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LOCAL GOVERNMENT ACT 1995

**TOWN OF BASSENDEAN
STANDING ORDERS**

LOCAL LAW RELATING TO THE CONDUCT OF PROCEEDINGS
AND BUSINESS OF THE COUNCIL

LOCAL GOVERNMENT ACT 1995*Town of Bassendean***STANDING ORDERS**

Local Law relating to the Conduct of Proceedings and Business of the Council

1. INTERPRETATIONS AND STANDING ORDERS**1.1 Proceedings Conducted According to Standing Orders**

The proceedings and business of the Council shall be conducted in accordance with the Act, and where not specifically prescribed, according to this local law, the clauses of which shall be referred to as "the Standing Orders".

1.2 All Meetings Governed by Standing Orders

The proceedings of all Council meetings, committee meetings and other meetings of the Council as described in the Act shall be governed by these standing orders except where specific exceptions apply either in the Act, its regulations or in the standing orders.

1.3 Interpretations

The following interpretations should be used in these standing orders, unless the context otherwise requires:

"Act" means the "Local Government Act, 1995, and amendments and successors;

"Clause" means a clause of these standing orders;

"Committee" means any Committee appointed in accordance with the provisions of the Act;

"Council" means the Council of the Town of Bassendean;

"Mayor" or "Presiding Member" includes the deputy Mayor, in the absence of the Mayor, and any Councillor chosen to preside at any meeting of the Council in the manner prescribed by the Act;

"Meeting" includes any Ordinary or Special Meeting of the Council or any other meeting, including Committee Meetings, held in accordance with the Act and properly convened as the Act requires;

"Member" means the Mayor, or a Councillor of the Council;

"Officer" is an employed Member of the staff of the Council;

"Chief Executive Officer" means the chief non-elected officer of the Town or other officer who, for the time being, is acting in that capacity;

"Absolute majority" is more than 50% of the current number of elected Council positions whether they are vacant or not regardless of the number actually present;

"Simple majority" is more than 50% of the Councillors present and voting;

"75 % majority" means a majority comprising enough of the Members for the time being of the Council for their number to be at least 75% of the number of offices (whether vacant or not) of Members of the Council;

"Special majority" means that if there are more than 11 offices of Members of the Council, the power can only be exercised by, or in accordance with, a decision of a 75% majority of the Council.

2. MEETINGS—NOTICE AND BUSINESS**2.1 Notice of Meetings—Members to Receive Notice**

Before any ordinary or special meeting of the Council a notice signed by the Chief Executive Officer, stating the place, date and hour of holding the meeting, and specifying the business to be transacted with supporting committee reports, shall be transmitted by post, or otherwise left or delivered to each Member of the Council, at least 72 hours before the meeting, at the usual or last known place of abode or business, or to another address any Member may request by notice in writing to the Chief Executive Officer.

2.2 Special or Emergency Meetings

A meeting of Council for the purpose of dealing with an emergency situation may be called by the Mayor or Chief Executive Officer, or in their absence, any three Councillors. Members of the Council will be telephoned or contacted by facsimile if unavailable directly by telephone and advised of the time and place of the meeting and the nature of the emergency business. Decisions made at this meeting must be by absolute majority unless the Act specifies otherwise.

2.3 Business to be Specified on Notice Paper

No business shall be transacted at any meeting of the Council other than that specified in the notice without the approval of the Mayor or the approval of the majority of Councillors present determined by vote.

2.4 Specified Papers

Any Member may, in writing addressed to the Chief Executive Officer and delivered to the office of the Chief Executive Officer at least 48 hours before any meeting of the Council, or of any committee of the Council, request that any specified papers be laid upon the table at any meeting to be named, and the papers shall be laid upon the table accordingly.

2.5 Papers Relating to Matter Under Discussion

At any meeting of the Council, or of any committee of the Council, the Mayor or any Member may require the production of any specified papers, documents, books or records, books of accounts, plans, or any other record or matter whatsoever relating to any question then under discussion providing that wherever possible, the notice prescribed in the preceding clause shall be given. In the event of notice not having been given, the proceedings of the Council shall not be unreasonably delayed while documents are obtained.

2.5.1 No papers produced as described in Clause 2.4 shall be deemed to be public unless otherwise ordered by resolution of the Council.

2.6 Objectionable Business

If the Mayor at any meeting of the Council is of the opinion that any motion or business proposed is of an objectionable nature, the Mayor may, either before or after the matter is brought forward, declare that it shall not be considered.

