



WESTERN  
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## SHIRE OF CUE

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LOCAL GOVERNMENT ACT 1995

**STANDING ORDERS LOCAL LAW 2001**

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**ACTIVITIES IN THOROUGHFARES AND  
PUBLIC PLACES AND TRADING LOCAL  
LAW 2001**

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DOG ACT 1976

**DOGS LOCAL LAW 2001**

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CEMETERIES ACT 1986

**CUE-DAYDAWN CEMETERY LOCAL LAW  
2001**



## WESTERN AUSTRALIA

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## LOCAL GOVERNMENT ACT 1995

## SHIRE OF CUE

## STANDING ORDERS LOCAL LAW 2001

## PART 1—PRELIMINARY

## 1.1 Citation

- (1) This Local Law may be cited as the *Shire of Cue Standing Orders Local Law 2001*.  
(2) In the clauses to follow, this Local Law is referred to as “the Standing Orders.”

## 1.2 Content and Intent

- (1) This Local Law provides the rules and guidelines which apply to the conduct of meetings of Council and meetings of Electors.  
(2) This Local Law is intended to result in—  
(a) fairness in debate on Council business;  
(b) the orderly conduct of meetings dealing with Council business;  
(c) the more efficient and effective use of time at meetings;  
(d) and the community understanding the process of conducting meetings dealing with Council business.

## 1.3 Application

All meetings of the Council and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and these Standing Orders.

## 1.4 Interpretation

- (1) In these Standing Orders unless the context otherwise requires—  
“CEO” means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the Shire of Cue;  
“Council” means the Council of the Shire of Cue;  
“presiding member” means the presiding member, or the deputy presiding member 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;  
“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 herein the terms and expressions used in the Standing Orders are to have the meaning given to them in the Act and Regulations.

## 1.4 Repeal

The Standing Orders of the Shire of Cue published in the *Government Gazette* on twenty-first day of June 2000 are repealed.

## PART 2—CALLING MEETINGS

## 2.1 Notice of Council Meetings

- (1) An ordinary or a special meeting of a Council is to be held—  
(a) if called for by either—  
(i) the President; or  
(ii) at least 1/3 of the Council members;  
in a notice to the CEO setting out the date and purpose of the proposed meeting; or  
(b) if so decided by the Council.  
(2) Subject to subclause (3), the CEO is to convene a special meeting of the Council by giving each Council member at least 72 hours’ notice of the date, time, place and purpose of the meeting.  
(3) Where there is a need to meet urgently in the opinion of the President, the CEO may give a lesser period of notice of a special meeting than mentioned in subclause (2).

## PART 3 QUORUM

## 3.1 Quorum to be Present

- (1) The Council is not to transact business at a meeting unless a quorum is present. A quorum is at least 50% of the Council members.

### 3.2 Loss of Quorum During a Meeting

- (1) If at any time during the course of a meeting of the Council a quorum is not present—
- (a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either—
    - (i) a quorum is present to decide the matter; or
    - (ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under section 5.69 of the Act; or
  - (b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the person presiding is to suspend the proceedings of the meeting for a period of five minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the person presiding is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or the Standing Orders when calling a meeting of that type.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) (b), the debate is to be resumed at the next meeting at the point where it was so interrupted, and
- (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
  - (ii) the provisions of clause 7.4 apply when the debate is resumed.

## PART 4—BUSINESS OF THE MEETING

### 4.1 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 person presiding or a decision of the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at an adjourned meeting of the Council other than that—
- (a) specified in the notice of the meeting which had been adjourned; and
  - (b) which remains unresolved;

except in the case of an adjournment to the next ordinary meeting of the Council, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

### 4.2 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) Public question time
  - (c) Apologies and leave of absence
  - (d) Petitions
  - (e) Confirmation of minutes
  - (f) Announcements by the person presiding without discussion
  - (g) Matters for which meeting may go behind closed doors
  - (h) Reports
    - (i) Information Bulletin
    - (j) Motions of which previous notice has been given
  - (k) Questions by members of which due notice has been given
    - (l) Urgent business approved by the person presiding or by decision
  - (m) Matters behind closed doors
  - (n) Closure
- (2) Unless otherwise decided by the members present, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.
- (3) Notwithstanding subclauses (1) and (2) in the order of business for any meeting of the Council, 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 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.

