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LOCAL GOVERNMENT ACT 1995

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**SHIRE OF BUSSELTON**

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**STANDING ORDERS  
LOCAL LAW 2010**



**LOCAL GOVERNMENT ACT 1995**

**SHIRE OF BUSSELTON**

**STANDING ORDERS LOCAL LAW 2010**

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## **LOCAL GOVERNMENT ACT 1995**

### **SHIRE OF BUSSELTON**

## **STANDING ORDERS LOCAL LAW 2010**

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Council of the Shire of Busselton resolved on 27 April 2011 to make this local law.

### **PART 1—PRELIMINARY**

#### **1.1 Citation**

This local law may be cited as the *Shire of Busselton Standing Orders Local Law 2010*.

#### **1.2 Commencement**

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

#### **1.3 Application and intent**

(1) This local law provides rules and guidelines which apply to the conduct of meetings of the Council and its committees.

(2) All meetings are to be conducted in accordance with the Act, the Administration Regulations and this local law.

(3) This local law is intended to result in—

- (a) better decision-making by the Council and committees;
- (b) the orderly conduct of meetings dealing with Council business;
- (c) better understanding of the process of conducting meetings; and
- (d) the more efficient and effective use of time at meetings.

#### **1.4 Interpretation**

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

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

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

“75% majority” has the meaning given to it in the Act;

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

“CEO” means the Chief Executive Officer of the Shire;

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

“Council” means the Council of the Shire;

“councillor” has the same meaning as is given to it in the Act;

“deputy president” means the deputy president of the Shire;

“employee” means an employee of the Shire;

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

“member” means—

(a) in relation to the Council, an elected member of the Shire;

(b) in relation to a committee, a member of that committee;

“Minister” means the Minister responsible for administering the Act;

“president” means the president of the Shire;

“presiding member” means—

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

(b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

“Rules of Conduct Regulations” means the *Local Government (Rules of Conduct) Regulations 2007*;

“Shire” means the Shire of Busselton;

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

“special majority” has the same meaning as is given to it in the Act;

“standing orders” means the meeting proceedings and/or rules on the conduct and behaviour of persons at a meeting of the Council, committee or electors;

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

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

### **1.5 Repeal**

The Proceedings and Business of Council Local Law 2004, published in the *Government Gazette* on 23 March 2004, is repealed.

## **PART 2—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES**

### **2.1 Establishment of committees**

(1) The establishment of committees is dealt with in the Act.

(2) A Council resolution to establish a committee under section 5.8 of the Act is to include—

(a) the terms of reference of the committee;

(b) either—

(i) the names or titles of the members, employees and any other persons to be appointed to the committee; or

(ii) the number of members, officers and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and

(c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

### **2.2 Types of committees**

The types of committees are dealt with in the Act.

### **2.3 Delegation of some powers and duties to certain committees**

The delegation of some powers and duties to certain committees is dealt with in the Act.

### **2.4 Limits on delegation of powers and duties to certain committees**

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

### **2.5 Appointment of committee members**

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

### **2.6 Tenure of committee membership**

Tenure of committee membership is dealt with in the Act.

### **2.7 Appointment of deputies**

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

### **2.8 Resignation of committee members**

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

### **2.9 Register of delegations to committees**

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

### **2.10 Committees to report**

A committee—

(a) is answerable to the Council;

(b) is to report on its activities when, and to the extent, required by the Council; and

(c) is to prepare and submit to the Council reports containing recommendations.

## **PART 3—CALLING AND CONVENING MEETINGS**

### **3.1 Ordinary and special Council meetings**

**(1) Ordinary and special Council meetings are dealt with in the Act.**

**(2) An ordinary meeting of the Council is for the purpose of considering and dealing with the ordinary business of the Council.**

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

### **3.2 Calling Council meetings**

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

### **3.3 Convening Council meetings**

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

**(2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.**

**(3) Where, in the opinion of the president or at least one-third of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.**

### **3.4 Calling committee meetings**

**A meeting of a committee is to be held—**

**(a) if called for in a verbal or written request to the CEO by the president or the presiding member of the committee, advising the date and purpose of the proposed meeting;**