2.6.1 Any Member of the Council may move dissent from such a declaration made from the Chair. On the motion being seconded, the motion to dissent shall be put without debate, and in the event of the motion being carried by a majority of the Members present, the business referred to shall then be considered immediately, but if the motion is lost, the ruling of the Mayor shall stand.

2.7 Confidential Business

Matters brought before the Council may be classified as confidential and until such item has been dealt with by Council at a meeting held with open doors and the Council by resolution declares the matter to be no longer confidential, the matter shall be treated as strictly confidential and shall not be disclosed to any person other than the Mayor, Councillors or Officers of the Council and in the case of Officers only so far as may be necessary for the performance of their duties.

The following items may be classified as confidential:

- (a) personnel matters including salary negotiations, but not details of agreed salary classifications and conditions of employment;
- (b) industrial relations;
- (c) contractual matters;
- (d) legal advice and matters pertaining to a legal action or dispute;
- (e) the personal hardship of any resident or ratepayer;
- (f) reports or correspondence relating to dealings with the Parliamentary Commissioner; unless the Parliamentary Commissioner authorises public disclosures;
- (g) consideration of Awards, Honours or Presentations;
- (h) matters affecting the security of Council property; and
- (i) matters affecting the security of Councillors and staff.

3. MEETINGS—QUORUM

3.1 Quorum at Meetings

In accordance with the Act, the quorum at all meetings of Council and its committees shall be a minimum of 50% of the total number of places whether vacant or not.

3.2 Count-out/Adjournment

At any time during any meeting of the Council any Councillor or the Chief Executive Officer may call the attention of the Mayor to the fact that a quorum is not present. The Mayor shall immediately suspend the proceedings of the meeting for a period of five minutes. If a quorum is not present at the end of this period, the meeting shall be deemed to have been counted out, and the Mayor shall adjourn it to a later hour of the same day or to any other time, not more than seven days from the date of adjournment.

3.3 Absence of Quorum—Record in Minute Book

At all meetings of the Council when the Council is counted out, and an absence of quorum noted, the circumstances, together with the names of the Members present, shall be recorded in the Minute Book.

4. MEETINGS—MINUTES

4.1 Recording and Reading of Minutes

4.1.1 Binding or pasting or otherwise permanently affixing the minutes to the leaves of a book shall be a sufficient recording of the minutes.

4.1.2 Reading of the minutes of a previous meeting may be dispensed with provided that a copy of those minutes has been supplied to each Member at least 72 hours prior to the date of the ordinary meeting at which they are presented for confirmation.

4.2 Confirmation of Minutes

The minutes of any preceding meeting or meetings as described in the Act, not previously confirmed, shall be submitted for confirmation at all meetings of the Council, and no discussion of them shall be

permitted except as to their accuracy as a record of the proceedings. Each page of the minutes of the full Council meeting shall be initialled by the Mayor or person presiding over the meeting as prescribed by the Act, except that the last page of the minutes must receive a full signature and date.

5. MEETINGS—ORDER OF BUSINESS

5.1 Ordinary Meeting—Order of Business

The order of business of an ordinary meeting of Council shall be:

- (a) The Opening Prayer
- (b) Attendances, Apologies & Applications for Leave of Absence
- (c) Public Question Time
Limited to a total of fifteen minutes of duration, except by consent of the Mayor. Each speaker will be limited to three minutes duration to speak, except by consent of the Mayor.
- (d) Deputations (To be received in accordance with Council Policy.)
- (e) Confirmation of Minutes
- (f) Announcements by the Mayor Without Discussion
- (g) Presentation of Petitions and Memorials
- (h) Business Deferred from Previous Meeting
- (i) Reports
- (j) Public Questions and Right of Reply
Limited to a total of ten minutes of duration, except by consent of the Mayor. Each speaker will be limited to three minutes duration to speak, except by consent of the Mayor. Right of Reply to be made available in accordance with Clause 5.3.
- (k) Motions of which Previous Notice has been Given
- (l) Notices of Motion for Consideration at the Following Meeting
- (m) Urgent Items of Late Business (In accordance with Clause 5.2.)
- (n) Items for Consideration with Closed Doors
- (o) Date of Next Meeting
- (p) Closure

5.2 Urgent Items of Late Business

In cases of extreme urgency or other special circumstance, late items may, with the consent of the Mayor, or at the request of a majority of Councillors present, be dealt with.

5.3 Right of Reply—Members of the Public

A Member of the public may be given the right of reply, within six months, to comments made of a personal nature about that person during debate where, in the opinion of the Mayor, it is appropriate.

