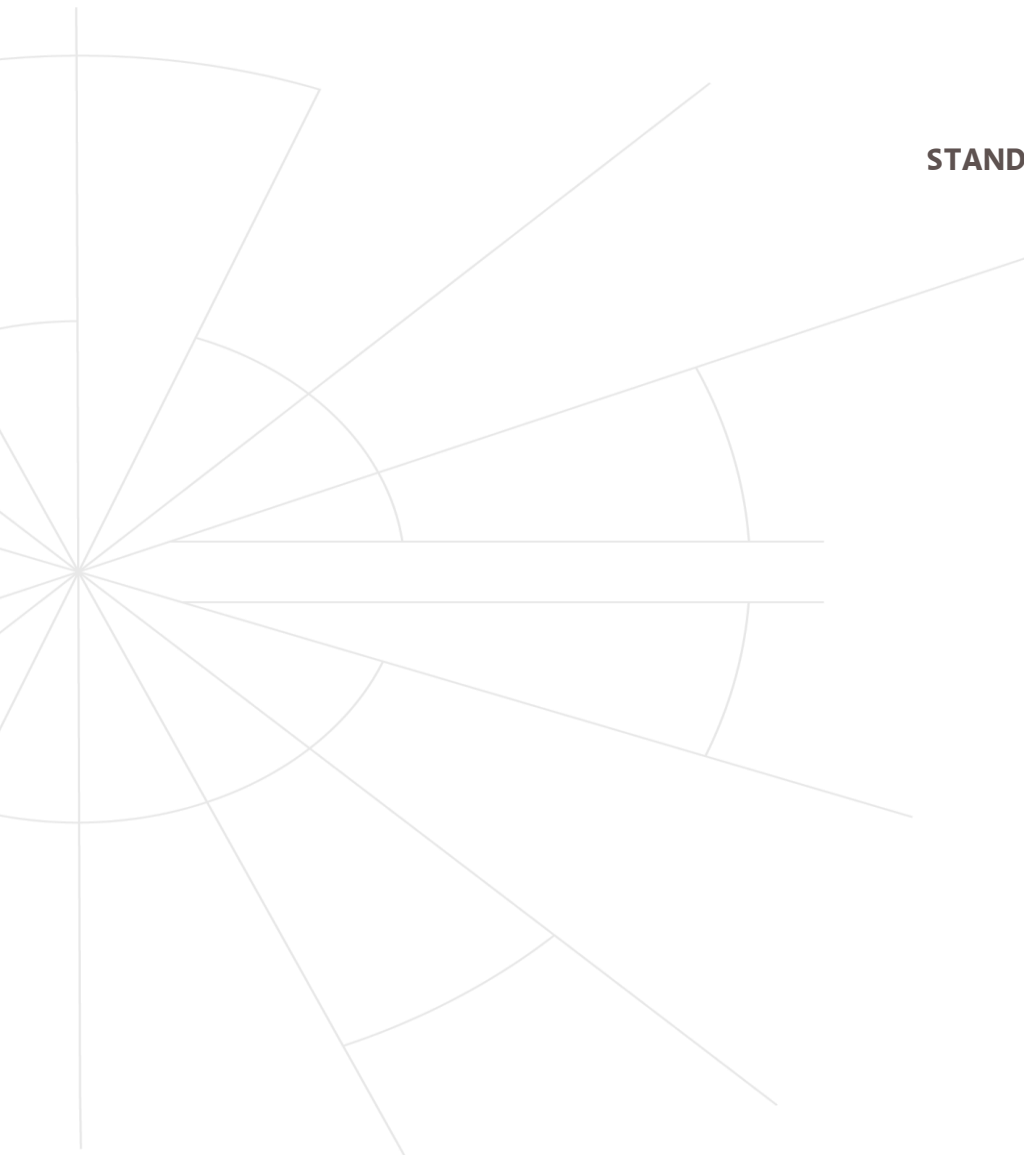




**LOCAL GOVERNMENT ACT 1995**

***Shire of Merredin***

**STANDING ORDERS LOCAL LAW 2017**



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## **Local Government Act 1995**

### *Shire of Merredin*

#### **STANDING ORDERS LOCAL LAW 2017**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Merredin resolved on 21 March 2017 to make the following local law.

#### **PART 1 – PRELIMINARY**

##### **1.1 Citation**

This local law is the *Shire of Merredin Standing Orders Local Law 2017*.

##### **1.2 Commencement**

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

##### **1.3 Application**

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

##### **1.4 Repeal**

The *Shire of Merredin Standing Orders Local Law* as published in the *Government Gazette* on 7 October 2002 is repealed.