**(b) if called for by at least one-third of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or**

**(c) in accordance with a decision of the Council or the committee.**

### **3.5 Public notice of meetings**

**Public notice of meetings is dealt with in the Administration Regulations.**

## **PART 4—PRESIDING MEMBER AND QUORUM**

### ***Division 1—Presiding Member***

#### **4.1 Who presides**

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

#### **4.2 When the deputy president can act**

**When the deputy president can act is dealt with in the Act.**

#### **4.3 Who acts if no president**

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

#### **4.4 Election of presiding members of committees**

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

#### **4.5 Election of deputy presiding members of committees**

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

#### **4.6 Functions of deputy presiding members**

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

#### **4.7 Who acts if no presiding member**

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

### ***Division 2—Quorum***

#### **4.8 Quorum for meetings**

**The quorum for meetings is dealt with in the Act.**

#### **4.9 Reduction of quorum for Council meetings**

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

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

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

#### **4.11 Procedure where no quorum to begin a meeting**

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

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

**If, at any time during a meeting, a quorum is not present—**



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

#### **4.13 Names to be recorded**

**At any meeting—**

- (a) at which there is not a quorum present; or
  - (b) which is adjourned for want of a quorum,
- the names of the members then present are to be recorded in the minutes.

#### **4.14 Adjourned meeting procedures**

**Where a meeting is adjourned for want of a quorum—**

- (a) the names of members who have spoken on a matter that was interrupted by the adjournment are to be recorded in the minutes and clause 8.9 applies when the debate on the matter is resumed; and
- (b) the resumed meeting is to continue from the point at which it was adjourned, unless the presiding member or the meeting determines otherwise.

### **PART 5—BUSINESS OF A MEETING**

#### **5.1 Business to be specified**

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the presiding member or the Council.
  - (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
  - (3) No business is to be transacted at a committee meeting other than that specified in the agenda, or in the notice of the meeting as the purpose of the meeting, without the approval of the presiding member or a decision of the committee.
  - (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports at that ordinary meeting.
  - (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
  - (6) Where a Council or committee meeting is adjourned to a meeting not described in subclause (4)
- or (5), no business is to be transacted at that later meeting other than that—
- (a) specified in the notice of the meeting that is adjourned; and
  - (b) which remains unresolved.

#### **5.2 Order of business**

- (1) Unless otherwise decided by the presiding member or the Council, the order of business at any ordinary meeting of the Council is to be as follows—

- \* Declaration of opening/announcement of visitors
- \* Attendance
  - Apologies
  - Approved leave of absence
- \* Prayer
- \* Public question time
  - Response to previous public questions taken on notice
  - Public question time
- \* Announcements without discussion
  - Announcements by the presiding member
  - Announcements by other members at the invitation of the presiding member
- \* Applications for Leave of Absence
- \* Presentations
  - Petitions
  - Presentations by parties with an interest
- \* Confirmation of minutes
- \* Disclosure of interests
- \* Reports

- Reports of committees
- Reports of the CEO.
- \* Motions of which previous notice has been given
- \* Meeting closed to public
  - Matters for which the meeting may be closed
  - Public reading of resolutions that may be made public
- \* Questions from members
  - Response to previous questions from members taken on notice
  - Questions from members
- \* Public question time
- \* Closure.

(2) Unless otherwise decided by the presiding member or the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the notice of, or agenda for, the meeting.

*Note: in exercising its discretion relating to the order of business under subclause (1) and (2), a meeting must comply with the requirements of the Act and Administration Regulations relating to public question time (see clauses 6.3-6.6 below).*

(3) Despite subclauses (1) and (2), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.

### 5.3 Grant of leave of absence

The grant of leave of absence is dealt with in the Act.

### 5.4 Announcements without discussion

Announcements made at a Council meeting are—

- (a) to inform the Council of matters of importance to the Council;
- (b) to be brief and concise; and
- (c) not to be the subject of any discussion.

### 5.5 Motions of which previous notice has been given

(1) Unless the Act, Administration Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.

(2) A notice of motion under subclause (1) is to be given at least 21 clear days before the meeting at which the motion is moved.

(3) A notice of motion must relate to the good governance of the district.

(4) The CEO—

- (a) with the concurrence of the president, may exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of any of these standing orders or any other written law;
- (b) is to inform members on each occasion that a notice has been excluded and the reasons for that exclusion;
- (c) may, after consultation with the member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
- (d) may provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

(5) A motion of which notice has been given is to lapse unless—

- (a) the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on; or
- (b) the Council or the committee on a motion agrees to defer consideration of the motion to a later stage or date.