### 4.3 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 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.

#### **4.4 Petitions**

A petition, in order to be effective, is to—

- (a) be addressed to the President;
- (b) be made by electors of the district;
- (c) state the request on each page of the petition;
- (d) contain the names, addresses and signatures of the electors making the request, and the date each elector signed;
- (e) contain a summary of the reasons for the request;
- (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
- (g) be in the form prescribed by the Act and *Local Government (Constitution) Regulations 1996* if it is—
  - (i) a proposal to change the method of filling the office of the President;
  - (ii) a proposal to create a new district or the boundaries of the Local Government;
  - (iii) a request for a poll on a recommended amalgamation;
  - (iv) a submission about changes to wards, the name of a district or ward or the number of Councillors for a district or ward.

#### **4.5 Confirmation of Minutes**

(1) When minutes of a meeting are submitted to an ordinary meeting of the Council 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.

#### **4.6 Announcements by the Person Presiding Without Discussion**

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

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

#### **4.7 Matters for which Meeting May be Closed**

For the convenience of members of the public, the Council may identify by decision, prior to the consideration of any reports, any matter on the agenda of the meeting to be discussed behind closed doors, and that matter is to be deferred for consideration as the last item of the meeting.

#### **4.8 Correspondence**

(1) The CEO is to use discretion in deciding what correspondence to place before the Council.

(2) Correspondence may be placed before the Council in the form of a precis, provided all relevant and material facts are contained in the precis.

(3) Where correspondence contains a matter to be decided by the Council, the CEO is, if the circumstances permit, to recommend a course of action to the Council, or state the alternative courses of action available.

#### **4.9 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 five (5) clear working days before the meeting at which the motion is moved.

(3) 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 format but not the substance thereof as will bring the notice of motion into due format; 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.

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

(5) 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 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.

(6) If a notice of motion is given and lapses in the circumstances referred to in subclause (5)(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.

#### **4.10 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 five (5) clear working days before 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 person presiding.

#### **4.11 Urgent Business Approved By the Person Presiding or by Decision**

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

#### **4.12 Deputations**

(1) A deputation wishing to be received by the Council is to apply in writing to the CEO who is to forward the written request to the President.

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

(3) A deputation invited to attend a Council meeting—

- (a) is not to exceed five persons, only two of whom may address the Council or committee, although others may respond to specific questions from the members; and
- (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council.

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

### **PART 5—DISCLOSURE OF FINANCIAL INTERESTS**

#### **5.1 Member with an Interest may ask to be Present**

(1) Where a member has disclosed the nature of his or her interest in a matter, immediately before the matter is considered by the meeting, he or she may, without disclosing the extent of the interest, request that he or she be allowed to be present during any discussion or decision making procedure related to the matter.

(2) If such a request is made, the member is to leave the room while the request is considered. If the request is allowed by the members, the member may return to the meeting and be present during the discussion or decision making procedure related to that matter, but is not permitted to participate in any way.

#### **5.2 Member with an Interest may ask Permission to Participate**

(1) A member who discloses both the nature and extent of an interest, may request permission to take part in the consideration or discussion of the matter, or to vote on the matter.

(2) If such a request is made, the member is to leave the room while the request is considered. If it is decided at a meeting that a member who has disclosed both the nature and extent of an interest in a matter, be permitted to participate in the consideration and discussion of the matter or to vote on the matter, or both, then the member may return to participate to the extent permitted.

(3) If it is decided at a meeting that the nature and extent of a member's interest in a matter is either trivial or an interest in common, then the member may return to participate in and vote on the matter.

#### **5.3 Invitation to Return to Provide Information**

Where a member has disclosed an interest in a matter and has left the room in accordance with the Act, the meeting may resolve to invite the member to return to provide information in respect of the matter or in respect of the member's interest in the matter and in such case the member is to withdraw after providing the information.

#### **5.4 Disclosures by Employees**

(1) If an employee within the meaning of section 5.70 of the Act, presents a written report to a meeting, on a matter in which the employee has an interest, the nature of the interest is to be disclosed at the commencement of the report.

