous Notice has been Given**

- (1) Unless the Act, Regulations or these Standing Orders 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.
- (2) A notice of motion under subclause (1) is to be given at least 10 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion shall be accompanied by a written statement from the member outlining the background to the motion and supplying comments justifying the motion in the form of background information and reasons.
- (4) The CEO –
  - (a) with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be out of order; or
  - (b) may on his or her own initiative make such amendments to the form, but not the substance thereof as will bring the notice of motion into due form; and
  - (c) to include "Officers Comment" providing relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

- (5) No notice of motion is to be out of order because the policy involved is considered to be objectionable.
- (6) A motion of which notice has been given is to lapse unless –
  - (a) the member who gave notice thereof, 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 resolves to defer consideration of the motion to a later stage or date.

### **3.11 Consideration of Standing Committee Reports**

A member may move a motion to adopt by one resolution, all the recommendations or a group of recommendations from the Standing Committee report without amendment or qualification after having first identified those recommendations, if any -

- (a) which require adoption by absolute or special majority vote;
- (b) in respect of which there is a disclosure of interest;
- (c) where prior to the meeting a member has given the CEO notice of a motion different to a Standing Committee recommendation on any particular item, if that member has provided written notification of the proposed motion and the reasons for the proposed motion to the CEO no later than 3.00pm on the day prior to the Council meeting;
- (d) during the meeting, by a resolution of Council. In these circumstances the Member moving the motion to allow full debate and consideration of the nominated item is to provide reasons why the item should be debated, notwithstanding that an alternative recommendation was not provided in accordance with subclause 3.11(c); and
- (e) in respect of which any member has indicated the wish to ask a question or to raise a point of clarification,

and, each of those recommendations referred to in paragraphs (a), (b), (c) (d) and (e) shall be considered separately.

### **3.12 Receival of Minutes from Management Committees**

Minutes from Council Management Committees will be included in the agenda for the next ordinary meeting of Council whereupon a motion to receive the minutes will be required.

## **Part 4 – Public Access to Agenda Material**

### **4.1 Inspection Entitlement**

Members of the public are allowed access to agenda material in the terms set out in Regulation 14 of the Regulations from the Customer Service Area, the Shire Library or electronically on the Council web site.

### **4.2 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 the item “matters for which meeting may be closed”;
  - (b) marked “confidential” in the agenda; and

- (c) returned by each member to the CEO at the conclusion of the meeting.
- (2) A member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

## **Part 5 – Disclosure of Interests**

### **5.1 Separation of Committee Recommendations**

Where a member of the Council has disclosed an interest in a matter at a committee meeting, and the matter is contained in the recommendations of the committee to an ordinary meeting of Council or to another committee meeting that will be attended by the member, the recommendation concerned is to be separated on the agenda of that ordinary meeting or other committee meeting, from other recommendations of the committee, to enable the member concerned to declare the interest and leave the room prior to consideration of that matter only.

### **5.2 Disclosures by Employees**

- (1) If an employee within the meaning of section 5.70 of the Act presents a written report to a meeting on a matter in which the employee has an interest, the nature of the interest is to be disclosed at the commencement of the report.
- (2) If such an employee makes a verbal report to a meeting on a matter in which the employee has an interest, the employee is to preface his or her advice to the meeting by verbally disclosing the nature of the interest.

## **Part 6 – Quorum**

### **6.1 Quorum to be Present**

The quorum for a meeting of the Council or a committee is at least 50% of the number of offices (whether vacant or not). The Council or a committee is not to transact business at a meeting unless a quorum is present.

### **6.2 Loss of Quorum During a Meeting**

- (1) If at any time during the course of a meeting of the Council or a committee a quorum is not present –
  - (a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either –
    - (i) a quorum is present to decide the matter; or
    - (ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under section 5.69 of the Act; or
  - (b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the Presiding Member is to suspend the proceedings of the meeting for a period of five minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the Presiding Member is to reschedule it to some future time or date having regard to the period of notice which needs to be given under

the Act, Regulations or these Standing Orders when calling a meeting of that type.

- (2) Where debate on a motion is interrupted by an adjournment under subclause (1)(b) –
  - (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
  - (b) in the case of a Council meeting –
    - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
    - (ii) the provisions of clause 9.5 apply when the debate is resumed.