Requests to exercise the right of reply are to be made during Item 5.1 (j). The right of reply will be limited to three minutes duration, except by consent of the Mayor.

6. MEETINGS—PUBLIC CONDUCT

6.1 Admission and Removal of the Public

6.1.1 The public is admitted to the Council Chamber on the basis that no expression of dissent or approval, conversation or interruption to the proceedings of the Council shall take place. In the event of any such interruption, the Mayor may use discretion and without a vote of the Council, require those interrupting to withdraw. The person or persons concerned shall immediately withdraw from the Council Chamber. This direction by the Mayor may not be challenged by moving dissent with the ruling and the Mayor's ruling is final.

6.1.2 Any person, not being a Member of the Council, who interrupts the orderly conduct of the business of the Council who does not withdraw immediately upon being called by the Mayor to withdraw from the Council Chamber may, by order of the Mayor, be removed from the Council Chamber.

7. ROLE OF MAYOR

7.1 Directions by the Mayor

7.1.1 At any meeting of the Council the Mayor shall have the right to direct attention to any matter of interest or relevance to the business of the Council or propose a change to the order of business.

7.1.2 Any Councillor may move that a change in order of business proposed by the Mayor not be accepted and if carried by a majority of Councillors present, the proposed change in order will not take place.

7.2 The Mayor to Take Part in Debates

Subject to the provisions of these standing orders, the Mayor may take part in a discussion upon any question before the Council, provided that like other Councillors in accordance with these standing orders, the Mayor may only speak once and provided that this is done before the right of reply is exercised.

7.3 Precedence of Mayor

When the Mayor rises during the progress of a debate, any Member of the Council then speaking, or offering to speak, shall immediately sit down and every Member of the Council present shall preserve

strict silence so that the Mayor may be heard without interruption. This clause should not be used by the Mayor to exercise the right provided in Clause 7.2, but should be used to preserve order.

7.4 Dissent With the Mayor's Ruling

Except where expressly denied in these standing orders or the Act, a Member of the Council may move a procedural motion to disagree with a ruling given by the Mayor. The Mayor must immediately call for a seconder and put the motion without debate.

8. QUESTIONS

8.1 Questions Not to Involve Argument or Opinion

In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.

9. PETITIONS

9.1 Petitions and Memorials—Petitions to be in Writing

Any petition to be submitted to the Council shall be in writing or typewritten, and be authenticated by the signature of the Member of the Council presenting it unless it is not presented by a Member.

9.2 Presentation of Petitions

A Member of the Council presenting a petition shall be limited to a statement of the parties from whom it comes, of the number of the signatures attached to it, the material issues contained in it, and to the reading of the prayer.

9.3 Responsibility of Member Presenting Petition

It shall be incumbent on a Member of the Council presenting a petition to be familiar with the nature and contents of the petition, and to ascertain that it does not contain language disrespectful to the Council.

9.4 Procedure of Petitions

The only question which shall be considered by the Council on the presentation of any petition shall be:

- (a) That the petition shall be accepted; or
- (b) That the petition not be accepted; or
- (c) That the petition be accepted and referred to a committee for consideration and report; or
- (d) That the petition be accepted and be dealt with by the full Council.

9.5 Petitions Not Presented by a Member

Any petition which is forwarded by mail may be dealt with by the Chief Executive Officer. All petitions dealt with in this way shall be presented to the Council.

Where the petition is presented to the Council by the Chief Executive Officer, the petition shall be accompanied by a report which may include a recommendation for action.

10. NOTICES OF MOTION

10.1 Notices of Motion—Ordinary and Extraordinary Business

Councillors may bring forward business in the form of a written motion to the Chief Executive Officer up to 48 hours prior to the distribution of the business paper, that is, by the close of business on Wednesday. The distribution of business papers shall be on Fridays where meetings are to take place on the Tuesday following. Where meetings are scheduled for other days, this clause shall be applied so as to have a corresponding effect.

10.2 Relevance of Notice

Every notice of motion shall be relevant to some question affecting the administration or condition of the district.

10.3 Motion to Lapse

A motion shall lapse unless the Member who gave notice is present, unless another Councillor is willing to move the motion when it is called.

10.4 Repetition of Lost Motions

No motion which has the same specific intent to one which has been lost within the preceding three months shall be moved unless it is presented as a notice of motion and the notice is signed by one third of the offices of Member of Council, whether present or not.

