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LOCAL GOVERNMENT ACT 1995

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**SHIRE OF CUE**

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**STANDING ORDERS LOCAL  
LAW 2015**



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## LOCAL GOVERNMENT ACT 1995

## SHIRE OF CUE

## STANDING ORDERS LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Cue resolved on 17 March 2015 to make the following local law.

## PART 1—PRELIMINARY

**1.1 Citation**

This local law may be cited as the *Shire of Cue Standing Orders Local Law 2015*.

**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 and its Committees are to be conducted in accordance with the Act, the Regulations and this local law.

**1.4 Interpretation**

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

**absolute 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 of Cue

**Committee** means a Committee of the Council established under section 5.8 of the Act;

**Council** means the Council of the Shire of Cue;

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

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

**meeting** means a meeting of the Council or a Committee as the context requires;

**member** means—

(a) in relation to the Council, the President or a Councillor; or

(b) in relation to a Committee, a person appointed to that Committee by the local government;

**President** means the President of the Shire of Cue;

**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;

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

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

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

**simple majority** means more than 50 per cent of the members present and voting at meetings;

**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; and

**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 have the same meaning given to them in the Act and Regulations.

**1.5 Repeal**

The *Shire of Cue Standing Orders Local Law 2012* as published in the *Government Gazette* on 1 June 2012 is repealed.

**PART 2—CALLING AND CONVENING 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 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.

**2.2 Calling Council meetings**

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

**2.3 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 written notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) if so decided by the Council or the Committee.

**2.4 Convening ordinary and special Council meetings**

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

**2.5 Convening Committee meetings**

- (1) The CEO is to convene a meeting of a Committee by giving each member at least 72 hours' notice of the date, time, place and an agenda for the meeting.
- (2) The CEO is to give notice of meetings referred to in subclause (1) to every member of the Council.

**PART 3—PRESIDING MEMBER AND QUORUM****3.1 Who presides at Council meetings**

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

**3.2 When Deputy President can preside**

When the Deputy President can preside is dealt with in the Act.

**3.3 Who presides if no President or Deputy President**

Who presides if the President and Deputy President are absent or unavailable is dealt with in the Act.

**3.4 Election of Presiding Members and Deputy Presiding Members of Committees**

The election of Presiding Members and Deputy Presiding Members is dealt with in the Act.

**3.5 Functions of Deputy Presiding Members of Committees**

The functions of Deputy Presiding Members are dealt with in the Act.

**3.6 Who acts if no Presiding Member of Committees**

Who acts if there is no Presiding Member is dealt with in the Act.

**3.7 Quorum for meetings**

The quorum for meetings is dealt with in the Act.

**3.8 Procedure if quorum not present**

The procedure if a quorum is not present to begin a meeting is dealt with in the Regulations.

**3.9 Loss of quorum during a meeting**

- (1) If at any time during a meeting a quorum is not present, the Presiding Member, upon becoming aware of that fact, is to suspend the proceedings of the meeting for up to 15 minutes.
- (2) If a quorum is not present at the expiration of the period in subclause (1), the Presiding Member may suspend the proceedings of the meeting for a further period of up to 15 minutes or adjourn the meeting to a future time and date.
- (3) If a quorum is not present at the expiration of the extended period in subclause (2), the Presiding Member is to adjourn the meeting to a future time and date.
- (4) At any meeting that is adjourned for want of a quorum, the names of the members present and the names of all those members who have spoken on the subject under consideration at the time of the adjournment shall be recorded in the minutes.

**3.10 Debate on motion to be resumed**

Where a meeting is adjourned for want of a quorum, the resumed meeting is to continue from the point at which it was adjourned, unless the Presiding Member or the meeting determines otherwise.

**PART 4—BUSINESS OF THE MEETING****4.1 Business to be specified in agenda**

- (1) No business is to be transacted at any meeting other than that specified in the agenda without the approval of the Presiding Member or a decision of the meeting.
- (2) No business is to be transacted at a special meeting of the Council other than that specified in the agenda, and to which notice as to the purpose of the meeting has been given.
- (3) No business is to be transacted at an adjourned meeting other than that—
  - (a) specified in the notice of the meeting which had been adjourned; and
  - (b) which remains unresolved,

except in the case of an adjournment to the next ordinary meeting of the Council or the Committee, when the business unresolved at the adjourned meeting is to be the first business to be considered at that ordinary meeting.

**4.2 Meeting to proceed to business**

A meeting is to proceed to business as soon as possible after the time stated in the notice as a quorum is constituted.