(2) If such an employee makes a verbal report to a meeting on a matter in which the employee has an interest, the employee is to preface his or her advice to the meeting by verbally disclosing the nature of the interest.



**PART 6—CONDUCT OF PERSONS AT COUNCIL MEETINGS****6.1 Official Titles to be Used**

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

**6.2 Leaving Meetings**

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

**6.3 Adverse Reflection**

(1) No member of the Council is to reflect adversely upon a decision of the Council except on a motion that the decision be revoked or changed.

(2) No member of the Council is to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.

Penalty \$1,000

(3) If a member of the Council specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the person presiding is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.

**6.4 Recording of Proceedings**

(1) No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council 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.

**6.5 Prevention of Disturbance**

(1) Any member of the public addressing the Council is to extend due courtesy and respect to the Council and the processes under which they operate and must take direction from the person presiding whenever called upon to do so.

Penalty \$1,000

(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.

Penalty \$1,000

**6.6 Distinguished Visitors**

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

**PART 7—CONDUCT OF MEMBERS DURING DEBATE****7.1 Priority**

In the event of two or more members of the Council wishing to speak at the same time, the person presiding is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

**7.2 The Person Presiding to Take Part in Debates**

Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in these Standing Orders, the person presiding may take part in a discussion of any matter before the Council.

**7.3 Relevance**

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

**7.4 Limitation of Number of Speeches**

No member of the Council is to address the 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.

**7.5 Limitation of Duration of Speeches**

All addresses are to be limited to a maximum of five minutes. Extension of time is permissible only with the agreement of a simple majority of members present.

**7.6 Members Not to Speak After Conclusion of Debate**

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

**7.7 Members Not to Interrupt**

No member of the Council is to 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;
- (c) to make a personal explanation under clause 8.17; or
- (d) to move a motion under clause 9(1)(h).

### **7.8 Re-Opening Discussion on Decisions**

No member of the Council is to re-open discussion on any decision of the Council, 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**

Any member of the Council 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 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 person presiding may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the person presiding 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.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part (Procedures for Debate of Motions).
- (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council meeting.

### **8.4 Only One Substantive Motion Considered**

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

### **8.5 Breaking Down of Complex Questions**

The person presiding 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 person presiding is to 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.

### **8.7 Limit of Debate**

The person presiding 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**

Any 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 Secunder Required to Accept Alteration of Wording**

The mover of a substantive motion or amendment may not alter the wording of the motion or amendment 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 decided.

### **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 Mover of Motion Not to Speak on Amendment**

On an amendment being moved, any member may speak to the amendment, provided that if the person who moved the substantive motion does choose to speak to the amendment, the right of reply is forfeited by that person.

**8.13 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.

**8.14 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 member, in which case discussion on the motion or amendment is to continue.

**8.15 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, unless and until the amendment proposed has been lost or withdrawn.

**8.16 Personal Explanation**

No member is to speak at any meeting of the Council, except upon the matter before the Council, unless it is to make a personal explanation. Any member of the Council 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 of the Council makes their explanation, no reference is to be made to matters unnecessary for that explanation.

**8.17 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 is entitled to be heard immediately if the member of the Council then speaking consents at the time, but if the member of the Council or committee who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech.

**8.18 Ruling on Questions of Personal Explanation**

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

**8.19 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.

**8.20 Right of Reply Provisions**

The right of reply is governed by the following provisions—

- (a) if no amendment to the substantive motion is moved, the mover may reply at the conclusion of the discussion on the motion;
- (b) the mover of any substantive motion does not have a right of reply under subclause 8.12;
- (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.

**8.21 Question—When Put**

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

**8.22 Question—Method of Putting**

If a decision of the Council is unclear or in doubt, the person presiding 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 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 defer the item under discussion;
- (b) that the debate be adjourned;
- (c) that the Council now adjourn;
- (d) that the ruling of the person presiding be disagreed with;

- (e) that the Council 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).
- (f) that the Council return to meeting with open doors.
- (g) that the question be now put;
- (h) that the member be no longer heard;

## **9.2 No Debate on Procedural Motions**

- (1) The mover of a motion stated in each of paragraphs (a), (b), (c), (d), (e) and (f) 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 (g) and (h) 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.