11. CONDUCT OF MEMBERS

11.1 Official Titles to be Used

Members of the Council shall speak of each other in the Council during the transaction of business by their respective titles of Mayor or Councillor.

11.2 Members to Occupy Own Seats

At the first meeting attended by a Councillor after election, the Chief Executive Officer shall allot by random draw, a position at the Council table to each Councillor and the Councillor shall, until such time as there is a call by a majority of Councillors for a re-allotment of positions, occupy that position when present at meetings of the Council.

11.3 Debate—Maintenance of Order—Imputations—Offensive Expressions

No Member of Council may impute motives or use offensive or objectionable expressions in reference to any Member, officer of the Council, or any other person.

11.4 Alcohol

Consumption of alcohol in Council or committee meetings is prohibited.

11.5 Smoking

Smoking in Council or committee meetings is prohibited.

12. CONDUCT OF MEMBERS DURING DEBATE**12.1 Members to Rise**

Every Member of the Council wishing to speak shall indicate by show of hands or other method agreed upon by the Council. When invited by the Mayor to speak, Members shall rise and address the Council through the Mayor, provided that any Member of the Council unable conveniently to stand by reason of sickness or disability shall be permitted to sit while speaking.

12.2 Priority

In the event of two or more Members of the Council wishing to speak at the same time, the Mayor shall decide which Member is entitled to be heard. The decision shall not be open to discussion or dissent.

12.3 Relevance

Every Member of the Council shall restrict their remarks to the motion or amendment under discussion, or to an explanation or point of order.

12.4 Limitation of Number of Speeches

No Member of the Council shall address the full Council more than once on any motion or amendment before the Council except the mover of a substantive motion, in reply, or to a point of order, or in explanation.

12.5 Limitation of Duration of Speeches

All addresses shall be limited to a maximum of five minutes for the mover of a motion, three minutes for the seconder, and three minutes for the right of reply. Extension of time is permissible with the agreement of the majority of Councillors present.

12.6 Members Not to Speak After Conclusion of Debates

No Member of the Council may speak to any question after it has been put by the chair.

12.7 Mover and Seconder deemed to have Spoken

A Councillor who does not exercise the right to speak when moving or seconding a motion or an amendment shall be deemed to have spoken thereon.

12.8 Irrelevance, Repetition, Imputations, Offensive Expressions**Conduct of Councillors**

12.8.1 A Councillor shall not make any noise or disturbance or converse aloud, except to raise a point of order, while any other person is addressing the Council.

12.8.2 The Mayor may call attention to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Councillor and may direct that Councillor, if speaking, to cease speaking, and thereupon the Councillor shall cease speaking and shall resume his/her seat.

12.8.3 When the Mayor is putting any question, a Councillor shall not walk out of or across the Chamber, and shall not, whilst any other Councillor is speaking, pass between the speaker and the Chair.

12.8.4 The Mayor shall preserve order, and may call any Councillor to order, whenever, in the Mayor's opinion, there is cause for so doing.

12.8.5 Every Councillor shall be entitled to direct the attention of the Mayor to any infraction of the Standing Orders by any other Councillor and to draw the attention of the Mayor to any matter of which the latter may take notice under Clause 12.8.2.

12.8.6 If after a Councillor has drawn the attention of the Mayor according to Clause 12.8.2, a Councillor continues without alteration, a Councillor may move that the Councillor ceases to speak. Upon moving this motion the Mayor must immediately call for a seconder, but there shall be no debate. If carried by a majority of Councillors present, the Councillor may take no further part in debate on the question before the meeting.

Rulings by Mayor

12.8.7 The Mayor shall decide all questions of order or practice, and the Mayor's decision shall be final and argument or comment shall not be permitted thereon unless, in any particular case, a majority of the Councillors then present shall, upon motion made forthwith, resolve that a different ruling shall be substituted for the ruling given by the Mayor.

12.8.8 Whenever the Mayor has decided that any motion, amendment or other matter before the Council is out of order, it shall be rejected, and whenever anything said or done in the Council, by any Councillor, is similarly decided to be out of order, that Councillor shall be called upon by the Mayor to make such explanation, retraction or apology as the case may require.

Continued Breach of Order

12.8.9 Where a Councillor persists in any conduct which the Mayor decides is out of order, or refuses to make any explanation, retraction or apology required by the Mayor under Clause 12.8.7, the Mayor may direct that Councillor to refrain from taking any further part in that meeting of the Council, other than by voting, and the Councillor shall comply with such direction.