##### **1.5 Interpretation**

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

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

**absolute majority** has the same meaning as given to it in the Act;

**CEO** means the Chief Executive Officer of the local government;

**Committee** means a Committee of the Council established under the Act;

**Council** means the Council of the local government;

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

**deputation** means a verbal submission at a Council or Committee meeting on an agenda item made by a person who has a direct interest in the agenda item;

**employee** means an employee of the local government;

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

- (a) communicating notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) taking other action to give effect to the decision;

**local government** means the Shire of Merredin;

**member-**

- (a) in relation to the Council, means the President or a Councillor; and
- (b) in relation to a Committee, means a member of the Committee;

**Minister** means the Minister responsible for administering the Act;

**motion** means a proposition presented to the Council for its deliberation;

**officer** means an officer of the local government;

**original motion** means the motion that first introduces a proposal to be considered at a meeting;

**President** means the President of the local government;

**Presiding Member** means-

- (a) in respect of the Council, the Presiding Member in accordance with the Act; and
- (b) in respect of a Committee, the Presiding Member in accordance with the Act;

**procedural motion** means a motion employed to control the conduct of a meeting;

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

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

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

**urgent business** means business dealt with in accordance with clause 3.10.

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

## PART 2 – CALLING MEETINGS

### 2.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council held on a monthly basis, or otherwise as

determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.

- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

## **2.2 Calling Council meetings**

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

## **2.3 Convening Council meetings**

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

## **2.4 Calling Committee meetings**

The CEO is to call a meeting of any Committee when requested to do so verbally or in writing by—

- (a) the President or the Presiding Member of a Committee; or
- (b) any 2 members of the Committee; or
- (c) if so decided by the Council.

## **2.5 Public notice of meeting**

Public notice of meetings is dealt with in the Regulations.

## **2.6 Production of documents**

- (1) In this clause the term **document** means a deed, book, report, paper or any other written material whatsoever or any other recorded or stored information.
- (2) Upon the request of a member, made at least 8 hours before a meeting, the CEO is to make available by the commencement of the meeting, any document of the local government that relates to an item on the agenda for the meeting.
- (3) Any document requested may be made available in the Council Chamber or in a place to which members have reasonable access within the Council's administration building.
- (4) Notwithstanding subclause (1), (2) and (3), if the CEO considers that any document requested is confidential, the CEO may make it available in any circumstances necessary to protect the integrity of that document.

## **2.7 Conference of Committees**

Any 2 or more Committees may confer together by mutual agreement on any matter of joint interest.



## **PART 3 – BUSINESS OF THE MEETING**

### **3.1 Business to be specified in the agenda**

- (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 or Committee.
- (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 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 agenda 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. Official opening
  2. Record of attendance/apologies/leave of absence (previously approved)
  3. Public question time
  4. Disclosure of interest
  5. Applications for leave of absence
  6. Petitions and presentations
  7. Confirmation of minutes of previous meeting
  8. Announcement by the person presiding without discussion
  9. Matters for which the meeting may be closed to the public
  10. Receipt of minutes of committee meetings
  11. Recommendations from committee meetings for Council consideration
  12. Officer's Reports – Development Services
  13. Officer's Reports – Engineering Services
  14. Officer's Reports – Corporate and Community Services
  15. Officer's Reports - Administration
  16. Motions of which previous notice has been given
  17. Questions by members of which due notice has been given
  18. Urgent business approved by the person presiding or by decision
  19. Matters behind closed doors
  20. Closure.

- (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 agenda of the meeting.
- (3) Notwithstanding subclauses (1) and (2) 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.
- (4) Notwithstanding subclause (1), 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 appropriately decided, by that meeting.

### 3.3 Public question time

- (1) Procedures for public question time are dealt with in the Act and Regulations.
- (2) A member of the public who raises a question during question time is to state his or her name and address.
- (3) Questions asked by members of the public are not to be accompanied by any statement reflecting adversely upon any member or employee.

### 3.4 Petitions

- (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 1998* if it is—
    - (i) a proposal to change the method of filling the office of President; or
    - (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) Following the presentation of a petition a member may move that the Council receive the petition, and refer it to an appropriate Committee for consideration.

### 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—

- (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.
- (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**

- (1) At any meeting of the Council or a Committee the Presiding Member 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 Presiding Member not be accepted and if carried by a majority of members present, the proposed change in order is not to take place.

### **3.7 Matters for which meeting may be closed to members of the public**

For the convenience of members of the public, the Council or Committee, may identify by decision any matter on the agenda of the meeting requiring confidential consideration and that matter is to be deferred for consideration as the last item of the meeting.