**4.3 Order of business**

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

- (a) declaration of opening;
- (b) apologies and approved leave of absence;
- (c) disclosure of members' interests;
- (d) public question time;
- (e) confirmation of minutes;
- (f) applications for leave of absence
- (g) deputations;
- (h) petitions;
- (i) announcements without discussion;
- (j) reports;
- (k) motions by members of which previous notice has been given;
- (l) motions for consideration at the next meeting;
- (m) new business of an urgent nature;
- (n) matters for which the meeting may be closed; and
- (o) closure.

- (2) Unless otherwise decided by the Committee, the order of business at any meeting of a Committee is to be as follows—

- (a) declaration of opening;
- (b) apologies;
- (c) disclosure of members' interests;
- (d) question time for the public;
- (e) confirmation of minutes;
- (f) reports;
- (g) general business pertaining to the Committee;
- (h) matters for which the meeting may be closed; and
- (i) closure.

- (3) Unless otherwise decided by the members present, the order of business at any special meeting of the Council is to be the order in which that business stands in the notice of, or the agenda of the meeting.

**4.4 Grant of leave of absence**

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

**4.5 Confirmation of minutes**

- (1) Confirmation of minutes is dealt with in the Act.
- (2) When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.
- (3) 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.
- (4) 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 minute.

#### 4.6 Petitions

- (1) A petition, in order to be considered by the Council is to—
  - (a) be addressed to the President;
  - (b) state the request on each page of the petition;
  - (c) contain a summary of the reasons for the request;
  - (d) for each person who has signed it, show the person's name and address
  - (e) state the name and an address of one person to whom notice to the petitioners can be sent; and
  - (f) be respectful and temperate in its language.
- (2) Notwithstanding the requirements of subclause (1), the Presiding Member may allow the petition to be considered in circumstances where the petition complies with the majority of the requirements.
- (3) 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.

#### 4.7 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, unless the Council resolves otherwise.

#### 4.8 Motions by members of which previous notice has been given

- (1) Unless the Act, Regulations or 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 signed by the member and given to the CEO at least 5 clear working days before the meeting at which the motion is to be moved.
- (3) A notice of motion must relate to the good governance of the district
- (4) The CEO—
  - (a) may with the concurrence of the President, exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of any 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 to bring the notice of motion into due form; and
  - (c) must provide relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, financial and legal implications.
- (5) If a notice of motion is excluded under subclause (4) (a), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (6) A motion of which notice has been given is to lapse unless—
  - (a) the member who gave notice, or another member authorised by him or her in writing, moves the motion when called on; or
  - (b) the Council or Committee on a motion agrees to defer consideration of the motion to a later stage or date.

#### 4.9 Urgent business

- (1) In cases of extreme urgency, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), 'cases of extreme urgency' means matters that have arisen after the distribution of the agenda and are considered by the meeting to be of such importance and urgency that—
  - (a) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or
  - (b) the delay in referring the business to the next meeting could have adverse legal or financial implications for the local government.
- (3) Before debate begins on a matter under this clause that is not the subject of a written employee report to the meeting, the Presiding Member is to ask the CEO to give a verbal report to the meeting.
- (4) The minutes of the meeting are to include a summary of the verbal report and any recommendations of the CEO.

**PART 5—PUBLIC PARTICIPATION****5.1 Meetings generally open to the public**

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

**5.2 Procedure to close meetings 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; and
  - (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) A resolution under this clause may be made without notice.
- (6) Once the meeting is re-opened 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.

**5.3 Public question time**

Public question time at meetings is dealt with in the Act.

**5.4 Public question time at certain meetings**

Public question time at certain meetings is dealt with in the Regulations.

**5.5 Minimum question time for the public**

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

**5.6 Procedures for question time for the public**

Procedures for public question time is dealt with in the Regulations.

**5.7 Other procedures for public question time**

- (1) Questions asked by the public are not to be in the form of a statement or a personal opinion.
- (2) The procedure for the asking of and responding to questions raised by members of the public at a meeting shall be as follows—
  - (a) a member of the public who raises a question during public question time is to state their name and address;
  - (b) questions are to be answered by the Presiding Member or a member or employee nominated by the Presiding Member;
  - (c) questions may be taken on notice, at the determination of the Presiding Member, and the Presiding Member may determine that any complex question requiring research be answered only in writing;
  - (d) no discussion of a question or answer is to take place; and
  - (e) when a question is taken on notice under subclause (b) a response is to be given to the member of the public in writing, and a copy, or a summary of the response, is to be presented to and recorded in the minutes of the next meeting of the Council or Committee as the case requires.
- (3) 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, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
  - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.

**5.8 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 may direct that the presence of the distinguished visitor be recorded in the minutes.

**5.9 Deputations**

- (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 as a deputation 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.