Serious Disorder

12.8.10 (a) If at a meeting of the Council the Mayor is of the opinion that by reason of disorder or otherwise the business of the Council cannot effectually be continued, he/she may adjourn the meeting for a period of 15 minutes, whereafter the Council shall reassemble and decide whether business is to be proceeded with and that question shall be decided forthwith and without debate.

(b) Where after any proceeding under sub-clause (a) hereof, the Mayor is of the opinion that the business of the Council cannot effectually be continued, he/she may close the meeting.

No Digression

12.8.11 A Councillor shall not speak otherwise than upon, or digress from, the question then before the Council, except to make a personal explanation.

No Adverse Reflection on Council

12.8.12 A Councillor shall not reflect adversely upon a resolution of the Council, except on a motion that the resolution be rescinded.

No Adverse Reflection on Councillor or Officer

12.8.13 During the proceedings of any meeting of the Council or of any committee of the Council a Councillor shall not reflect adversely upon the character of another Councillor or officer nor impute any motive to a Councillor or officer, unless the Council resolves, without debate, that the question then before the Council cannot otherwise adequately be considered.

12.8.14 Any Councillor may require the minute clerk to take down any particular words used by a Councillor immediately upon their being used. Where the meeting is recorded on tape a Councillor may ask for a verbatim transcript of the words a Councillor is saying to be recorded in the minutes. Such request shall be made immediately upon the words being used.

Demand for Withdrawal

12.8.15 If any Councillor, in the opinion of the Mayor, commits a breach of Clauses 12.8.11, 12.8.12 and/or 12.8.13 the Mayor may require the Councillor unreservedly to withdraw any offending comment and to make a satisfactory apology and, if the Councillor declines or neglects to do so, the Mayor may direct such Councillor to cease speaking and resume his/her seat and may call on the next speaker.

12.9 Members Not to Interrupt

No Member of the Council shall interrupt another Member of the Council whilst speaking unless:

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum.

12.10 Re-Opening Discussion on Resolutions

No Member of the Council shall re-open discussion on any resolution of the Council, except for the purpose of moving that the resolution be revoked or changed.

12.11 Chair's Right to Adjourn Without Explanation to Regain Order

If a meeting ceases to operate in an orderly manner, the Mayor may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. This action cannot be challenged by any Member of Council.

Upon resumption, debate will continue at the point at which the meeting was adjourned. If, at any one meeting, the Mayor has cause to adjourn the meeting on two occasions, the Mayor has the right to adjourn the meeting for a period of no longer than seven days.

13. PROCEDURES FOR DEBATE OF MOTIONS**13.1 Motions To be Read**

Any Member of the Council who intends to submit a substantive motion or amendment to a substantive motion shall state clearly and concisely or read the motion before speaking to it.

13.2 To be Seconded

No motion or amendment to a substantive motion shall be in order, or be open to debate until it has been seconded.

13.3 Only One Substantive Motion Considered

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

13.4 Order of Call in Debate

The Mayor will call speakers to a substantive motion in the following order:

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

13.5 Limit of Debate

The Mayor may offer the right of reply and put the motion to the vote if the Mayor believes sufficient discussion has taken place even though all Councillors may not have spoken.

14. PROCEDURAL MOTIONS

14.1 Permissible Procedural Motions

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

- (a) That the Council proceed to the next business;
- (b) That the question be adjourned;
- (c) That the Council do now adjourn;
- (d) That the question be now put;
- (e) That the question be not now put;
- (f) That the Council moves into a committee of the whole;
- (g) That the Councillor be no longer heard;
- (h) That the ruling of the Mayor (or person chairing the meeting) be disagreed with;
- (i) That the motion lie on the table;
- (j) That the Council meet behind closed doors.

14.2 Procedural Motions—Majority Required

Any procedural motion shall be carried upon the majority of Councillors present voting in the affirmative.

14.3 Procedural Motions—Closing Debate—Who May Move

No person who has moved, seconded, or spoken for or against the substantive motion, may move any procedural motion which, once moved, would deny others the right to speak or, if carried, would close the debate on the substantive motion or amendment.

14.4 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 will not deny the right of reply, to the mover of the substantive motion.

15. EFFECT OF PROCEDURAL MOTIONS

15.1 That the Council Proceed to the Next Business—Effect of Motion

This motion, having been carried, will cause the debate to cease immediately and for the Council to move to the next item on the Agenda of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be placed on any future notice paper.

15.2 That the Question be Adjourned—Effect of Motion

This motion, having been carried, will cause all debate on the substantive motion or amendment to cease but to continue when the discussion is reconvened.

