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LOCAL GOVERNMENT ACT 1995

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## SHIRE OF TRAYNING

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# STANDING ORDERS LOCAL LAW 2015



## LOCAL GOVERNMENT ACT 1995

SHIRE OF TRAYNING

## 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 Trayning resolved on 18 March 2015 to make the following local law.

### PART 1—PRELIMINARY

#### 1.1 Citation

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

#### 1.2 Application

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

#### 1.3 Commencement

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

#### 1.4 Interpretation

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

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

**CEO** means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the local government;

**committee** means a committee of the Council;

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

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

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

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

**person presiding** means the presiding person at a meeting of the Council and when applicable to committee meetings means the presiding member;

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

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

**simple majority** is more than 50% of the members present and voting; 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 these local laws the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

#### 1.5 Repeal

The following local laws are repealed—

(1) The *Municipality of the Shire of Trayning By-law Relating to Standing Orders* published in the *Government Gazette* on 26 July 1972; and

(2) The *Shire of Trayning Standing Orders Local Law* published in the *Government Gazette* on 7 July 1998.

## PART 2—CALLING MEETINGS

### 2.1 Calling committee meetings

A meeting of a committee is to be held—

- (1) If called for in a verbal or written request to the CEO by the presiding member of the committee, setting out the date and purpose of the proposed meeting;
- (2) If called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (3) If so decided by the committee.

## PART 3—BUSINESS OF THE MEETING

### 3.1 Business to be specified on notice paper

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the presiding person or a decision of the Council.
- (2) No business is to be transacted at a committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting, without the approval of the presiding member or a decision of the committee.

### 3.2 Order of business

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

- (a) Official opening
- (b) Apologies and leave of absence
- (c) Public question time
- (d) Petitions
- (e) Confirmation of minutes
- (f) Announcements by the presiding person without discussion
- (g) Matters for which meeting may be closed
- (h) Reports
- (i) Motions of which previous notice has been given
- (j) Questions by members of which due notice has been given
- (k) Urgent business approved by the presiding person or by decision
- (l) Matters behind closed doors
- (m) Closure

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

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

(4) Notwithstanding subclause (1), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriately decided, by that meeting.

### 3.3 Public question time

(1) 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 by the Council or committee for later response.

(3) When a question is taken on notice under sub-clause (2) a response is to be given to the member of the public in writing by the CEO, and a copy is to be included in the agenda of the next meeting of the Council or committee as the case requires.

### 3.4 Confirmation of minutes

(1) When minutes of a meeting are submitted to an ordinary meeting of the Council or committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to—

- (a) state the item or items with which he or she is dissatisfied; and
- (b) propose a motion clearly outlining the alternative wording to amend the minutes.

(2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

### 3.5 Announcements by the presiding person without discussion

(1) At any meeting of the Council or a committee the presiding person may announce or raise any matter of interest or relevance to the business of the Council or committee, or propose a change to the order of business.

(2) Any member may move that a change in order of business proposed by the presiding person not be accepted and if carried by a majority of members present, the proposed change in order is not to take place.

**3.6 Matters for which meeting may be closed**

For the convenience of members of the public a matter on the agenda of the meeting may be identified to be discussed behind closed doors and that matter is to be deferred for consideration at the end of the meeting.

**3.7 Motions of which previous notice has been given**

(1) Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.

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

(3) A notice of motion is to relate to the good government of persons in the district.

(4) The CEO—

- (a) with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be out of order; or
- (b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
- (c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

(5) No notice of motion is to be out of order because the matter involved is considered to be objectionable.

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

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

(7) If a notice of motion is given and lapses in the circumstances referred to in subclause (6)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.

**3.8 Questions by members of which due notice has been given**

(1) A question on notice is to be given by a member in writing to the CEO at least four clear working days before close of the agenda for the meeting at which it is raised.

(2) If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.

(3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the presiding person.

**3.9 Urgent business approved by the presiding person or by resolution**

In cases of extreme urgency or other special circumstance, matters may, with the consent of the presiding person, or by resolution of the members present, be raised without notice and decided by the meeting.