### 5.6 Adoption by exception resolution

(1) In this clause “adoption by exception resolution” means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the committee or employee recommendation as the Council resolution.

(2) The Council may pass an adoption by exception resolution.

(3) An adoption by exception resolution may not be used for a matter—

- (a) that requires an absolute majority, a 75% majority or a special majority;
- (b) in which an interest has been disclosed;
- (c) that is a matter on which a member wishes to ask a question;
- (d) that is a matter on which a member wishes to make a statement; or

- (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.
- (4) Subject to subclause (5), a member is to identify an item for exclusion from the adoption by exception resolution and the reason for the exclusion by the provision of written notification, including the motion that is different to the recommendation if applicable, by 3pm on the day before the meeting.
- (5) A member can seek the permission of the Presiding Member at the meeting to be allowed to move a motion of which notice has not been given in accordance with subclause (4), however, any motion of which notice has been given in accordance with subclause (4) will take priority.
- (6) Where a matter is excluded from the adoption by exception resolution in accordance with subclause 3(e) or subclause (5) and it contains a recommendation from a committee, members shall first be given the option to debate the committee recommendation.

## **PART 6—PUBLIC PARTICIPATION**

### **6.1 Meetings generally open to the public**

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

### **6.2 Meetings not open to the public**

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried—
  - (a) the presiding member is to direct all members of the public and any employees specified to leave the meeting;
  - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended unless the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Once the meeting is reopened to members of the public, the presiding member is to ensure that, if members of the public return to the meeting, any resolution made while the meeting was closed is to be read out or summarised.

### **6.3 Question time for the public**

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

### **6.4 Question time for the public at certain meetings**

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

### **6.5 Minimum question time for the public**

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

### **6.6 Procedures for question time for the public**

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

### **6.7 Other procedures for question time for the public**

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice for later response.
- (3) When a question is taken on notice the CEO is to ensure that—
  - (a) a response is given to the member of the public in writing prior to the next meeting; and
  - (b) a summary of the response is presented to and recorded in the minutes of the next meeting.
- (4) Each member of the public with one or more questions is to be given an equal and fair opportunity, to be determined by the presiding member, to ask the question or questions.
- (5) The presiding member may decide that a public question is not to be responded to where—

- (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
- (b) the member of the public uses public question time to make a statement;
- (c) the member of the public asks a question that is offensive or defamatory in nature;
- (d) the member of the public has asked a number of questions about the same or a similar matter and the Presiding Member is of a view that the question or questions have already been answered or the matter adequately dealt with.

#### **6.8 Distinguished visitors**

If a distinguished visitor is present at a meeting of the Council or a committee, the presiding member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor is to be recorded in the minutes.

#### **6.9 Petitions**

(1) A petition, in order to be considered by the Council, 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 name, address and signature of each elector making the request;
- (e) contain a summary of the reasons for the request;
- (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given;
- (g) be respectful and temperate in its language.

Notwithstanding these requirements, the Presiding Member may allow the petition to be considered in circumstances where the petition complies with the majority of the requirements.

(2) In response to a petition presented to it, the Council may determine—

- (a) that the petition be received;
- (b) that the petition be rejected; or
- (c) that the petition be received and referred to the CEO to prepare a report to the Council or a committee.

(3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—

- (a) the matter is the subject of a report included in the agenda; and
- (b) the Council has considered the issues raised in the petition.

#### **6.10 Presentations by parties with an interest**

(1) Once an agenda of a meeting of Council has been issued, parties with a demonstrable interest in any item listed on the agenda for discussion may seek to present to the Council at the time during the meeting allocated for this purpose.

(2) A person must demonstrate that they are a party with an interest in an item on the agenda by stating their name, the item to which they wish to speak, whether or not they are in agreement with the recommendation in the agenda and they are—

- (a) The applicant or one duly authorised representative of the applicant; or
- (b) An adjoining neighbour sharing a common length of boundary or directly opposite neighbour of the affected property; or
- (c) One person duly representing a community-based organisation where an item on the agenda has broad community impact and is associated with the objectives of the organisation; or
- (d) Such other person as in the opinion of the presiding member has a significant direct interest or is duly representing those that have a significant direct interest in the item.