## **Part 7 – Keeping of Minutes**

### **7.1 Content of Minutes**

- (1) In addition to the matters contained in regulation 11 of the Regulations, the content of minutes of a meeting of the Council or a committee is to include:
  - (a) Where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled, the reasons for the decision; and
  - (b) A record of names of those members who voted against each of the motions considered at the meeting.
- (2) There is to be no recording in the minutes of debate that occurred during the meeting.

### **7.2 Preservation of Minutes**

Minutes including the agenda of each Council and committee meeting are to be kept as a permanent record of the activities of the local government in accordance with the retention and disposal policy determined by Public Records Office, (or its equivalent).

### **7.3 Public Inspection of Unconfirmed Minutes of Council or Committee Meetings**

- (1) A copy of the unconfirmed minutes of each Council and committee meeting will be available for inspection by the public at the Customer Service Area and Shire Library or electronically on the Council web site within 10 working days after the Council meeting and within 5 working days after a committee meeting.
- (2) When the Minutes have been confirmed and any corrections have been made, the copies of the unconfirmed Minutes in the Customer Service Area, the Shire Library and on the Council website shall be replaced with the Confirmed minutes:
  - (a) in the case of a council meeting, within 10 business days after the meeting; and
  - (b) in the case of a committee meeting, within 5 business days after the meeting.

### **7.4 Audio Recording**

Persons wishing to obtain information relating to the content of debate occurring in a meeting of Council or the Standing Committee is to refer to the Council's audio recording of the relevant meeting, if such audio recording exists.

## **Part 8 – Conduct of Persons at Council and Committee Meetings**

### **8.1 Official Titles to be used**

Members of the Council are to speak of each other in the Council or committee by their respective titles of President or Councillor. Members of the Council, in speaking of or addressing employees, are to designate them by their respective official titles.

### **8.2 Members to Occupy Own Seats**

At the first meeting held after the biennial local government elections, the CEO is to allot by random draw, a position at the Council table to each Councillor, excepting the Deputy President, and the Councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of councillors for a re-allotment of positions.

This will occur after the Council has elected its President and Deputy President for the ensuing two year term. The Deputy President is automatically allocated seat No. 1 (on the left hand side of the President) to facilitate ease of assuming the Chair if the President has to leave the room during a meeting.

### **8.3 Leaving Meetings**

During the course of a meeting of the Council or a committee, no member is to enter or leave the meeting without first acknowledging the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

### **8.4 Adverse Reflection**

- (1) No member of the Council or a committee is to use offensive or objectionable expressions in reference to any member, officer, or any other person.
- (2) If a member of the Council or committee or an officer specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the Presiding Member is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.

### **8.5 Recording of Proceedings**

- (1) No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council.
- (2) Notwithstanding clause 7.4, subclause (1) does not apply if the record is taken by or at the direction of the Council.

### **8.6 Prevention of Disturbance**

- (1) Any member of the public addressing the Council or a committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the Presiding Member whenever called upon to do so.
- (2) No person observing a meeting, is to 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.

## **8.7 Use of Laptop Computers**

- (1) Members and officers are permitted to use laptop computers or other similar portable electronic device in lieu of a printed agenda at a Council or Committee meeting.
- (2) Unless with the consent of the Presiding Member the use of laptops by Members and Officers at Council or Committee meetings are to be in 'read-only' mode, accessing only the agendas, their attachments and other related Council documents, with no data entry or external access being undertaken.

## **Part 9 – Conduct of Members During Debate**

### **9.1 Members to Rise**

Any member of the Council wishing to speak is to indicate by raising a hand. When invited by the Presiding Member to speak, members are to rise and address the Council through the Presiding Member, provided that where any member of the Council is unable to stand by reason of sickness or disability he or she may sit while speaking. At a committee meeting, members when addressing the chair, may remain seated.

### **9.2 Priority**

In the event of 2 or more members of the Council or a committee wishing to speak at the same time, the Presiding Member is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

### **9.3 The Presiding Member to Take Part in Debates**

Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in these Standing Orders, the Presiding Member may take part in a discussion of any matter before the Council or committee as the case may be.

### **9.4 Relevance**

Every member of the Council or a committee is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

### **9.5 Limitation of Number of Speeches**

- (1) No member of the Council is to address the Council more than once on any motion or amendment before the Council except the mover of a substantive motion, in reply, or to a point of order, or in explanation.
- (2) Subclause (1) does not apply to the Standing Committee.