**3.10 Deputations**

(1) A deputation wishing to be received by the Council or a committee is to apply to the CEO who is to advise the President, or the presiding member as the case may be of the request.

(2) The President if the request is to attend a Council meeting, or the presiding member of the committee, if the request is to attend a meeting of a committee, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be, or may instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.

(3) Arrangements for the deputation shall be as agreed by the President or presiding member as the case may be.

(4) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.

**PART 4—PUBLIC ACCESS TO AGENDA MATERIAL****4.1 Confidentiality of information withheld**

(1) Information withheld by the CEO from members of the public under Regulation 14.2, of the Regulations, is to be—

- (a) identified in the agenda of a Council or committee meeting under the item “Matters for which meeting may be closed”; and
- (b) marked “confidential” in the agenda.

(2) A member or an employee in receipt of confidential information is not to disclose such information to any person other than a member or employee to the extent necessary for the purpose of carrying out his or her duties.

## PART 5—FINANCIAL INTEREST DISCLOSURES

### 5.1 Separation of committee recommendations

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

## PART 6—CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

### 6.1 Official titles to be used

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

### 6.2 Members to occupy own seats

- (1) At the first meeting held after each ordinary elections day, the CEO is to allot by random draw, a position at the Council table to each councillor.
- (2) The councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of councillors for a re-allotment of positions.

### 6.3 Leaving meetings

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

### 6.4 Recording of particular words in the minutes

If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the presiding person 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.

### 6.5 Recording of proceedings

- (1) No person is to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council.
- (2) Subclause (1) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee.
- (3) 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.

### 6.6 Prevention of disturbance

- (1) Any member of the public addressing the Council or a committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the presiding person whenever called upon to do so.
- (2) No person observing a meeting, is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

### 6.7 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council or a committee, the presiding person may invite such person to sit beside the presiding person or at the Council table.

## PART 7—CONDUCT OF MEMBERS DURING DEBATE

### 7.1 Members wishing to speak

A member wishing to speak is to indicate by show of hands or other method agreed upon by the Council or committee.

### 7.2 Priority of speakers

- (1) In the event of two or more members wishing to speak at the same time, the presiding member is to decide which member is entitled to be heard first.
- (2) A ruling of the presiding person under subclause (1) is final and will not be open to further discussion or debate, unless a majority of the members support a motion of dissent with the ruling of the presiding person.

### 7.3 The presiding person to take part in debates

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

**7.4 Relevance**

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

**7.5 Addressing the meeting**

The presiding person shall determine any limitation on the number of times a member addresses the meeting and duration of address.

**7.6 Members not to speak after conclusion of debate**

No member is to speak to any question after it has been put by the presiding person.

**7.7 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 8.16; or
- (d) to move a motion under clause 9.1(e).

**7.8 Re-opening discussion on decisions**

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

**PART 8—PROCEDURES FOR DEBATE OF MOTIONS****8.1 Motions to be stated**

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

**8.2 Motions to be supported**

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

**8.3 Unopposed business**

- (1) Upon a motion being moved and seconded, the presiding person may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the presiding person may declare the motion in subclause (1) carried without debate and without taking a vote on it.
- (3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

**8.4 Only one substantive motion considered**

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

**8.5 Breaking down of complex questions**

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

**8.6 Order of call in debate**

The presiding person is to call speakers to a substantive motion in the following order—

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

**8.7 Limit of debate**

The presiding person 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.

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

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

**8.9 Consent of seconder required to accept alteration of wording**

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

**8.10 Order of amendments**

Any number of amendments may be proposed to a motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn or lost.

**8.11 Amendments must not negate original motion**

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

**8.12 Substantive motion**

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

**8.13 Withdrawal of motion and amendments**

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

**8.14 Limitation of withdrawal**

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

**8.15 Personal explanation**

No member is to speak at any meeting of the Council or a committee, except upon the matter before the meeting, 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. When a member provides an explanation, no reference is to be made to matters unnecessary for that purpose.