(3) A person addressing Council on an agenda item will be limited to a period of 5 minutes unless the person is granted an extension by the presiding member.

(4) Members may, through the presiding member, question a person addressing Council on the item but no debate or general discussion will be permitted.

#### **6.11 Participation at committee meetings**

(1) In this clause a reference to a person is to a person who—

- (a) is entitled to attend a committee meeting;
- (b) attends a committee meeting; and
- (c) is not a member of that committee.

(2) Without the consent of the presiding member, no person is to address a committee meeting.

(3) The presiding member of a committee may allow a person to make an oral submission to the committee for up to 5 minutes.

(4) A person addressing the committee with the consent of the presiding member is to cease that address immediately after being directed to do so by the presiding member.

(5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the committee meeting.

#### **6.12 Confidentiality of information withheld**

(1) Information withheld by the CEO from the public under regulation 14(2) of the Administration Regulations is to be marked "*Confidential*" in the agenda.

#### **6.13 Recording of proceedings**

A person must not use any electronic, visual or vocal recording device or instrument to record the proceedings of a meeting without the permission of the presiding member.

#### **6.14 Prevention of disturbance**

(1) A reference in this clause to a person is to a person other than a member.

(2) A person addressing a meeting must extend due courtesy and respect to the Council or the committee and the processes under which it operates and must comply with any direction by the presiding member.

(3) A person present at or observing a meeting must not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

(4) A person must ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting.

(5) The presiding member may warn a person who fails to comply with this clause.

(6) If—

(a) after being warned, the person again acts contrary to this clause, or to any of these standing orders; or

(b) a person refuses or fails to comply with a direction by the presiding member, the presiding member may expel the person from the meeting by ordering him or her to leave the meeting room.

(7) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding member, be removed from the meeting room and, if the presiding member orders, from the premises.

### **PART 7—QUESTIONS BY MEMBERS**

#### **7.1 Questions without notice**

(1) Subject to clause 10.16(4), members may ask questions without notice—

(a) In relation to an item on the notice paper during discussion or debate on the matter; or

(b) In relation to the good government of persons in the district during the agenda item questions from members.

(2) A member requesting general information at a meeting may ask a question without notice and with the consent of the presiding member, may ask one or more further questions.

(3) Where possible the respondent is to endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the respondent may ask that—

(a) the question is taken on notice; and

(b) the answer to the question be given to the members as soon as practicable.

(4) Every question and answer—

(a) is to be brief and concise; and

(b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.

(5) In answering any question, a respondent may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting, correct, add to or otherwise amend the original answer.

### **PART 8—CONDUCT OF MEMBERS**

#### **8.1 Members to be in their proper places at Council meetings**

(1) At the first meeting held after each election day, the members will be allocated a position at the Council table by a ballot conducted by the CEO after considering requests for a specific allocation for special circumstances.

(2) Each member is to occupy his or her allotted position at each Council meeting.

## **8.2 Respect to the presiding member**

After the business of a meeting has commenced, a member is not to enter or leave the meeting without first paying due respect to the presiding member.

## **8.3 Titles to be used**

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

## **8.4 Entering or leaving a meeting**

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

## **8.5 Members to indicate their intention to speak**

A member who wishes to speak at a meeting is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the presiding member.

## **8.6 Priority of speaking**

(1) Where two or more members indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled to be heard first.

(2) A decision of the presiding member under subclause (1) is not open to discussion or dissent.

(3) A member is to cease speaking immediately after being asked to do so by the presiding member.

## **8.7 Presiding member may take part in debates**

The presiding member may take part in a discussion of any matter before the meeting, subject to compliance with this local law.

## **8.8 Relevance**

(1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

(2) The presiding member, at any time, may—

(a) call the attention of the meeting to—

(i) any irrelevant, repetitious, offensive or insulting language by a member; or

(ii) any breach of order by a member; and

(b) direct that member, if speaking, to discontinue his or her speech.

(3) A member must comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

## **8.9 Speaking twice**

A member must not address the meeting more than once on any motion or amendment except—

(a) as the mover of a substantive motion or an amendment, to exercise a right of reply;

(b) to raise a point of order; or

(c) to make a personal explanation.

This clause does not apply to committee meetings unless the committee by resolution decides that it should apply to a meeting, part or parts of a meeting.

## **8.10 Duration of speeches**

(1) A member must not speak on any matter for more than 5 minutes without the consent of the members which, if given, is to be given without debate.