15.3 That the Council do Now Adjourn—Effect of Motion

This motion, having been carried, will cause 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 Mayor or the majority of Councillors upon vote, determine otherwise.

15.4 That the Question be Now Put—Effect of Motion

15.4.1 This motion, having been carried during discussion on a substantive motion without amendment, will cause the Mayor to offer the right of reply and then immediately put the question under consideration without further debate.

15.4.2 This motion, having been carried during discussion on an amendment, will cause the Mayor to put the amendment to the vote without further debate.

15.4.3 This motion, having been lost, will allow debate to continue.

15.5 That the Question be Not Now Put—Effect of Motion

15.5.1 This motion, having been carried during discussion on either a substantive motion or an amendment, will cause the meeting to proceed to the next business with no decision required to be made. In this case, there is no requirement for the matter to be raised again, except that it can only be raised by way of another substantive motion for which due notice must be given.

15.5.2 This motion, having been lost, will cause the Mayor to immediately put any amendment to the vote and then to offer the right of reply and put the substantive motion to the vote immediately.

15.6 That the Council Move Into a Committee Of The Whole—Effect of Motion

This motion, having been carried, will allow free and open discussion on the matter before the meeting. Councillors will not be required to stand, nor will there be restrictions on the number of times each Councillor may speak, provided that normal courtesy and order is maintained. Any decisions made during the time that the Council sits in committee of the whole must be formally agreed by a substantive motion when the Council moves out of committee of the whole.

15.7 That The Councillor Be No Longer Heard—Effect of Motion

This motion, having been carried, will cause the Mayor 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.

15.8 That the Ruling of the Mayor be Disagreed With—Effect of Motion

15.8.1 This motion, having been carried, will cause the ruling of the Mayor about which this motion was moved, to be reversed and for the meeting to proceed accordingly.

15.8.2 Where the Mayor has given a ruling in strict accordance with the Act, this motion may not be moved.

15.8.3 Where the Mayor has adjourned the meeting in accordance with Clause 12.10 of these standing orders, this motion may not be moved.

15.9 That the Motion Lie on the Table—Effect of Motion

15.9.1 This motion, having been carried, will cause debate on the substantive motion and any amendment to cease immediately and for the meeting to proceed to the next business.

15.9.2 Any Councillor may raise the motion from the table, by giving appropriate notice of motion for any meeting in the future.

15.9.3 When a motion is raised from the table, the mover of the original substantive motion, or in the absence of the original mover, the person moving this procedural motion, is given the opportunity to re-introduce the matter after which debate shall continue according to these standing orders.

15.10 That the Council Meets Behind Closed Doors—Effect of Motion

In accordance with the Act, this motion, if carried, will cause the general public and any officers or employees the Council determines, to leave the room and any tape recording device to be turned off.

16. DECISION MAKING PROCEDURES

16.1 Voting and Decisions—Majority to Determine

All acts of the Council, and all questions coming before the Council, may be decided by a simple majority of the Members of the Council present within the Council Chamber, and voting, at a properly constituted meeting, unless otherwise provided for in these standing orders or the Act.

16.2 Breaking Down of Complex Questions

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

16.3 Member May Require Questions to be Read

Any Member of the Council 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.

16.4 Order of Amendments

Any number of amendments may be proposed to a motion, but whenever an amendment is made upon a substantive motion, no second or subsequent amendment shall be moved or considered until the first amendment has been disposed of.

16.5 Substantive Motion

If an amendment to a substantive motion is carried, the motion as amended shall then be submitted as the substantive motion, and shall become the question before the Council upon which any Member may speak and any further amendment may be moved.

16.6 Repetition of Motions

No motion or amendment shall be proposed which is the same in substance as a motion or amendment which has been resolved during the same sitting of the Council, except by agreement of the majority of Councillors present.

16.7 Consent of Secunder 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.

16.8 Withdrawal of Motion and Amendments

A motion or amendment may be withdrawn by the mover, with the consent of the seconder.

16.9 Limitation of Withdrawal

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

16.10 Authority for Withdrawal

A motion or amendment to a motion shall not be withdrawn in the absence of any Member of the Council who proposed it, except with their written authority.

16.11 Right of Reply—Members

16.11.1 The mover of a substantive motion shall have the right of reply. After the mover of the substantive motion has commenced the reply, no other Member of the Council shall speak on the question.

16.11.2 The right of reply must be confined to rebutting arguments raised by previous speakers and no new matter may be introduced.