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

### **10.1 Council to Defer the Item Under Discussion—Effect of Motion**

The motion “that the Council defer the item under discussion”, if carried, causes the debate to cease immediately and for the Council to move to the next item on the agenda. The matter so deferred to be the subject of a subsequent item for consideration at the next Council meeting, or as soon as practicable thereafter, or at a time decided by Council.

### **10.2 Question to be Adjourned—Effect of Motion**

- (1) The motion “that the question be adjourned”, if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.
- (2) If the motion is carried at a meeting of the Council—
  - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
  - (b) the provisions of clause 7.4 apply when the debate is resumed.

### **10.3 Council to Now Adjourn—Effect of Motion**

- (1) The motion “that the Council 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 person presiding or a simple majority of members upon vote, determine otherwise.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1)—
  - (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
  - (b) in the case of a Council meeting—
    - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
    - (ii) the provisions of clause 7.4 apply when the debate is resumed.

### **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 person presiding 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 person presiding 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 person presiding 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 Person Presiding Disagreed With—Effect of Motion**

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

### **10.7 Council to Meet Behind Closed Doors—Effect of Motion**

- (1) Subject to any other decision of the Council, this motion, if carried, causes the general public and any officer or employee the Council determines, to leave the room.
- (2) While a decision made under this clause is in force the operation of clause 7.4 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.
- (3) A person who is a Council 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.

Penalty \$5,000

**10.8 Council to Return to Meeting with Open Doors—Effect of Motion**

(1) This motion, if carried, causes the general public and any officer or employee the Council determines, to be able to return to the room.

(2) Upon the public again being admitted to the meeting the person presiding, unless the Council decides otherwise, is to cause the motions passed by the Council 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 subclause 15.1 (3).

**PART 11—ADJOURNMENT OF MEETING****11.1 Meeting May be Adjourned**

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

**11.2 Limit to Moving Adjournment**

No member is to move or second more than one motion of adjournment during the same sitting of the Council.

**11.3 Unopposed Business—Motion for Adjournment**

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

**11.4 Withdrawal of Motion for Adjournment**

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 member objects to the withdrawal, debate of the motion is to continue.

**11.5 Time To Which Adjourned**

The time to which a meeting is adjourned for want of a quorum, by the person presiding 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 12—IMPLEMENTING DECISIONS****12.1 Implementation of a Decision**

(1) If a notice of motion to revoke or change a decision of the Council 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 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 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 shall not vote on a motion to revoke or change a decision of the Council (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 Council in writing to the applicant or the applicant's agent by an employee of the Council 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 Person Presiding to Preserve Order**

The person presiding 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 may be required by the person presiding, or by a decision of the Council, 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 person presiding 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 person presiding 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;
- (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 person presiding 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 person presiding upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

**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 person presiding speaks during the progress of a debate, every member of the Council or committee present shall preserve strict silence so that the person presiding may be heard without interruption.

Penalty \$500

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

**13.9 Right of the Person Presiding to Adjourn Without Explanation to Regain Order**

(1) If a meeting ceases to operate in an orderly manner, the person presiding may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If, at any one meeting, the person presiding has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

(2) Where debate of a motion is interrupted by an adjournment under sub-clause (1)—

- (a) the names of members who have spoken in the matter prior to the adjournment are to be recorded; and
- (b) the provisions of clause 7.4 apply when the debate is resumed.

**PART 14—ADMINISTRATIVE MATTERS****14.1 Suspension of Standing Orders**

(1) The Council may decide, by simple majority vote, to suspend temporarily one or more of the Standing Orders.

(2) The mover of a motion to suspend temporarily any one or more of the Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.

**14.2 Cases not Provided for in Standing Orders**

The person presiding is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders and the Act and Regulations are silent. The decision of the person presiding in these cases is final, except where a motion is moved and carried under clause 9.1 (g).

**PART 15—KEEPING OF MINUTES****15.1 Content of Minutes**

(1) In addition to the matters contained in Regulation 11 of the Regulations, where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled, the minutes of that meeting of the Council are to include the reasons for the decision.