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

(1) A Councillor may attend any meeting of a Committee as an observer, even if the Councillor is not a member of that Committee.

(2) A deputy to a member of a Committee 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 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.

#### **5.11 Public inspection of agenda materials**

Public inspection of agenda materials is dealt with in the Regulations.

#### **5.12 Public access to unconfirmed minutes of meetings**

Public access to unconfirmed minutes of Council and Committee meetings is dealt with in the Regulations.

#### **5.13 Confidentiality of information withheld**

Information withheld by the CEO from the public under the Regulations, is to be marked “confidential” in the agenda.

#### **5.14 Recording of meeting**

(1) A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting unless the Presiding Member has given permission to do so.

(2) If a person is permitted to record proceedings under this clause, the Presiding Member is to advise the meeting, immediately before the recording is commenced, that the recording is permitted and the extent of that permission.

#### **5.15 Prevention of disturbance**

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

(2) A person addressing a meeting must extend due courtesy and respect to the Council or Committee and the processes under which it operates and must comply with any direction from the Presiding Member.

(3) A person must not interrupt or interfere with the proceedings of any meeting, whether by expressing approval or dissent, by conversing or by any other means.

(4) The Presiding Member may warn a person who fails to comply with this clause.

(5) If—

- (a) after being warned, the person again acts contrary to this clause, or to the direction; 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.

(6) 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 6—DISCLOSURE OF INTERESTS**

#### **6.1 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 and the Rules of Conduct Regulations.

### **PART 7—CONDUCT OF MEMBERS**

#### **7.1 Official titles to be used**

A speaker, when speaking or referring to the President or Deputy President, or Presiding Member, or to a Councillor or employee, must use the title of that person’s office.

**7.2 Members to occupy own seats**

(1) At meetings of the Council each member is to occupy the place assigned to that member within the Council Chamber.

(2) At the first meeting held after each ordinary election day, the CEO is to assign a seating position in the Council Chamber to each member by conducting a ballot after considering requests for a specific allocation for special circumstances.

**7.3 Members not to interrupt**

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

- (a) to raise a point of order under clause 8.2;
- (b) to call attention to the absence of a quorum; or
- (c) to make a personal explanation under clause 10.4

**7.4 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.

(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.

**7.5 Direction to withdraw**

(1) A member who, in the opinion of the Presiding Member and in the absence of a resolution under clause 7.4 (2)—

- (a) reflects adversely on the character or actions of another member or employee;
- (b) imputes any motive to another member or employee; or
- (c) uses an expression that is offensive or objectionable,

must, when directed by the Presiding Member, withdraw the reflection, imputation or 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.

**7.6 Members who wish to speak**

A member who wishes to speak—

- (a) is to indicate his or her intention to speak by raising his or her hand; and
- (b) when invited by the Presiding Member to speak, must address the meeting through the Presiding Member.

**7.7 Priority of speaking**

(1) If 2 or more members indicate, at the same time, their intention to speak, the Presiding Member is to decide which member is 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.

**7.8 The Presiding Member may take part in debates**

The Presiding Member may take part in a discussion of any matter before the Council or Committee as the case may be.

**7.9 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 call the attention of the meeting to—

- (a) any irrelevant, repetitious, offensive or insulting language by a member; or
- (b) any breach of order by a member.

**7.10 Speaking twice**

(1) 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.

(2) 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.

#### **7.11 Limitation on members speaking**

(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.

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

A member must not re-open discussion on any decision of the Council or Committee, except for the purpose of moving a revocation motion.

#### **7.13 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.

#### **7.14 Entering and leaving during a meeting**

(1) 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.

(2) 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.

### **PART 8—PRESERVING ORDER**

#### **8.1 Presiding Member to preserve order**

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

(2) When the Presiding Member speaks during a debate any member then speaking, or offering to speak, is to be silent 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 7.8, but to preserve order.

#### **8.2 Point of order**

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

- (a) any of local law; 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.

#### **8.3 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 immediately discontinue speaking 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.

#### **8.4 Calling attention to breach**

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

#### **8.5 Ruling by the Presiding Member**

(1) The Presiding Member is to rule on any point of order which is raised by either up holding 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 Council immediately after the ruling resolves that the ruling be disagreed with.

(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.

**8.6 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,

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.

**8.7 Presiding Member may adjourn meeting**

- (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.
- (4) If there is an adjournment under this clause, the names of the members who have spoken on the matter before the adjournment are to be recorded in the minutes.

**PART 9—MOTIONS AND AMENDMENTS****9.1 Motions**

- (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 the member is required to do so by the Presiding Member.
- (2) 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.