### **9.6 Limitation of Duration of Speeches**

A member shall not speak on any motion or amendment or in reply for a longer period than 3 minutes without the consent of the members, which shall be signified with the agreement of a simple majority of members present. Only one extension of 3 minutes may be permitted.

### **9.7 Members Not to Speak After Conclusion of Debate**

No member of the Council or a committee is to speak to any motion after it has been put by the Presiding Member.

## **9.8 Members Not to Interrupt**

No member of the Council or a committee is to interrupt another member of the Council or committee whilst 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 10.15; or
- (d) to move a motion under clause 11(1)(e).

## **9.9 Motion to be Taken as Read**

With the concurrence of a majority of members, by a show of hands, a motion can be taken as read in the event of it being reasonably compliant with an officer recommendation or other recommendation listed in the agenda papers.

# **Part 10 – Procedures for Debate of Motions**

## **10.1 Motions to be Stated**

Any member of the Council or a committee who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it.

## **10.2 Motions to be Supported**

No motion or amendment to a substantive motion is open to debate until it has been seconded, or, in the case of a motion to revoke or change the decision made at a Council or a committee meeting, unless the motion has the support required under regulation 10 of the Regulations.

## **10.3 Unopposed Business**

- (1) Upon a motion being moved and seconded, the Presiding Member may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion, the Presiding Member may put the motion without debate.
- (3) This clause does not apply to any motion or decision to revoke or change a decision made at a Council or committee meeting.

## **10.4 Only One Substantive Motion Considered**

When a substantive motion is under debate at any meeting of the Council or a committee, no further substantive motion is to be accepted.

## **10.5 Breaking Down of Complex Motions**

The Presiding Member may order a complex motion be broken down and put in the form of several motions, which are to be considered in sequence.

## **10.6 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 either for or against the motion;
- (h) Mover takes right of reply which closes the debate.

### **10.7 Limit of Debate**

The Presiding Member may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place even though all members may not have spoken.

### **10.8 Member May Require Motion to be Read**

Any member may require the motion under consideration to be read at any time during a debate, but not so as to interrupt any other member whilst they are speaking.

### **10.9 Consent of Secunder Required to Accept Alteration of Wording**

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

### **10.10 Order of Amendments**

Any number of amendments may be proposed to a 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 or lost.

### **10.11 Amendments Must Not Negate Original Motion**

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

### **10.12 Substantive Motion**

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.

### **10.13 Withdrawal of Motion and Amendments**

Council or a committee may, without debate, grant consent by a unanimous show of hands from members present to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment is to continue.

### **10.14 Limitation of Withdrawal**

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.

### **10.15 Personal Explanation**

No member is to speak at any meeting of the Council or committee, except upon the matter before the Council or committee, unless it is to make a personal explanation. Any member of the Council or committee who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former

speech which may have been misunderstood. When a member of the Council or committee rises to explain, no reference is to be made to matters unnecessary for that purpose.

#### **10.16 Personal Explanation – When Heard**

A member of the Council or a committee wishing to make a personal explanation of matters referred to by any member of the Council or committee then speaking, is entitled to be heard immediately, if the member of the Council or committee then speaking consents at the time, but if the member of the Council or committee who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech.

#### **10.17 Ruling on Questions of Personal Explanation**

The ruling of the person presiding on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is moved before any other business proceeds.

#### **10.18 Right of Reply**

- (1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the question.
- (2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

#### **10.19 Right of Reply Provisions**

The right of reply is governed by the following provisions:

- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) if an amendment is moved and carried to the substantive motion the mover of the original substantive motion is to take the right of reply for the new substantive motion;
- (c) the mover of any amendment has a right of reply to the amendment motion only;
- (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

#### **10.20 Questions From Members**

- (1) A member may, without notice during the course of a debate, or at appropriate times during a Council, Standing Committee or Committee meeting, ask any question relevant to that debate or to the subject under discussion or seek clarification of meeting procedure.
- (2) Members may ask any questions of a specific or general nature relating to the business of the local government as part of the agenda item “Elected Member Questions With Notice” at a Council or Standing Committee meeting subject to the member lodging the question with the CEO a minimum 7 hours prior to the commencement of the meeting.
- (3) Where a response to a question on notice referred to in subclause (2) is provided the Presiding Member will permit follow up questions without notice from members where such questions are seeking clarification to the response provided to the original question submitted with notice.

