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LOCAL GOVERNMENT ACT 1995

**SHIRE OF BOYUP BROOK
LOCAL LAW No. 1—STANDING
ORDERS**

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SHIRE OF BOYUP BROOK

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LOCAL GOVERNMENT ACT 1995**SHIRE OF BOYUP BROOK****LOCAL LAW No. 1—STANDING ORDERS**

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Boyup Brook hereby records having resolved on the 20 June 1997, to make and submit confirmation by the Governor the following local law:

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 Shire of Boyup Brook;

"President" includes the Deputy President, in the absence of the President, 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 held in accordance with the Act and properly convened as the Act requires;

"Member" means the President, 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 member 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 member of the Council;

"Special majority" means that if there are more than 11 offices of member 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 President 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 President 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 President 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 President at any meeting of the Council is of the opinion that any motion or business proposed is of an objectionable nature, the President 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 President shall stand.

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 President to the fact that a quorum is not present. The President 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 President 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 as the first business after public question time 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 President 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) Question time from the public, limited to a total of fifteen minutes of duration, except by consent of the President. Each speaker will be limited to three minutes duration to speak, except by consent of the President;
- (b) Apologies and leave of absence;
- (c) Confirmation of the minutes;

- (d) Presidential communications;
- (e) Declarations of interest;
- (f) A report by the Chief Executive Officer relative to business arising out of minutes of any previous meeting, work or business carried out in the period between meetings or requests for instructions as to future business;
- (g) The reception of minutes or reports or recommendations of committees held since the previous meeting of Council;
- (h) The reception of petitions and memorials;
- (i) Motions of which previous notice has been given;
- (j) Questions of which notice has been given;
- (k) Any other business the reception of which has been approved according to Clause 2.3 of these standing orders.

5.2 Late Correspondence

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

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 President 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 President may not be challenged by moving dissent with the ruling and the President'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 President to withdraw from the Council chamber may, by order of the President, be removed from the Council chamber.

7. ROLE OF PRESIDENT

7.1 Directions by the President

- 7.1.1 At any meeting of the Council the President 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 President not be accepted and if carried by a majority of Councillors present, the proposed change in order will not take place.

7.2 The President to Take Part in Debates

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

7.3 Precedence of President

When the President 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 President may be heard without interruption. This clause should not be used by the President to exercise the right provided in Clause 7.2, but should be used to preserve order.

7.4 Dissent With the President'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 President. The President must immediately call for a seconder and put the motion without debate.

8. QUESTIONS

8.1 Questions of Which Due Notice Has to be Given

- 8.1.1 Any Councillor seeking to ask a question at any meeting of the Council shall give written notice of the specific question to the Chief Executive Officer at least 24 hours before publication of the business paper.
- 8.1.2 All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

8.2 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.

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.

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, of which notice shall be given in writing to the Chief Executive Officer, up to 24 hours before the publication of the business paper.

10.2 Register of Notices

The Chief Executive Officer shall, immediately upon the receipt of any notice of motion, enter it in the book to be provided and kept for the purpose. This book shall be open to the inspection of every member of the Council.

10.3 Closing of Notice Book

In order to give every facility for the due issuing of notices to members of the Council by the Chief Executive Officer, the notice book shall be closed at noon on the day preceding the day fixed for publication of the notice paper.

10.4 Relevance of Notice

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

10.5 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.

10.6 Order of Notice of Motion

All notices of motion shall be dated and numbered as received and shall be entered by the Chief Executive Officer upon the business paper in the order in which they are received, except by permission of the President or the Council, as outlined in accordance with Clause 7.1 of these standing orders.

10.7 Unopposed Notices of Motion

The President may call the notices of motion appearing on the business paper in the order in which they are written. In the event of there being no objection, the motions shall be put without discussion.

10.8 Order of Amendments to Notice of Motion

Where notice of an amendment to a notice of motion is received by the Chief Executive Officer, it shall be dealt with immediately after the notice of motion it proposes to amend, but before the right of reply is taken by the mover of the motion on notice.

10.9 Exclusion or Amendment of Notice

The Chief Executive Officer, after consultation with the President, may exclude from the Council business paper any notice of motion which may be out of order. Clerical alterations or amendments which will bring the notice of motion into due form may be made by the Chief Executive Officer, but no notice shall be deemed invalid on the basis of the policy involved being considered objectionable, or because it relates to a matter not within the scope of the ordinary work of the Council so long as, in the opinion of the President or the Chief Executive Officer, the matter is one of public interest, utility or importance.

10.10 Limitations of Notices

No member shall have more than three notices of motion on the business paper at the same time unless express approval of the President has been obtained.

10.11 Opposed Motions of Which Notice Has Been Given

After disposing with all unopposed motions, the President shall call on the movers of opposed motions in their order on the business paper to speak.

10.12 Notices Abandoned

If a motion, notice of which is specified on the business paper, is not moved either by the member of the Council who has given the notice of motion, or by some other Councillor, or if the motion is not seconded, it shall be considered as abandoned and shall not again be introduced without subsequent notice of motion being given to the Chief Executive Officer.

10.13 Lack of Quorum During Discussion on Motion

In case of a "count-out" during a discussion upon any motion, notice of which has been given, discussion on the motion shall continue when the meeting resumes or if the meeting is adjourned, at the adjourned meeting.

10.14 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 President or Councillor. Members of the Council, in speaking of or addressing officers, shall designate them by their respective official titles.

11.2 Members to Occupy Own Seats

11.2.1 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.