(2) In addition to Subclause (1), where the decision of Council is substantially different from the officer's recommendation, the minutes are to include reasons for the decision.

(3) The minutes are to show the names of all members who voted for and against each resolution of the Council.

**15.2 Preservation of Minutes**

Minutes including the agenda of each Council are to be kept as a permanent record of the activities of the local government and are to be transferred to the Public Records Office, being a directorate of the Library and Information Service of Western Australia, in accordance with the retention and disposal policy determined by that office from time to time.

**PART 16—PUBLIC ACCESS TO AGENDA MATERIAL****16.1 Inspection Entitlement**

Members of the public have access to agenda material in the terms set out in Regulation 14 of the Regulations.

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

Penalty \$5,000

**PART 17—COMMON SEAL****17.1 The Council's Common Seal**

(1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.

(2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.

(3) The common seal of the local government is to be affixed to any local law which is made by the local government.

(4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.

(5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Penalty \$1,000

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## LOCAL GOVERNMENT ACT 1995

## SHIRE OF CUE

**ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND  
TRADING LOCAL LAW**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Cue resolved on 20<sup>th</sup> March 2002 to make the following local law.

The Shire of Kojonup Activities On Thoroughfares and Trading in Thoroughfares and Public Places Local Law as published in the *Government Gazette* of 16 May 2000, is adopted as a local law of the Shire of Cue, with the modifications which follow.

**1. Preliminary**

1.1 In construing the following modifications, where a modification requires the renumbering of a clause, subclause or paragraph, subsequent modifications have been drafted on the basis that the renumbering has been effected.

1.2 Wherever the “Shire of Kojonup” is mentioned in the local law substitute “Shire of Cue”.

1.3 Delete the title of the local law wherever it is mentioned and substitute “Activities In Thoroughfares and Public Places and Trading Local Law”.

**2. Clause 1.2—Definitions**

2.1 In the definition of “built-up area” delete “1975” and substitute “2000”.

2.2 Delete the definition of “carriageway” and substitute—

“**carriageway**” has the meaning given to it in the *Road Traffic Code 2000*;

2.3 Delete the definition of “footpath” and substitute—

“**footpath**” has the meaning given to it in the *Road Traffic Code 2000*;

2.4 In the definition of “intersection” delete “1975” and substitute “2000”.

2.5 In the appropriate alphabetical position insert the definition—

“**thoroughfare**” has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management control of the local government;”.

2.6 Delete the definition of “townsite” and substitute—

“**townsite**” means the townsite of Cue which is—

- (a) constituted under section 26 (2) of the *Land Administration Act 1997*; or
- (b) referred to in clause 37 of Schedule 9.3 of the Act;

**3. Clause 1.4—Repeal**

3.1 After clause 1.3, insert the clause designation “1.4” before the heading “**Repeal**”.

3.2 In subclause (1) delete paragraphs (a) and (b) and substitute—

- (a) Hawkers Local Law published in the *Government Gazette* on 17 January 1919 and amended on 24 December 1931, 11 October 1935 and 6 November 1936.
- (b) Trading in Public Places Local Law published in the *Government Gazette* 27 January 1989.

4. In the heading to Part 2, delete “**ON**” and substitute “**IN**”.

**5. Clause 2.1—General Prohibitions**

5.1 In paragraph (a) delete “6m” and substitute “10m”.

5.2 In paragraph (g) after “any” insert “bicycle”.

**6. Clause 2.2—Activities allowed with a permit—general**

In subclause (1)—

- (a) in paragraph (b) after “only” insert “in accordance with the terms and conditions and”;  
and
- (b) in paragraph (i) after “installing” insert “, or in order to maintain”.

**7. Clause 2.8—Permissible verge treatments**

In subclause (2) paragraph (b) (i) after “thoroughfare” in the second place where it occurs, insert “or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare”.



**8. Clause 5.7—Designation of special environmental areas**

In paragraph (a) delete “as” and insert “has”.

**9. Clause 6.1—Interpretation**

In the definition of “trading” in paragraph (g), align the start of the last line with the alignment of other lines in the paragraph and insert “only” before “sold”.

**10. Clause 6.4—No permit required to sell newspaper**

After “newspaper” insert “only”.