## **Part 11 – Procedural Motions**

### **11.1 Permissible Procedural Motions**

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions:

- (a) that the Council (or committee) proceed to the next business;
- (b) that debate on the matter be adjourned to another meeting with specified additional information being provided if available;
- (c) that debate on this issue be adjourned;
- (d) that the Council (or committee) 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;
- (h) that the Council (or committee) meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under section 5.23 of the Act.

### **11.2 No Debate on Procedural Motions**

- (1) The mover of a motion stated in each of paragraphs (a), (b), (c), (d), (g) and (h) of clause 11.1 may speak to the motion for not more than 3 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 each of the paragraphs (e) and (f) of clause 11.1 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.

### **11.3 Procedural Motions – Closing Debate – Who May Move**

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

### **11.4 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.

## **Part 12 – Effect of Procedural Motions**

### **12.1 Debate to be Adjourned – Effect of Motion**

- (1) The motion “that the debate on this issue be adjourned”, if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.
- (2) If the motion is carried at a meeting of the Council –
  - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
  - (b) the provisions of clause 9.5 apply when the debate is resumed.

## **12.2 Council (or Committee) to Now Adjourn – Effect of Motion**

- (1) The motion “that the Council (or committee) now adjourn”, if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the Presiding Member or a simple majority of members upon vote, determine otherwise.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) –
  - (a) the debate is to be resumed at the nominated time and date at the point where it was so interrupted; and
  - (b) in the case of a Council meeting:
    - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
    - (ii) the provisions of clause 9.5 apply when the debate is resumed.

## **12.3 Question to be Put – Effect of Motion**

- (1) The motion “that the question be now put”, if carried during discussion of a substantive motion without amendment, causes the Presiding Member to offer the right of reply and then immediately put the matter under consideration without further debate.
- (2) This motion, if carried during discussion of an amendment, causes the Presiding Member to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

## **12.4 Member to be No Longer heard – Effect of Motion**

The motion “that the member be no longer heard”, if carried, causes the Presiding Member to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

## **12.5 Ruling of the Presiding Member Disagreed With – Effect of Motion**

The motion “that the ruling of the Presiding Member be disagreed with”, if carried, causes the ruling of the Presiding Member about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

## **12.6 Council (or committee) to Meet Behind Closed Doors – Effect of Motion**

- (1) Subject to any deferral under clause 3.8 or other decision of the Council or committee, this motion, if carried, causes the general public and any officer or employee the Council or committee determines, to leave the room.
- (2) In accordance with the Act and Regulations, upon the public again being admitted to the meeting the Presiding Member is to cause the motions passed by the Council or committee, whilst it was proceeding behind closed doors, to be read out including the vote of a member or members to be recorded in the minutes.

## **Part 13 – Making Decisions**

### **13.1 Motion – When Put**

When the debate upon any motion is concluded and the right of reply has been exercised the Presiding Member shall immediately put the motion to the Council or the committee, and, if so desired by any member of the Council or committee, shall again state it.

### **13.2 Motion – Method of Putting**

If a decision of the Council or a committee is unclear or in doubt, the Presiding Member shall put the motion or amendment as often as necessary to determine the decision from a show of hands before declaring the decision.

## **Part 14 – Implementing Decisions**

### **14.1 Implementation of a Decision**

- (1) If a notice of motion to revoke or change a decision of the Council or a committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that –
  - (a) if a notice of motion to revoke or change a decision of the Council or a committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under Regulation 10 of the Regulations indicate their support for the notice of motion at that meeting; and
  - (b) if a notice of motion to revoke or change a decision of the Council or a committee is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless the notice of motion has the support in writing of the number of members required to support the motion under Regulation 10 of the Regulations.
- (2) Implementation of a decision is only to be withheld under subclause (1) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.
- (3) The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given:
  - (a) action has been taken to implement the decision; or
  - (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant's agent by an employee of the Council authorised to do so;

without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.

## **Part 15 – Preserving Order**

### **15.1 The Presiding Member to Preserve Order**

The Presiding Member is to preserve order and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

### **15.2 Demand for Withdrawal**

A member at a meeting of the Council or committee may be required by the Presiding Member, or by a decision of the Council or committee, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an employee, and if the member declines or neglects to do so, the Presiding Member may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

### **15.3 Points of Order – When to Raise – Procedure**

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised, is to immediately stop speaking and be seated while the Presiding Member listens to the point of order.