**8.16 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.

**8.17 Ruling on questions of personal explanation**

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

**8.18 Right of reply**

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

**8.19 Right of reply provisions**

The right of reply is governed by the following provisions—

- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;
- (c) the mover of any amendment does not have a right of reply;
- (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

## PART 9—PROCEDURAL MOTIONS

**9.1 Permissible procedural motions**

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

- (a) that the Council (or committee) proceed to the next business;
- (b) that the question be deferred until (specify meeting or circumstances);
- (c) that the Council (or committee) now adjourn;
- (d) that the question be now put;
- (e) that the member be no longer heard;

- (f) that the ruling of the presiding person be disagreed with;
- (g) that the Council (or committee) meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under section 5.23 of the Act.

### **9.2 No debate on procedural motions**

- (1) The mover of a motion stated in each of paragraphs (a), (b), (c), (f) and (g) of clause 9.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion stated in each of paragraphs (d) and (e) of clause 9.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

### **9.3 Procedural motions—Closing debate—Who may move**

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

### **9.4 Procedural motions—Right of reply on substantive motion**

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

## **PART 10—EFFECT OF PROCEDURAL MOTIONS**

### **10.1 Council or committee to proceed to the next business—effect of motion**

The motion “that the Council or committee proceed to the next business”, if carried, causes the debate to cease immediately and for the Council or committee to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

### **10.2 Question to be deferred—effect of motion**

The motion “that the question be deferred”, if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.

### **10.3 Council or committee to now adjourn—effect of motion**

(1) The motion “that the Council or committee now adjourn”, if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the presiding person or a simple majority of members upon vote, determine otherwise.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1) the debate is to be resumed at the next meeting at the point where it was so interrupted.

### **10.4 Question to be put—effect of motion**

(1) The motion “that the question be now put”, if carried during discussion of a substantive motion without amendment, causes the presiding person to offer the right of reply and then immediately put the matter under consideration without further debate.

(2) This motion, if carried during discussion of an amendment, causes the presiding person to put the amendment to the vote without further debate.

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

### **10.5 Member to be no longer heard—effect of motion**

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

### **10.6 Ruling of the presiding person be disagreed with—effect of motion**

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

### **10.7 Council or committee to meet behind closed doors—effect of motion**

(1) Subject to any deferral under clause 3.6 or other decision of the Council or committee, this motion, if carried, causes the general public and any employee the Council or committee determines, to leave the room.

(2) Upon the public again being admitted to the meeting the presiding person, unless the Council or committee decides otherwise, is to cause the motions passed by the Council or committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.

(3) A member or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

## PART 11—MAKING DECISIONS

### 11.1 Question—When put

When the debate upon any question is concluded and the right of reply has been exercised the presiding person shall immediately put the question to the Council or the committee, and, if so requested by any member, shall again state it.

### 11.2 Question—Method of putting

If a decision of the Council or a committee is unclear or in doubt, the presiding person shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

## PART 12—IMPLEMENTING DECISIONS

### 12.1 Implementation of a Decision

(1) If a notice of motion to revoke or change a decision of the Council or a committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that—

- (a) if a notice of motion to revoke or change a decision of the Council or a committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under Regulation 10 of the Regulations indicate their support for the notice of motion at that meeting; and
- (b) if a notice of motion to revoke or change a decision of the Council or a committee is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of members required to support the motion under Regulation 10 of the Regulations.

(2) Implementation of a decision is only to be withheld under sub-clause (1) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.

(3) The Council or a committee shall not vote on a motion to revoke or change a decision, whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given—

- (a) action has been taken to implement the decision; or
- (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put into effect by the local government in writing to the applicant or the applicant's agent by an employee authorised to do so,

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

## PART 13—PRESERVING ORDER

### 13.1 The presiding person to preserve order

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

### 13.2 Demand for withdrawal

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

### 13.3 Points of order—When to raise—Procedure

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

### 13.4 Points of order—When valid

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

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

### 13.5 Points of order—Ruling

The presiding person is to give a decision on any point of order which is raised by either upholding or rejecting the point of order.