**9.2 Motions to be seconded**

- (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 the Regulations.
- (3) A motion is not to be altered by the mover without the consent of the seconder.

**9.3 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.

**9.4 Withdrawal of motion or amendment**

- (1) Subject to subclause (2), the members may, without debate, grant leave to withdraw a substantive 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.

**9.5 One motion to be debated at a time**

The Presiding Member is not to accept a substantive motion while another substantive motion is being debated.

**9.6 Amendments**

- (1) An amendment must add, delete, or substitute words to the substantive motion.
- (2) An amendment must be relevant to the substantive motion in respect of which it is moved and must not have the effect of negating the substantive motion.
- (3) Any member, including the mover of a motion, may speak during debate on an amendment.
- (4) Only one amendment is to be debated at a time, but as often as an amendment is withdrawn, carried or lost, another amendment may be moved before the substantive motion is put to the vote.
- (5) Where an amendment is carried, the substantive motion as amended is, for all purposes of subsequent debate, to be treated as a substantive motion.

**9.7 Revoke or change decisions**

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

**PART 10—DEBATE OF MOTIONS****10.1 Order of call in debate**

(1) The Presiding Member is to call speakers to a substantive motion or amendment 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) the 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.

**10.2 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.

**10.3 Member may require motion or amendment to be read**

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

**10.4 Personal explanation**

(1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must 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.

**10.5 Voting**

Voting at meetings is dealt with in the Act and Regulations.

**10.6 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.

**10.7 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.

**10.8 Method of taking vote**

(1) The Presiding Member, in taking the vote on any motion or amendment, is to—

- (a) put the motion or amendment, first in the affirmative and then in the negative;
- (b) determine whether the affirmative or the negative has the majority of votes; and
- (c) declare the result of the vote.

(2) The motion or amendment put under subclause (1) may be put as often as is necessary to enable the Presiding Member to determine whether the affirmative or the negative has the majority of votes.

(3) The result of voting is to be determined on the count of raised hands.

(4) The CEO is to 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 11—PROCEDURAL MOTIONS****11.1 Permissible procedural motions**

In addition to the right to move an amendment to a substantive motion, a member may move any of 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 meeting be closed to members of the public;
- (e) that the ruling of the Presiding Member be disagreed with;

**11.2 Who may move**

A member who has moved, seconded, or spoken for or against the substantive motion or amendment, 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 7.10 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) 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.
- (3) A meeting adjourned under subclause (2) 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.

**11.8 Meeting be closed to members of the public—effect of motion**

If a motion “that the meeting be closed to members of the public” is carried then the Presiding Member is to close the meeting in accordance with clause 5.2.

**PART 12—COMMITTEES****12.1 Establishment, types and membership 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.

### **12.2 Types of Committees**

The types of Committees are dealt with in the Act.

### **12.3 Delegation of power to Committees**

Delegation of some powers and duties to Committees and the limits on the delegation of some powers and duties to certain Committees are dealt with in the Act.

### **12.4 Register of delegations to Committees**

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

### **12.5 Appointment of Committee members**

The appointment of Committee members is dealt with in the Act

### **12.6 Appointment of deputy members**

The appointment of a deputy to a member of a Committee is dealt with in the Act.

### **12.7 Tenure of Committee membership**

The tenure of Committee membership is dealt with in the Act.

### **12.8 Resignation of Committee members**

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

### **12.9 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 13—OTHER MATTERS**

### **13.1 Suspension of Standing Orders**

(1) A member may, at any time, move that the operation of one or more of the clauses in the local law 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.

### **13.2 Cases not provided for in Standing Orders**

(1) In situations where—

- (a) one or more clauses of the local law have been suspended under clause 13.1; or
- (b) a matter is not regulated by the Act, the 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 of dissent is moved and carried under clause 11.7.

### **13.3 Electors' meetings**

The requirements for a meeting of the electors are dealt with in the Act and Regulations.

### **13.4 Electors' meetings—Standing Orders apply**

Local law apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this local law and the provisions of the Act, the latter prevail.

### **13.5 Restriction on voting at electors' meetings**

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

### **13.6 Participation of non-electors**

(1) A person who is not an elector of the local government must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so;

(2) A person who is not an elector of the local government cannot vote at an electors' meeting.

### **13.7 Penalty for contravention of local law**

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

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

### **13.8 Who can prosecute**

Who can prosecute is dealt with in the Act.

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**PART 14—COMMON SEAL****14.1 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.

**14.2 Use of Common Seal**

The use of the Common Seal is dealt with in the Act.

**14.3 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.

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

Cr ROGER LE MAITRE, Shire President.  
JOHN McCLEARY, Chief Executive Officer.

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