(2) An extension under this clause cannot be given to allow a member's total speaking time to exceed 10 minutes.

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

A member must not speak on any motion or amendment—

(a) after the mover has replied; or

(b) after the motion or amendment has been put.

## **8.12 No interruption**

A member must not interrupt another member who is speaking unless—

(a) to raise a point of order;

(b) to call attention to the absence of a quorum; or

(c) to make a personal explanation under clause 8.13.

## **8.13 Personal explanations**

(1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking is to indicate to the presiding member his or her intention to make a personal explanation.

(2) The personal explanation is to be heard at the conclusion of the speech by the other member.

(3) A member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

#### **8.14 No reopening of discussion**

A member must not reopen discussion on any decision, except to move that the decision be revoked or changed (see Part 16).

#### **8.15 Adverse reflection**

(1) A member must not reflect adversely on a decision of the Council or committee except on a motion that the decision be revoked or changed (see Part 16).

(2) A member must not—

(a) reflect adversely on the character or actions of another member or employee; or

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

unless the meeting resolves, without debate, that the matter then before the meeting cannot otherwise be adequately considered.

(3) A member must not use offensive or objectionable expressions in reference to any member, employee or other person.

(4) If a member specifically requests, immediately after their use, that any particular words used by a member that reflect adversely on another member or employee be recorded in the minutes, the member making the request is to provide the words to the meeting for verification and the presiding member is to cause the words used to be taken down and recorded in the minutes.

#### **8.16 Withdrawal of offensive language**

(1) A member who, in the opinion of the presiding member, uses an expression which—

(a) in the absence of a resolution under clause 8.15—

(i) reflects adversely on the character or actions of another member or an employee; or

(ii) imputes any motive to another member or an employee; or

(b) is offensive or objectionable,

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

(2) If a member fails to comply with a direction of the presiding member under subclause (1), the presiding member may refuse to hear the member further on the matter then under discussion and call on the next speaker.

### **PART 9—PRESERVING ORDER**

#### **9.1 Presiding member to preserve order**

(1) The presiding member is to preserve order, and, whenever he or she considers necessary, may call any member to order.

(2) When the presiding member speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, must immediately sit down and every member present must preserve strict silence so that the presiding member may be heard without interruption.

(3) Subclause (2) is not to be used by the presiding member to exercise the right provided in clause 8.7, but to preserve order.

#### **9.2 Point of order**

(1) A member may object, by way of a point of order, only to a breach of—

(a) any of these standing orders; or

(b) any other written law.

(2) Despite anything in this local law to the contrary, a point of order—

(a) takes precedence over any discussion; and

(b) until determined, suspends the consideration or discussion of any other matter.

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

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

(2) A member interrupted on a point of order must resume his or her seat until—

(a) the member raising the point of order has been heard; and

(b) the presiding member has ruled on the point of order,

and, if permitted, the member who has been interrupted may then proceed.

#### **9.4 Calling attention to breach**

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

#### **9.5 Ruling by the presiding member**

(1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.

(2) A ruling by the presiding member on a point of order—

- (a) is not to be the subject of debate or comment; and
- (b) is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.

(3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that—

- (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
- (b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

#### **9.6 Continued breach of order**

If a member—

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) refuses to comply with a direction from the presiding member (such as a direction under clause 8.8(2)(b), 8.16(1) or 9.5(3)(b)),

the presiding member may direct the member to refrain from taking any further part in the debate on the matter then before the meeting, other than by voting, and the member must comply with that direction.

#### **9.7 Right of presiding member to adjourn**

(1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.

(2) On resumption, the debate is to continue at the point at which the meeting was adjourned.

(3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

### **PART 10—DEBATE OF SUBSTANTIVE MOTIONS**

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

(1) A member who wishes to move a substantive motion or an amendment to a substantive motion—

- (a) is to state the substance of the motion before speaking to it; and
- (b) is to put the motion or amendment in writing if he or she is required to do so by the presiding member.

#### **10.2 Motions to be supported**

(1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.

(2) A motion to revoke or change a decision made at a Council or committee meeting is not open to debate unless the motion has the support required under regulation 10 of the Administration Regulations.

#### **10.3 Unopposed business**

(1) Immediately after a substantive motion has been moved and seconded, the presiding member may ask the meeting if any member opposes it.