### **3.8 Motions of which previous notice has been given**

- (1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included in the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to be accompanied by supporting reasons and relate to the good governance of the local government.
- (4) The CEO—
  - (a) with the concurrence of the President, may exclude from the agenda any notice of motion deemed to be out of order or likely to involve a breach of this local law or any other written law; or
  - (b) may after consultation with the member who gave notice of the motion make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
  - (c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless—

- (a) the member who gave notice thereof, or some other member authorised by him or her in writing, moves the motion when called on; or
  - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lapses in the circumstances referred to in subclause (5)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.

### **3.9 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 4 clear working days before the meeting at which it is raised.
- (2) If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.
- (3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the Presiding Member.

### **3.10 Urgent business approved by the Presiding Member or by decision**

- (1) Subject to subclauses (2) and (3), in cases of extreme urgency or other special circumstance, matters may, with the consent of the Presiding Member, or by decision of the members present, be raised without notice and decided by the meeting.
- (2) Before a matter may be raised under subclause (1) the Presiding Member or a member otherwise seeking to raise the matter is to state why the matter is considered to be of extreme urgency or other special circumstance.
- (3) If a member of the Council or Committee, as the case requires, objects to a matter being raised without notice, any decision of the Council or Committee in regard to that matter does not have effect unless it has been made by an absolute majority.

### **3.11 Deputations**

- (1) A deputation wishing to be received by the Council or a Committee is to apply in writing to the CEO who is to forward the written request to the President or the Presiding Member, as the case may be.
- (2) The President, if the request is to attend a Council meeting, or the Presiding Member of the Committee, if the request is to attend a meeting of a Committee, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or Committee as the case may be, or may instruct the CEO to refer the request to the Council or Committee to decide by simple majority whether or not to receive the deputation.

- (3) A deputation invited to attend a Council or Committee meeting—
  - (a) is not to exceed 3 persons, all of whom may address or respond to specific questions from the members of the Council or Committee; and
  - (b) is not to address the Council or Committee for a period exceeding 15 minutes without the agreement of the Council or the Committee as the case requires.
- (4) Any matter which is the subject of a deputation to the Council or a Committee is not to be decided by the Council or that Committee until the deputation has completed its presentation.

### **3.12 Attending Committee meetings as an observer**

- (1) The President or a Councillor may attend any meeting of a Committee as an observer, even if the President or Councillor is not a member of that Committee.
- (2) A deputy to a member of a Committee appointed under clause 17.2 may attend a meeting of that Committee as an observer, even if the deputy is not acting in the capacity of the member.
- (3) The President or Councillor in the case of subclause (1), or deputy to a member attending a Committee meeting as an observer in the case of subclause (2), may, with the consent of the Presiding Member, speak, but cannot vote on any motion before the Committee.

## **PART 4 – PUBLIC ACCESS TO AGENDA MATERIAL**

### **4.1 Inspection entitlement**

Members of the public have access to agenda material in the terms set out in the Regulations.

### **4.2 Confidentiality of information withheld**

- (1) Information withheld by the CEO from members of the public under 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 to members of the public”; and
  - (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,
 is not to disclose such information to any person other than a member or an employee to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not prevent a member or employee from disclosing information—
  - (a) at a closed meeting;
  - (b) to the extent specified by the Council and subject to such other conditions as

- the Council determines;
- (c) that is already in the public domain;
- (d) to an officer of the Department;
- (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.

**Penalty:** \$1,000

#### **4.3 Media attendance**

Media persons are to be permitted to attend meetings of the Council or Committees that are open to the public, in such part of the Council Chamber or meeting room as may be set aside for their accommodation, but must withdraw during any period when the meeting is closed to the public.

#### **4.4 Distinguished visitors**

If a distinguished visitor is present at a meeting of the Council or a Committee, the Presiding Member may –

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

### **PART 5 – DISCLOSURE OF INTERESTS**

#### **5.1 Disclosure of interests**

Disclosure of interests is dealt with in the Act.

### **PART 6 – QUORUM**

#### **6.1 Quorum for meetings**

The quorum for meetings is dealt with in the Act.

#### **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 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 ten 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 this local law 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 of this local law apply when the debate is resumed.

## **PART 7 – KEEPING OF MINUTES**

### **7.1 Content of minutes**

The content of minutes is dealt with in the Regulations.

### **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 and are to be transferred to the State Records Office within the Department of Culture and the Arts, in accordance with the retention and disposal policy determined by that office from time to time.

## **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**

- (1) At the first meeting held after each election day, the Council shall allot a position at the Council table to each member.
- (2)
- (3) Each member is to occupy his or her allotted position at each Council 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 advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

### 8.4 Adverse reflection

No member of the Council or a Committee is to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.

