

LG306*

LOCAL GOVERNMENT ACT 1995

Shire of Derby/West Kimberley

STANDING ORDERS AMENDMENT LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the Shire of Derby/West Kimberley resolved on 16th December, 2010 to make the following local law.

1. Citation

This local law is the *Shire of Derby/West Kimberley Standing Orders Amendment Local Law 2011*.

2. Commencement

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

3. Principal local law amended

The *Shire of Derby/West Kimberley Standing Orders Local Law 2001* as published in the *Government Gazette* on 28 August 2001 is referred to as the principal local law. The principal local law is amended.

4. General amendments

Throughout the local law where it appears—

- (a) delete “[insert name of local government]” and insert “Shire of Derby/West Kimberley”.
- (b) delete “[insert “Mayor” or “President]” and insert “President”.

5. Clause 1.1 amended

In clause 1.1(1) delete “[insert date]” and insert “2001”.

6. Clause 1.3 amended

In clause 1.3(1) insert the following definitions in alphabetical order of the terms being defined—

“councillor” means a person who holds the office of councillor on the Council and includes the President and Deputy President;

“employee” means an employee of the local government;

“local government” means the Shire of Derby/West Kimberley;

“member” means the President, Deputy President or a councillor and includes, in the case of a committee, a member of the committee who is not the President, Deputy President or a councillor;

“person presiding” means—

- (a) in reference to a Council meeting the person who presides at the Council meeting in accordance with section 5.6 of the Act; and
- (b) in reference to a committee, the presiding member;

7. Clause 3.1 amended

In clause 3.1(3) delete “Presiding Member” and insert “presiding member”.

8. Clause 3.2 amended

In clause 3.2(1)(h) delete “without discussion”.

9. Clause 3.4 amended

In clause 3.4—

- (a) in paragraph (g) delete “Local Government (Constitution) Regulations 1996” and insert “*Local Government (Constitution) Regulations 1998*”;

- (b) in sub-paragraph (g)(ii) delete “Local Government” and insert “local government”.

10. Clause 3.6 amended

In the heading of clause 3.6 delete “without discussion”.

11. Clause 3.9 amended

In clause 3.9(5) delete “policy” and insert “subject matter”.

12. Clause 3.12 amended

In clauses 3.12(1) and (2) delete “Presiding Member” and insert “presiding member”.

13. Clause 4.1 amended

In clause 4.1 delete “Regulation 14” and insert “regulation 14”.

14. Clause 4.2 amended

In clause 4.2—

- (a) in subclause (1) delete “Regulation 14.2” and insert “regulation 14.2”.**
- (b) delete subclause (2) and insert—**
 - (2) A member in receipt of confidential information is not to disclose such information except to the extent permitted by regulation 6(3) of the *Local Government (Rules of Conduct) Regulations 2007*.**
- (c) delete “Penalty \$5,000”.**

15. Clause 7.1 amended

In clause 7.1 delete “Regulation 11” and insert “regulation 11”.

16. Clause 8.1 amended

Delete clause 8.1 and insert—

8.1 Official Titles to be used

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

17. Clause 8.4 amended

Delete clause 8.4 and insert—

8.4 Adverse Reflection

- (1) No member is to reflect adversely upon a decision of the Council or committee except on a motion that the decision be revoked or changed.**
- (2) No member is to use offensive or objectionable expressions in reference to any member, employee, or any other person.**
- (3) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the person presiding 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.**

18. Clause 9.1 amended

Delete clause 9.1 and insert—

9.1 Members Wishing to Speak

Every member wishing to speak is to indicate by show of hands or other method agreed upon by Council or committee. When invited, members are to address the Council or committee through the person presiding.

19. Clause 9.2 amended

In clause 9.2, delete “of the Council or a committee”.

20. Clause 9.4 amended

In clause 9.4, delete “of the Council or a committee”.

21. Clause 9.7 amended

In clause 9.7, delete “of the Council or a committee”.

22. Clause 9.8 amended

Delete clause 9.8 and insert—

9.8 Members Not to Interrupt

No member is to interrupt another member 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 10.16; or**
- (d) to move a motion under clause 11(1)(e).**

23. Clause 9.9 amended

In clause 9.9 delete, “of the Council or a committee”.

24. Clause 10.1 amended

In clause 10.1, delete “of the Council or a committee”.

25. Clause 10.2 amended

In clause 10.2 delete “Regulation 10” and insert “regulation 10”.

26. Clause 10.16 amended

Delete clause 10.16 and insert—

10.16 Personal Explanation

(1) 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 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.

(2) When a member makes a personal explanation, no reference is to be made to matters unnecessary for that purpose.

27. Clause 10.17 amended

Delete clause 10.17 and insert—

10.17 Personal Explanation—When Heard

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

28. Clause 10.18 amended

Delete the heading of clause 10.18 and insert “Ruling on the admissibility of a personal explanation”.

29. Clause 10.19 amended

In clause 10.19(1) delete “question” and insert “motion”.

30. Clause 10.20 amended

In clause 10.20(d) delete “original” wherever it appears and insert “substantive”.

31. Clause 11.2 amended

In clause 11.2(2) delete “Clause 11.1” and insert “clause 11.1”.

32. Clause 11.3 amended

In clause 11.3 delete “person” and insert “member”.

33. Clause 12.7 amended

In clause 12.7—

(a) delete subclause (4) and insert—

(4) A member 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.

(b) delete “Penalty \$5,000”.

34. Clause 13.1 amended

In clause 13.1, delete “of the Council or committee”.

35. Clause 15.4 amended

In clause 15.4(c) delete “Local Government” and insert “local government”.

36. Clause 17.3 amended

Delete clause 17.3 and insert—

17.3 Presentation of Committee Reports

When the report of recommendations of a committee is placed before the Council, the adoption of the recommendations of the committee is to be moved by—

(a) the presiding member of the committee if the presiding member is a councillor and is in attendance; or

(b) a councillor who is a member of the committee, if the presiding member of the committee is not a councillor, or is absent; or

- (c) otherwise, by a councillor who is not a member of the committee.

37. Clause 17.4 amended

In clause 17.4 delete “Presiding Member” and insert “presiding member”.

38. Clause 18.3 added

After clause 18.2, add—

18.3 Enforcement

(1) The person presiding at any Council or committee meeting is authorised to enforce the Standing Orders during the course of the meeting and to liaise with the CEO where appropriate regarding the appropriate action to be taken for any breach.

(2) No action shall be taken by the local government to institute legal proceedings for an alleged breach of the Standing Orders unless by resolution of Council.

(3) Council may resolve to deal with any alleged breach of the Standing Orders through the application of the procedures contained within the *Local Government (Rules of Conduct) Regulations 2007*.

(4) Penalties under the Standing Orders are as per the Act and the Regulations.

39. Clause 19.1 amended

(a) In the heading of clause 19.1 delete “Council’s” and insert “Local Government’s”.

(b) In clauses 19.1(1), (2) and (5) delete “Local Government” and insert “local government”

Dated: 31st March, 2011.

The Common Seal of the Shire of Derby/West Kimberley was affixed under the authority of a resolution of Council in the presence of—

**E. M. ARCHER, Shire President.
S. BURGE, Chief Executive Officer.**