**11. Clause 6.13—Cancellation of permit**

Delete “local government” and substitute “CEO”.

**12. Clause 6.21—Temporary removal of Facility may be requested**

In subclause (1) delete “in the event of an emergency”.

**13. Clause 7.10—Cancellation of permit**

Delete subclause (1) and substitute—

“(1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a—

(i) condition of the permit; or

(ii) provision of any written law which may relate to the activity regulated by the permit.”.

**14. Schedule 1—Prescribed Offences**

14.1 In the “DESCRIPTION” column, alongside the clause designation 2.1 (a) delete “6m” and substitute “10m”.

14.2 In the “CLAUSE” column, after the clause designation 2.2 wherever it occurs, insert the subclause designation “(1)” before each paragraph designation.

**15. Forms**

Delete Forms 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.

Dated this 20<sup>th</sup> March 2002

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

C. WYATT, President.  
S. HAWKINS, Chief Executive Officer.

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**DOG ACT 1976****SHIRE OF CUE****DOGS LOCAL LAW**

Under the powers conferred by the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Cue resolved on 20<sup>th</sup> March 2001 to make the following local law.

The Shire of Moora Dogs Local Law as published in the *Government Gazette* of 29 November 1999, is adopted as a local law of the Shire of Cue with the modifications which follow.

**1. Preliminary**

Wherever the Shire of Moora is mentioned in the local law substitute “Shire of Cue”.

**2. Clause 1.2—Repeal**

Delete Clause 1.2 and substitute—

“1.2 The Cue Shire Dogs Local Law, published in the *Government Gazette* on 5 April 2001 and Dogs Local Law published in the *Government Gazette* on 13 December 1929 and 22 October 1937 are repealed.”

**3. Clause 5.1—Places where dogs are prohibited absolutely**

In Clause 5.1(1)—

- (a) delete paragraph (a) and substitute—“(a) a public building, unless permitted by a sign;”,
- (b) renumber paragraphs (b) and (c) to (c) and (d) respectively,
- (c) insert the following paragraph—“(b) a theatre or picture gardens;”,
- (d) delete “and” in paragraph (d),
- (d) delete paragraph (e).

**4. Clause 5.2—Places which are dog exercise areas**

In Clause 5.2(1) delete paragraphs (a), (b) and (c) and substitute—

Cue Townsite Reserve 38357—Cue Recreation Reserve.

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Dated this 20th day of March 2002.

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

C. WYATT, President.  
S. HAWKINS, Chief Executive Officer.

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**CEMETERIES ACT 1986****SHIRE OF CUE****CUE-DAYDAWN CEMETERY LOCAL LAW 2001**

Under the powers conferred by the *Cemeteries Act 1986*, the Council of the Shire of Cue resolved on the 20<sup>th</sup> March 2002 to adopt the Model Local Law (Cemeteries) 1998 published in the *Government Gazette* on 12 May 1998 with such modifications as are here set out—

**Clause 1.2**

Delete the definition of “ashes”

Delete the definition of “personal representative”

**Clause 1.3**

Insert after the following Local Law is repealed “The Shire of Cue Local Law Cemeteries 2000” published in the *Government Gazette* of 5 April 2001.

**Clause 3.2**

Delete

**Clause 3.4(1)**

Delete “or crematorium within the cemetery,”

**Clause 4.2**

Delete “, or crematorium”

**Clause 4.3**

Delete “or crematorium,”

**Clause 5.1, para (a)**

Delete “or cremation”

**Clause 5.2**

Delete “or cremation” and “or clause 3.2”

**Clause 5.6, para (d)**

Delete

**Clause 5.6, para (e)**

Delete “or the ashes placed”

**Part 5, Division 2**

Delete

**Part 5, Division 3**

Delete

**Clause 7.12**

Delete and substitute—

“7.12 A person shall not place glass domes, vases or other grave ornaments outside the perimeter of  
a grave in the cemetery as defined in the plans kept and maintained under section 40 (2) of the Act.”

**Part 7, Division 2**

Delete

**Part 7, Division 3**

Delete

Dated this 20<sup>th</sup> March 2002.

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

C. WYATT, President.  
S. HAWKINS, Chief Executive Officer.