**Penalty:** \$1,000

### 8.5 Recording of proceedings

- (1) No person is to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council or a Committee without the written permission of the Council.
- (2) If the Council gives permission under subclause (1), the Presiding Member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.
- (4) If a member of the Council or Committee 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.

### 8.6 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.

**Penalty:** \$1,000

- (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.

**Penalty:** \$1,000

### 8.7 Protection of employees

- (1) For the purpose of this clause, **complaint** means any expression of censure or dissatisfaction raised with the object, whether expressed or implied, of having remedial or disciplinary action taken against the employee concerned.



- (2) If at a meeting of the Council or a Committee, a complaint is received from a member of the Council or any other person about the ability, character or integrity of any employee or of any act or omission of an employee, and the person making the complaint has provided or is prepared to provide details of the complaint in writing and sign the complaint, the Council or Committee may—
  - (a) if the complaint is about the CEO, direct the signed written complaint to the President who is to refer the complaint to the Committee deemed most appropriate by the President to investigate and report upon the matter; or
  - (b) if the complaint is about any other employee, refer the signed written complaint to the CEO, who is to investigate the matter and report any action taken by him or her to the Council or Committee.
- (3) Where a complaint is received by the Council or a Committee and becomes the subject of an investigation and report under subclause (2), the employee about whom the complaint is made, is to be given the opportunity to answer the complaint in writing.

## **PART 9 – CONDUCT OF MEMBERS DURING DEBATE**

### **9.1 Members to rise**

Every member of the Council wishing to speak is to indicate by show of hands or other method agreed upon by the Council. When invited by the Presiding Member to speak, members may rise and address the Council through the Presiding Member.

### **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 this local law, 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 on number of speeches**

No member of the Council is to address the Council more than once, on any motion or amendment before the Council, unless they are the mover of a substantive motion in reply, raising a point of order or making a personal explanation.

## **9.6 Duration of speeches**

All addresses are to be limited to a maximum of 5 minutes. Extension of time is permissible only with the agreement of a simple majority of members present, which is to be given without debate.

## **9.7 Members not to speak after conclusion of debate**

No member of the Council or a Committee is to speak to any question 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 10.17; or
- (d) to move a motion under clause 11.1(e).

## **9.9 Re-opening discussion on decisions**

No member of the Council or a Committee is to re-open discussion on any decision of the Council or Committee, except for the purpose of moving that the decision be revoked or changed.

# **PART 10 – PROCEDURES FOR DEBATE OF MOTIONS**

## **10.1 Permissible motions on report recommendations**

A recommendation contained in a report to Council may be adopted without amendment or modification, failing which, it may be–

- (a) rejected by the Council and replaced by an alternative decision; or
- (b) amended or modified, and adopted with such amendment or modification; or
- (c) referred back to a Committee or Council for further consideration.

## **10.2 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.

## **10.3 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 the Regulations.

#### **10.4 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 declare the motion in subclause (1) carried without debate and without taking a vote on it.
- (3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or Committee.
- (4) If a member signifies opposition to a motion, the motion is to be dealt with according to this Part.
- (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or Committee meeting.

#### **10.5 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.

#### **10.6 Breaking down of complex questions**

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

#### **10.7 Order of call in debate**

The Presiding Member is to call speakers to a substantive motion in the following order–

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating in view, if any; and
- (h) mover takes right of reply, which closes debate.

#### **10.8 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.

**10.9 Member may require questions to be read**

Any member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member whilst speaking.

**10.10 Consent of seconder 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.

**10.11 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.

**10.12 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.

**10.13 Mover of motion may speak on amendment**

Any member may speak during debate on an amendment.

**10.14 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, subject to clause 10.12.

**10.15 Withdrawal of motion or amendments**

Council or a Committee may, without debate, grant leave 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.

**10.16 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.

**10.17 Personal explanation**

No member is to speak at any meeting of the Council or a 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.

#### **10.18 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.

#### **10.19 Ruling on questions of personal explanation**

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

#### **10.20 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.

#### **10.21 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 to the substantive motion, the mover of the substantive motion is to take the right of reply, subject to clause 10.12, at the conclusion of the vote on any amendments;
- (c) the mover of any amendment does not have a right of reply; and
- (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.

### **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 the question be adjourned;
- (c) that the Council or Committee now adjourn;

- (d) that the question be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with; and
- (g) 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 the Act.