16.12 Right of Reply Provisions—Members

The right of reply shall be governed by the following provisions:

- (a) If there is no amendment to the substantive motion, the mover may reply at the conclusion of the discussion on the motion.
- (b) The mover of any amendment does not have a right of reply.

16.13 Motions and Amendments—to be in Writing

Every substantive motion or amendment, but not procedural motions, shall be written and shall be signed by the proposer and provided to the Mayor and the Chief Executive Officer immediately upon being seconded when required by the Mayor.

16.14 Amendments To be Relevant

Every amendment shall be relevant to the motion upon which it is moved, and be framed to show precisely which words need to be deleted, added or altered.

16.15 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.

16.16 Question—When Put

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

16.17 Question—Method of Putting

If a decision is not clear or in doubt, the Mayor shall put the question as often as necessary to determine the decision from a show of hands or other method agreed upon by Council as determined by Clause 12.1 before declaring the decision which shall be final unless a call for a recording of votes is received, as provided for in Clause 16.18 of these standing orders.

16.18 Recording of Votes

If a Member of Council or a committee specifically requests that there be recorded:

- (a) his or her vote; or
- (b) the vote of all Members present;

on a matter voted on at a meeting of the Council or a committee, then the votes will be recorded in the minutes.

16.19 Revoking Decisions—When This Can Occur

16.19.1 If a decision has been made at a Council or a committee meeting then any motion to revoke or change the decision must be supported:

- (a) in the case where an attempt to revoke or change the decision has been made within the previous three months but had failed, by an absolute majority; or
- (b) in any other case, by at least one third of the number of offices (whether vacant or not) of Members of the Council or committee,

inclusive of the mover.

16.19.2 If a decision has been made at a Council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made:

- (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
- (b) in any other case, by an absolute majority.

17. POINTS OF ORDER**17.1 Points of Order—When to Raise—Procedure**

Upon a matter of order arising during the progress of a debate, any Member of the Council may raise a point of order including interrupting the speaker. Any Member of the Council who is speaking when a point of order is raised, shall immediately sit down while the Mayor listens to the point of order.

17.2 Points of Order—Definitions

Rising to express difference of opinion or to contradict a speaker shall not be recognised as raising a point of order, but the following shall be recognised as valid points of order:

- (a) That the discussion is of a question not before the Council.
- (b) That offensive or insulting language is being used.
- (c) Drawing attention to the violation of any local law or standing order of the Council, providing that the Member rising to the point of order shall state the local law or standing order believed to be breached.

17.3 Points Of Order—Ruling

The Mayor shall give a decision on any point of order after the point has been raised by either upholding or rejecting the point of order.

17.4 Points of Order—Ruling Conclusive, Unless Dissent Motion is Moved

The ruling of the Mayor upon any question of order shall be final, unless a majority of the Members of the Council support a motion of dissent with the ruling.

17.5 Points of Order—Motion Against Ruling Procedure

An objection having been taken to the ruling of the Mayor, the Councillor so objecting may immediately move dissent with the ruling. Should the motion be seconded, it shall be put to the vote immediately and the result of the vote, whether in support of the ruling or otherwise, shall determine the action of the Council.

17.6 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 question.

18. DURATION OF COUNCIL MEETINGS

18.1 Ordinary Meetings

Ordinary meetings shall be of three hours duration. Any Councillor may move that the duration of the meeting may extend past the three hour limitation and in so doing must specify the duration of the extension.

Upon being seconded, the Mayor shall put the matter to the vote without debate and upon being carried by a majority of Councillors present, the meeting shall continue to the extent of the specified limitation.

19. ADJOURNMENT OF MEETING

19.1 Meeting May be Adjourned

The Council may, upon a motion moved and seconded, adjourn any meeting to a later hour of the same day, or to any other time as agreed by Council.

19.2 Notice of Adjourned Meeting

When a meeting is adjourned, if time permits, notice of the adjourned meeting shall be forwarded to each Member in the manner provided in Clause 2.

19.3 Business at Adjourned Meeting

At an adjourned meeting, no additional business shall be discussed except that which was on the original notice paper for that meeting or that of which due notice has been given.

19.4 Limit to Moving Adjournment of Council

No Member of the Council shall be allowed to move or second more than one motion of adjournment during the same sitting of the Council.

19.5 Unopposed Business—Motion for Adjournment of Council

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

19.6 Withdrawal of Motion for Adjournment of Council

A motion or an amendment relating to the adjournment of the Council may be withdrawn by the mover, with the consent of the seconder, except that if any Councillor objects to the withdrawal, the motion must continue to be debated.