### **15.4 Points of Order – When Valid**

The following are to be recognised as valid points of order:

- (a) that the discussion is of a matter not before the Council or committee;
- (b) that offensive or insulting language is being used;
- (c) drawing attention to the violation of any written law, or policy of the Local Government, provided that the member making the point of order states the written law or policy believed to be breached.

### **15.5 Points of Order – Ruling**

The presiding member is to give a decision on any point of order which is raised by either upholding or rejecting the point of order. Notwithstanding clause 11.1(g) the ruling of the presiding member is final.

### **15.6 Points of Order Take Precedence**

Notwithstanding anything contained in these Standing Orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

### **15.7 Precedence of Presiding Member**

- (1) When the Presiding Member rises during the progress of a debate, any member of the Council or committee then speaking, or offering to speak, is to immediately sit down and every member of the Council or committee present shall preserve strict silence so that the Presiding Member may be heard without interruption.
- (2) Subclause (1) is not to be used by the Presiding Member to exercise the right provided in clause 9.3, but to preserve order.

### **15.8 Right of the Presiding Member to Adjourn Without Explanation to Regain Order**

- (1) If a meeting ceases to operate in an orderly manner, the Presiding Member may use discretion to adjourn the meeting for a period of up to 15 minutes without explanation,

for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If, at any one meeting, the Presiding Member has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

- (2) Where the debate of a motion is interrupted by an adjournment under subclause (1), in the case of a Council meeting –
- (a) the names of members who have spoken in the matter prior to the adjournment are to be recorded;
  - (b) the matters spoken about as recorded are read prior to recommencement of debate and/or the meeting; and
  - (c) the provisions of clause 9.5 apply when the debate is resumed.

## **Part 16 – Adjournment of meeting**

### **16.1 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.

### **16.2 Limit to Moving Adjournment**

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

### **16.3 Unopposed Business – Motion for Adjournment**

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

### **16.4 Withdrawal of Motion for Adjournment**

A motion or an amendment relating to the adjournment of the Council or a 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.

### **16.5 Time to Which Adjourned**

The time to which a meeting is adjourned for want of a quorum, by the 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 17 – Committees of the Council**

### **17.1 Establishment and Appointment of Committees**

A committee is not to be established except on a motion setting out the proposed objectives and duties, and any delegations proposed to be entrusted to the committee and either –

- (a) the names of the Council members, employees and other persons to be appointed to the committee; or
- (b) the number of Council members, employees and other persons to be appointed to the committee and a provision that they be appointed by a separate motion.

## **17.2 Appointment of Deputy Committee Members**

- (1) The Council may appoint one or more persons to be the deputy or deputies, as the case may be, to act on behalf of a member of a committee whenever that member is unable to be present at a meeting thereof and where 2 or more deputies are so appointed they are to have seniority in the order determined by the Council.
- (2) Where a member of a committee does not attend a meeting thereof a deputy of that member, selected according to seniority, is entitled to attend that meeting in place of the member and act for the member, and while so acting has all the powers of that member.

## **17.3 Reports of Committees**

Notwithstanding clauses 3.11 and 3.12, any action required by the Council from reports from committee meetings are to be presented as a separate Officers Item to an ordinary meeting of Council for consideration.

## **17.4 Standing Orders to Apply to Committees**

Where not otherwise specifically provided, these Standing Orders apply generally to the proceedings of committees, except that the following Standing Orders do not apply to the meeting of a committee –

- (a) clause 9.1 in respect of the requirement to rise;
- (b) clause 9.5 limitation on the number of speeches.

# **Part 18 – Administrative Matters**

## **18.1 Suspension of Standing Orders**

- (1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more of these Standing Orders.
- (2) The mover of a motion to suspend temporarily any one or more of these Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.

## **18.2 Cases Not Provided for in Standing Orders**

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders and the Act and Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.1(f).

# **Part 19 – Common Seal**

## **19.1 The Council's Common Seal**

- (1) The CEO is to have charge of the common seal of the Shire and is responsible for the safe custody and proper use of it.
- (2) The common seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or an employee authorised by him or her.



- (3) The common seal of the Shire is to be affixed to any local law which is made by the Shire.
- (4) The CEO is to record in a register each date on which the common seal of the Shire was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.

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