### **11.2 No debate on procedural motions**

- (1) The mover of a motion stated in each of subclauses (a), (b), (c), (f) and (g) of clause 11.1 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 each of subclauses (d) and (e) 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 Council or Committee to proceed to the next business – effect of motion**

The motion in clause 11.1(a), if carried, causes the debate to cease immediately and for the Council or Committee to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

### **12.2 Question to be adjourned – effect of motion**

- (1) The motion in clause 11.1(b), 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.

### **12.3 Council or Committee to now adjourn – effect of motion**

- (1) The motion in clause 11.1(c), 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 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.

### **12.4 Question to be put – effect of motion**

- (1) The motion in clause 11.1(d), 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) The motion in clause 11.1(d), if carried during discussion of an amendment, causes the Presiding Member to put the amendment to the vote without further debate.
- (3) The motion in clause 11.1(d), if lost, causes debate to continue.

### **12.5 Member to be no longer heard – effect of motion**

The motion in clause 11.1(e), 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.

### **12.6 Ruling of the Presiding Member disagreed with – effect of motion**

The motion in clause 11.1(f), 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.

### **12.7 Council or Committee to meet behind closed doors – effect of motion**

- (1) Subject to any deferral under clause 3.7 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) While a decision made under this clause is in force the operation of clause 9.5, limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.

- (3) Upon the public again being admitted to the meeting, the Presiding Member, unless the Council or Committee decides otherwise, 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 in accordance with the Act.
- (4) A person who is a Council member, a Committee member, or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

**Penalty:** \$1,000

## **PART 13 – MAKING DECISIONS**

### **13.1 Question – when put**

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

### **13.2 Question – 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 or other method agreed upon so that no voter's vote is secret, 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 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 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 a 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**

- (1) Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker.
- (2) 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.
- (3) A member raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.
- (4) A member who is expressing a difference of opinion or contradicting a speaker is not to be taken as raising a 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; and
- (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

- (1) 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.
- (2) If a member persists in any conduct that the Presiding Member had ruled out of order under this clause, the Presiding Member may direct the member to refrain from taking part in the debate of that item, other than by voting, and the member must comply with that direction.

**Penalty:** \$1,000

#### 15.6 Points of order – ruling conclusive, unless dissent motion is moved

The ruling of the Presiding Member upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

#### 15.7 Points of order take precedence

Notwithstanding anything contained in this local law 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.

#### 15.8 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.

**Penalty:** \$500

- (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.

#### 15.9 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;

- (2) Upon resumption, debate is to continue at the point at which the meeting was adjourned;
- (3) 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; and
- (4) Where debate of a motion is interrupted by an adjournment under subclause (1), in the case of a Council meeting—
  - (i) the names of members who have spoken in the matter prior to the adjournment are to be recorded; and
  - (ii) 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 a 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 functions of 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 Presentation of Committee reports**

When the report or recommendations of a Committee are placed before the Council, the adoption of recommendations of the Committee is to be moved by–

- (a) the Presiding Member of the Committee, if the Presiding Member is a Council Member and is in attendance; or
- (b) a Council member who is a member of the Committee, if the Presiding Member of the Committee is not a Council member, or is absent; or
- (c) otherwise, by a Council member who is not a member of the Committee.

### **17.4 Reports of Committees - questions**

Subject to clause 10.1, when a recommendation of any Committee is submitted for adoption by the Council, any member of the Council may direct questions directly relating to the recommendations through the Presiding Member to the Presiding Member or to any member of the Committee in attendance.

### **17.5 This local law applies to Committees**

Where not otherwise specifically provided, this local law applies generally to the proceedings of Committees, except that the following do not apply to the meeting of a Committee:

- (a) clause 8.2, in regard to seating;
- (b) clause 9.1, in respect of the requirement to rise; and
- (c) clause 9.5, limitation on the number of speeches.

## **PART 18 – ADMINISTRATIVE MATTERS**

### **18.1 Suspension of this local law**

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

### **18.2 Cases not provided for in this local law**

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where this local law 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 Common seal**

- (1) The CEO is to have charge of the common seal of the local government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the local government 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–
  - (a) the President and the CEO or an appropriate officer authorised;
  - (b) the Deputy President and the CEO or an appropriate officer authorised; or
  - (c) the CEO and an appropriate officer authorised.
- (3) The common seal of the local government is to be affixed to any local law which is made by the local government.
- (4) The CEO is to record in a register each date on which the common seal of the local government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.
- (5) Any person who uses the common seal of the local government or a replica thereof without authority commits an offence.

## **PART 20 – ENFORCEMENT**

### **20.1 Penalty for breach**

A person who breaches a provision of this local law commits an offence.

**Penalty:** \$1,000 and a daily penalty of \$100

## **20.2 Who can prosecute**

Who can prosecute is dealt with in the Act.