11.2.2 No member of the Council shall be deemed to be present unless occupying their allotted place within the Council chambers.

11.3 Leaving Meetings

After a meeting of the Council has been formally constituted, and the business commenced, no member shall enter, leave or withdraw from the meeting without first seeking leave from the President.

11.4 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.

11.5 Alcohol

Consumption of alcohol in Council or committee meetings is prohibited.

11.6 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 President to speak, members shall rise and address the Council through the President, 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 President 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 three minutes. Extension of time is permissible only 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 Irrelevance, Repetition, Imputations, Offensive Expressions

12.7.1 The President may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member of the Council, and may direct the Councillor, if speaking to discontinue the speech, and the Councillor shall then cease speaking and sit down.

12.7.2 A Councillor may call the attention of the President to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member of the Council, and may call upon the President to direct the Councillor to cease speaking and sit down.

12.7.3 If after a Councillor has drawn the attention of the President according to Clause 12.7.2, a Councillor continues without alteration, a Councillor may move that the Councillor ceases to speak. Upon moving this motion the President 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.

12.8 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.

12.9 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.

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

If a meeting ceases to operate in an orderly manner, the President 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 President has cause to adjourn the meeting on two occasions, the President 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 read the text 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 President 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) 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.

13.5 Limit of Debate

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

13.6 Secunder Requesting Right To Speak

A seconder may request the right to speak at a later time in debate, however the moving of any procedural motion which will close debate, or any amendment to the substantive motion is carried will automatically deny the seconder the right to speak to the substantive motion.

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 President (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 Not Required in Writing

Procedural motions are not required to be presented in writing.

14.3 Procedural Motions—Recording in Minutes

The mover, seconder and result of all procedural motions shall be recorded in the minutes of the meeting.

14.4 Procedural Motions—Majority Required

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

14.5 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.

14.6 Procedural Motions—Right of Reply

There shall be no right of reply on any procedural motion.

14.7 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 President 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 President 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 President 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 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 President 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 President 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 President be Disagreed With—Effect of Motion

- 15.8.1 This motion, having been carried, will cause the ruling of the President about which this motion was moved, to be reversed and for the meeting to proceed accordingly.
- 15.8.2 Where the President has given a ruling in strict accordance with the Act, this motion may not be moved.
- 15.8.3 Where the President has adjourned the meeting in accordance with Clause 12.9 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.

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 President 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

Council 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 Councillor, in which case discussion on the motion or amendment shall continue.

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

- 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

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) If there is an amendment, the mover of the substantive motion shall 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 substantive motion as amended is immediately put to the vote.

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 President and the Chief Executive Officer immediately upon being seconded.

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 Mover of Motion Not to Speak on Amendment

On an amendment being moved, any member may speak to the amendment, except the person who moved the substantive motion who is only entitled to a right of reply except, that if the person who moved the substantive motion does choose to speak to the amendment, their right of reply is forfeited.

16.17 Question—When Put

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

16.18 Question—Method of Putting

If a decision is not clear or in doubt, the President 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 16.19 of these standing orders.

16.19 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.

16.20 Revoking Decisions—When This Can Occur

16.20.1 A substantive motion may be revoked at any time provided that no action in relation to the resolution being rescinded has already occurred;

16.20.2 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.

16.20.3 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.

16.20.4 This clause does not apply to the change to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

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 President 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 President 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 President 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 President, 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. ADJOURNMENT OF MEETING**18.1 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 not more than seven days from the date of the adjournment.

18.2 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.

18.3 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.

18.4 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.

18.5 Unopposed Business—Motion for Adjournment of Council

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

18.6 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.

19. PERSONAL EXPLANATION**19.1 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.

19.2 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.

19.3 Ruling on Questions of Personal Explanation

The ruling of the President 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.

20. COMMITTEES OF COUNCIL**20.1 Committees**

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

20.2 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. ADMINISTRATIVE MATTERS**21.1 Copies of Acts and Standing Orders and Papers to Members of the Council**

The Chief Executive Officer shall provide 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.

21.2 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.

21.3 Seal Not to be Improperly Used

Except as required by law, or in the exercise of the express authority of the Council, the Chief Executive Officer shall not use the common seal of the Council.

21.4 Custody of Corporate Property

The custody of all property whatsoever belonging to, or held in trust by the Council shall be in the Chief Executive Officer, who shall be responsible to the Council therefore.

21.5 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, but the motion need not be presented in writing.

21.6 Cases not Provided for in Standing Orders

In cases of procedure where these standing orders and the Act are silent, rulings shall be determined according to a recognised authoritative book on meeting procedure as determined by the Council from time to time. The President shall decide all other questions of order, procedure, debate or otherwise where the approved authority has no provision, or insufficient provision.

21.7 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.

21.8 Duty of Chief Executive Officer

It is the duty of the Chief Executive Officer to draw the attention of the Council to any breach or likely breach of these standing orders even if it requires interrupting any person speaking, including the President."

22. STANDING ORDERS BY-LAWS REVOKED

The standing orders by-laws of the Shire of Boyup Brook published in *The Government Gazette* on 8 May 1962 and subsequently amended in the *Government Gazette* dated 24 July 1981 are hereby revoked.

Dated this 22nd day of September 1997.

THE COMMON SEAL OF the Shire of Boyup Brook is hereunto affixed by authority of a resolution of Council in the presence of—

DAVID I. MILLER President.
PETER R. WEBSTER, Chief Executive Officer.



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