(2) If no member opposes the motion, the presiding member may immediately proceed to put the matter to the vote.

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

The presiding member is not to accept a substantive motion while another substantive motion is being debated.

#### **10.5 Complex motions**

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

#### **10.6 Order of call in debate**

(1) The presiding member is to call speakers to a substantive motion in the following order—

- (a) the mover to state the motion;



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

(2) When called on to speak, the seconder to a motion may elect to reserve that right and speak to the motion at a later time when a speaker for the motion is called.

#### **10.7 Member may require motion or amendment to be read**

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

#### **10.8 Consent of seconder required for alteration**

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

#### **10.9 Number and order of amendments**

(1) No more than three amendments may be proposed to a substantive motion unless the presiding member determines that further amendments are to be permitted.

(2) Where an amendment is moved to a substantive motion, a second or subsequent amendment is not to be moved or considered until the first amendment has been withdrawn, carried or lost.

(3) An amendment may be proposed to a substantive motion either in its original terms or as subsequently amended.

#### **10.10 Form of an amendment**

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

#### **10.11 Amendment must not negate original motion**

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

#### **10.12 Relevance of amendments**

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

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

Any member, including the mover of a motion, may speak during debate on an amendment.

#### **10.14 Effect of an amendment**

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and a further amendment may be moved, subject to the limitation on the number of amendments in clause 10.9.

#### **10.15 Withdrawal of motion or amendment**

(1) Subject to subclause (2), the members may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.

(2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

#### **10.16 Right of reply**

(1) The mover of a substantive motion has the right of reply.

(2) The mover of any amendment to a substantive motion has a right of reply.

(3) The right of reply may be exercised only—

(a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or

(b) where one or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.

(4) After the mover of the substantive motion has commenced the reply—

(a) no other member is to speak on the motion;

(b) there is to be no further discussion on, question about or any further amendment to, the motion.

(5) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

(6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote, subject to any requirement to read the motion under clause 10.7 before the vote.

## **PART 11—PROCEDURAL MOTIONS**

### **11.1 Permissible procedural motions**

In addition to the right to move an amendment to a substantive motion (under Part 10), a member may move the following procedural motions—

- (a) that the item be referred or adjourned to a Council or a committee meeting;
- (b) that the meeting now adjourn;
- (c) that the motion or amendment be now put;
- (d) that the ruling of the presiding member be disagreed with;
- (e) that the meeting be closed to the public (see clause 6.2).

### **11.2 Who may move**

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

### **11.3 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.

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

(1) A motion “that the item be referred or adjourned”—

- (a) is, in the case of a referral, to state the Council or committee meeting to which the item is to be referred and the time of that meeting (and the reasons for the motion);
- (b) is, in the case of an adjournment, to state the time to which the debate on the item is to be adjourned (and the reasons for the motion); and
- (c) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but is to continue at the meeting, and at the time, stated in the motion.

(2) If a motion “that the item be adjourned” is carried at a meeting—

- (a) the names of members who have spoken on the item are to be recorded in the minutes; and
- (b) clause 8.9 is to apply when the debate on the item is resumed.

### **11.5 Meeting now adjourn**

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

(2) Before putting the motion for the adjournment, the presiding member may seek leave of the meeting to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.6).

(3) A motion “that the meeting now adjourn”—

- (a) is to state the time and date to which the meeting is to be adjourned; and
- (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.

(4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the presiding member or the meeting determines otherwise.

### **11.6 Motion or amendment to be put**

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

(2) If the motion “that the amendment be now put” is carried during discussion of an amendment, the presiding member is to offer the right of reply in relation to the amendment and then put the amendment to the vote without further debate.

(3) This motion, if lost, causes debate to continue.

### **11.7 Ruling of the presiding member to be disagreed with**

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

## **PART 12—DISCLOSURE OF INTERESTS**

### **12.1 Disclosure of interests**

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

### **12.2 Separation of committee recommendations**

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

*Note: the purpose of this clause is to enable the member to declare the interest and leave the room before the consideration of the matter in which he or she has the interest.*

## **PART 13—VOTING**

### **13.1 Motion—when put**

(1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member—

(a) is to put the motion to the meeting; and

(b) if requested by any member, is to again state the terms of the motion.

(2) A member is not to leave the meeting when the presiding member is putting any motion.