20. PERSONAL EXPLANATION

20.1 Personal Explanation

No Member of the Council shall speak, except upon the question before the Council, unless it is to make a personal explanation. Any Member of the Council who is permitted to speak under these circumstances must confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a Member of the Council rises to explain, no reference shall be made to matters unnecessary for that purpose.

20.2 Personal Explanation—When Heard

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

20.3 Ruling on Questions of Personal Explanation

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

21. COMMITTEES OF COUNCIL

21.1 Committees

Committees of the Council shall operate in accordance with the Act and its regulations.

21.2 Standing Orders To Apply To Committees

These standing orders shall apply generally to the proceedings of committees of the Council except that the requirement for Members to speak only once shall not be applied in meetings of committees.

21.3 Community Members on Committees

Where the Council decides that Members of a Committee shall be community Members, nominations shall be called for either by notice in a newspaper circulating in the district, or by public notice on the official notice board.

Where a vacancy occurs mid-term, it is open to the Council to fill the position from those nominated within the past twelve months, or to call for nominations in accordance with this clause, according to the circumstances of the case whichever the Council directs. The names and relevant information on those nominating shall be considered by the Council and the position filled by ballot in accordance with Section 4.69 of the Act.

The term of membership of all Committees shall end to coincide with the local government election cycle, unless otherwise decided by the Council.

Community Members who miss three consecutive meetings of a Committee without leave of absence shall cease to be members of the Committee.

22. MEETINGS OF RATEPAYERS AND ELECTORS**22.1 Standing Orders**

The Standing Orders shall so far as practicable apply to meetings of ratepayers and electors except for the following:

- (1) No person shall vote at a meeting of ratepayers or electors unless his name is on the current Electoral Roll.
- (2) Subject to the Act, the Mayor shall preside at meetings.
- (3) The Mayor may require questions to be submitted in writing.
- (4) All questions if answered at the meeting shall be answered by the Mayor or with the permission of the Mayor by a Councillor or an Officer of the Council.
- (5) If any question cannot readily be answered at the meeting the answer shall be given in writing by the Council as soon as reasonably practicable thereafter.
- (6) If required by the Mayor the mover of a motion shall submit the motion in writing.
- (7) The Mayor may close a meeting when the Mayor decides to do so.
- (8) Subject to the Act and to this local law the conduct of a meeting of ratepayers or electors shall be at the sole discretion of the Mayor.

22.2 Enforcement of Standing Orders

The Mayor is authorised and required to enforce the Standing Orders.

23. ADMINISTRATIVE MATTERS**23.1 Tapes of Meetings to be Publicly Available**

With the exception of those matters discussed behind closed doors in accordance with Clause 15.10, copies of tape recordings of meetings, where taken, shall be made available to the public on payment of the prescribed fee. Members of the public shall not make copies of tapes or any part thereof without the approval of the Council or tamper with them so as to produce a false record.

Members of the public may listen to a tape at the Council library free of charge.

Tapes shall be in the custody of the Chief Executive Officer who may make tapes available to any Councillor or Officer in the course of Council business.

Tapes are to be stored for a period of six months and then re-used unless the Council by resolution directs otherwise.

23.2 Copies of Acts and Standing Orders and Papers to Members of the Council

The Chief Executive Officer shall make available to each Member of the Council as soon as convenient after being elected to office, a copy of the Acts and local-laws regulating and governing the administration of the district.

23.3 Custody and Use of Common Seal

The Chief Executive Officer shall have charge of the common seal of the Council, and shall be responsible for the safe custody and proper use of it.

23.4 Suspension of Standing Orders

- (a) The mover of a motion to suspend any standing order or orders shall state the clause or clauses of the standing order or orders to be suspended.
- (b) A motion to suspend temporarily any one or more of the standing orders regulating the proceedings and business of the Council must be seconded.

23.5 Cases not Provided for in Standing Orders

In cases of procedure where these standing orders and the Act are silent, the Mayor shall decide all other questions of order, procedure, debate, or otherwise.

23.6 Penalty for Breach of Standing Orders

Any person guilty of any breach of these standing orders or any of the provisions hereof, shall be liable to a penalty not exceeding \$1,000.00.

Dated this 25th day of March 1997.

The Common Seal of the Town of Bassendean is hereunto affixed by authority of a resolution of Council in the presence of—

L. G. FISHER, Mayor.
GRAEME MacKENZIE, Acting Chief Executive Officer.