**13.6 Points of order—Ruling conclusive, unless dissent motion is moved**

The ruling of the presiding person upon any question of order is final, unless a majority of the members support a motion that the ruling of the presiding person be disagreed with.

**13.7 Points of order take precedence**

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

**13.8 Precedence of person presiding**

(1) When the presiding person indicates their intention to speak during the progress of a debate, any member then speaking, or offering to speak, is to immediately cease speaking and every member shall preserve strict silence so that the presiding person may be heard without interruption.

(2) Subclause (1) is not to be used by the presiding person to exercise the right provided in clause 7.3, but to preserve order.

**13.9 Right of the presiding person to adjourn without explanation to regain order**

(1) If a meeting ceases to operate in an orderly manner, the presiding person may use discretion to adjourn the meeting for a period of up to 15 minutes without explanation, for the purpose of regaining order.

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

(2) If, at any one meeting, the presiding person has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

**PART 14—ADJOURNMENT OF MEETING****14.1 Meeting may be adjourned**

The Council or a committee may decide to adjourn any meeting to a later time on the same day, or to any other day.

**14.2 Unopposed business—Motion for adjournment**

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

**14.3 Withdrawal of motion for adjournment**

A motion or an amendment relating to the adjournment of the Council or a committee may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal, debate of the motion is to continue.

**14.4 Time to which adjourned**

The time to which a meeting is adjourned for want of a quorum, by the presiding person to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

**PART 15—COMMITTEES OF THE COUNCIL****15.1 Establishment and appointment of committees**

A committee is not to be established except on a motion setting out the proposed functions of the committee and either—

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

**15.2 Appointment of deputy committee members**

(1) The Council may appoint one or more persons to be the deputy or deputies, as the case may be, to act on behalf of a member of a committee whenever that member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council.

(2) Where a member of a committee does not attend a meeting thereof a deputy of that member, is entitled to attend that meeting in place of the member and act for the member, and while so acting has all the powers of that member.

**15.3 Presentation of committee reports**

The report or recommendations of a committee are to be placed before the Council for consideration.

**15.4 Reports of committees—Questions**

When a recommendation of any committee is submitted for adoption by the Council, any member may direct questions directly relating to the recommendation through the presiding person to the presiding member or to any member of the committee in attendance.

**15.5 Permissible motions on recommendation from committee**

A recommendation made by or contained in the minutes of a committee may be—

- (a) be adopted by the Council without amendment
- (b) rejected by the Council and replaced by an alternative decision; or
- (b) amended or modified and adopted with such amendment or modification; or
- (c) referred back to the committee for further consideration.

**15.6 Standing Orders apply to committees**

Where not otherwise specifically provided, these local laws apply generally to the proceedings of committees.

**PART 16—ADMINISTRATIVE MATTERS****16.1 Suspension of Local Law**

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

**16.2 Cases not provided for in Local Law**

- (1) The presiding person is to decide questions of order, procedure, debate, or otherwise in cases where this local law, or the Act and Regulations are silent.
- (2) The decision of the presiding person in these cases is final, except where a motion is moved and carried under clause 9.1(f).

**16.3 Enforcement**

- (1) The presiding person at any Council or committee meeting is authorised to enforce the provisions of this local law 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 provisions of this local law unless by resolution of Council.
- (3) Council may resolve to deal with any alleged breach of the provisions of this local law through the application of the procedures contained within the *Local Government (Rules of Conduct) Regulations 2007*.
- (4) A person who breaches a provision of this local law commits an offence.

Penalty: \$1,000.00

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This local law was made at the meeting of the Council of the Shire of Trayning on 18 March 2015

The Common Seal of the Shire of Trayning was affixed in the presence of—

Cr. F. TARR, President.  
T. McLENNAN, Chief Executive Officer.

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