### **13.2 Voting**

Voting is dealt with in the Act and the Administration Regulations.

### **13.3 Majorities required for decisions**

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

### **13.4 Method of taking vote**

(1) In taking the vote on any motion or amendment the presiding member—

(a) is to put the motion or amendment, first in the affirmative, and then in the negative;

(b) may put the motion or amendment in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;

(c) is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member's vote; and

(d) subject to this clause, is to declare the result.

(2) The CEO is ensure that the minutes record whether or not the motion is carried unanimously, and if the motion is not carried unanimously—

(a) the name of each member who voted; and

(b) whether he or she voted in the affirmative or negative.

## **PART 14—MINUTES OF MEETINGS**

### **14.1 Keeping of minutes**

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

### **14.2 Content of minutes**

The content of minutes is dealt with in the Administration Regulations.

### **14.3 Public inspection of unconfirmed minutes**

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

### **14.4 Confirmation of minutes**

(1) If a member is dissatisfied with the accuracy of the draft minutes, he or she is to provide alternative wording to amend the draft minutes for consideration of the members present at the meeting where the minutes are to be confirmed.

(2) At that meeting, the member who provided the alternative wording shall, at the time for confirmation of minutes—

(a) state the item or items with which he or she is dissatisfied; and

(b) propose a motion clearly outlining the alternative wording to amend the minutes.

## **PART 15—ADJOURNMENT OF MEETING**

### **15.1 Meeting may be adjourned**

The Council or a committee may adjourn any meeting—

(a) to a later time on the same day; or

(b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

### **15.2 Effect of adjournment**

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

- (a) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.9 apply when the debate is resumed.

## **PART 16—REVOKING OR CHANGING DECISIONS**

### **16.1 Requirements to revoke or change decisions**

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

## **PART 17—SUSPENSION OF STANDING ORDERS**

### **17.1 Suspension of standing orders**

- (1) A member may at any time move that the operation of one or more of these standing orders be suspended.
- (2) A motion under subclause (1) which is seconded and carried is to suspend the operation of the standing order or orders to which the motion relates for the duration of the meeting or such other part of the meeting specified in the motion, unless the meeting earlier resolves otherwise.

### **17.2 Where standing orders do not apply**

- (1) In situations where—
  - (a) one or more of these standing orders have been suspended; or
  - (b) a matter is not regulated by the Act, the Administration Regulations or this local law,
 the presiding member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the presiding member under subclause (1) is final, except where a motion is moved and carried under clause 11.7.

## **PART 18—MEETINGS OF ELECTORS**

### **18.1 Electors' general meetings**

Electors' general meetings are dealt with in the Act.

### **18.2 Matters for discussion at electors' general meetings**

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

### **18.3 Electors' special meetings**

Electors' special meetings are dealt with in the Act.

### **18.4 Requests for electors' special meetings**

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

### **18.5 Convening electors' meetings**

Convening electors' meetings is dealt with in the Act.

### **18.6 Who presides at electors' meetings**

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

### **18.7 Procedure for electors' meetings**

- (1) The procedure for electors' meetings is dealt with in the Act and the Administration Regulations.
- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to this local law.

### **18.8 Participation of non-electors**

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

*Note: A person who is not an elector of the Shire cannot vote at an electors' meeting (see clause 18.9).*

### **18.9 Voting at electors' meetings**

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

### **18.10 Minutes of electors' meetings**

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

### **18.11 Decisions made at electors' meetings**

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

## **PART 19—ENFORCEMENT**

### **19.1 Penalty for breach**

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

**Penalty—\$1,000.00 and a daily penalty of \$100.00.**

### **19.2 Who can prosecute**

**Who can prosecute is dealt with in the Act.**

## **PART 20—COMMON SEAL**

### **20.1 Custody of the common seal**

**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.**

### **20.2 Register**

**The CEO is to maintain a register that is to record, in respect of each occasion when the common seal is affixed to a document—**

- (a) the date that the common seal was affixed;**
- (b) the nature of the document; and**
- (c) the parties described in the document.**

### **20.3 Use of common seal**

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

**Dated: 27 April 2011.**

**The Common Seal of the Shire of Busselton was affixed by the authority of a resolution of Council in the presence of—**

**IAN. W. STUBBS, President.**  
**MICHAEL S. L. ARCHER, Chief Executive Officer.**