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LOCAL GOVERNMENT ACT 1995

SHIRE OF MURCHISON

STANDING ORDERS LOCAL LAW 2001

REPEAL LOCAL LAW 2001

LOCAL GOVERNMENT ACT 1995**SHIRE OF MURCHISON****STANDING ORDERS LOCAL LAW 2001**

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Murchison hereby records having resolved on the 16th day of November, 2001, to make 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, the regulations, and any other Law, and where not specifically prescribed, according to these local laws, 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 shall be governed by these standing orders unless otherwise provided in the Act, regulations, or any other law.

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 Murchison;

“President” includes the Deputy President, in the absence of the President, and any member chosen to preside at any meeting of the Council in the manner prescribed in the Act;

“Presiding Member” includes the Deputy Presiding Member, in the absence of the Presiding Member, and any member chosen to preside at any meeting of a committee in the manner prescribed in 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, or in the case of committees, a member of the committee appointed in accordance with the Act;

“Officer” is an employed member of the staff of the Council;

“Chief Executive Officer” means the Chief non-elected officer of the Shire or other officer who, for the time being, is acting in that capacity;

“Simple majority” is more than 50% of the members present and voting;

“Substantive motion” means any motion other than an amendment or a procedural motion.

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

Notice of meetings shall be given by the Chief Executive Officer in accordance with the Act.

2.2 Notices of Motion—Ordinary and Extraordinary Business

Members may bring forward business in the form of a written motion, of which notice shall be given in writing to the Chief Executive Officer, either at the meeting previous to the meeting at which it is intended to move the motion, or at any time thereafter up to 24 hours before the close of the meeting Agenda Paper.

2.3 Motion to Lapse

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

2.4 Objectionable Business

If the President 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 at any meeting, declare that it shall not be considered.

- 2.5** Any member 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.

2.6 Business to be Specified on Notice Paper

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

3. RECORDING AND CONFIRMATION OF MINUTES

- 3.1** Minutes are to be kept of the proceedings of each meeting, confirmed or amended at the next ordinary meeting of the Council and signed and certified by the person presiding.

4. ORDINARY MEETING—ORDER OF BUSINESS

4.1 Ordinary Meeting—Order of Business

The order of business of an ordinary meeting of the Council shall be as decided by the President and Chief Executive Officer, unless the Council resolves what the order of business shall be.

4.2 Late Items

In cases of extreme emergency or other special circumstances, late items may, with the consent of the President, or at the request of a majority of members present, be read and dealt with.

5. MEETINGS—PUBLIC CONDUCT

5.1 Admission and Removal of the Public

- 5.1.1** The public is admitted to Council meetings 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 meeting.
- 5.1.2.** Any person, not being a member of the Council, who interrupts the orderly conduct of the Council who does not withdraw immediately upon being called by the President to withdraw from the meeting, may, by order of the President, be removed from the meeting.

6. ROLE OF PRESIDENT

6.1 Directions by the President

- 6.1.1** 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 meeting or propose a change to the order of business.
- 6.1.2** Any member may move that a change in the order of business proposed by the President not be accepted and if carried by a majority of members present, the proposed change in order will not take place.

6.2 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 members, 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.

6.3 Precedence of President

When the President rises during the progress of a debate, any member then speaking, or offering to speak, shall immediately cease and every member 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 6.2, but should be used to preserve order.

6.4 Dissent with the President's Ruling

A member 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.

7. CONDUCT OF MEMBERS

7.1 Official Titles to be Used

Members shall speak of each other in the Council during the transaction of business by their respective titles of President or Councillor. Members, in speaking of or addressing officers, shall designate them by their respective official titles.

7.2 Debate—Maintenance of Order—Imputations—Offensive Expressions

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

7.3 Demand for Withdrawal

If a member commits a breach of Clause 7.2, the President, or the Council by resolution, may require that member to withdraw unreservedly any offending comment and to make a satisfactory apology; and if the member declines or neglects to do so, the President may direct such member to cease speaking and be seated, and may call on the next speaker.

8. CONDUCT OF MEMBERS DURING DEBATE**8.1 Relevance**

All members shall restrict remarks to the motion or amendment under discussion, or to an explanation or point of order.

8.2 Limitation of Number of Speeches

No member shall 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.

8.3 Limitation of Duration of Speeches

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

8.4 Members Not to Interrupt

No member shall interrupt another member whilst speaking unless—

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

9. PROCEDURES FOR DEBATE OF MOTIONS**9.1 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.

9.2 Only One Substantive Motion Considered

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

9.3 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) A speaker against the motion;
- (e) A speaker for the motion;
- (f) Other speakers against and for the motion, alternating in view, if any, and
- (g) Mover takes right of reply which closes debate.

9.4 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 members may not have spoken.

10. PROCEDURAL MOTIONS**10.1 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 question be now put;
- (b) that the ruling of the President be disagreed with;
- (c) that the motion lie on the table;
- (d) that the Council meet behind closed doors.

10.2 Reason for Closure to be Stated

A member who moves a procedural motion under Clause 10.1(d) shall state the reason for moving the motion and this must relate to a matter contained in Section 5.23 (2) of the Act.

10.3 Procedural Motions Not Required in Writing

Procedural motions are not required to be presented in writing.

10.4 Procedural Motions—Recording in Minutes

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

10.5 Procedural Motions—Majority Required

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

10.6 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.

10.7 Procedural Motions—Right of Reply

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

10.8 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.

11. EFFECT OF PROCEDURAL MOTIONS**11.1 That the Question be Now Put—Effect of Motion**

11.1.1 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.

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

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

11.2 That the Ruling of the President be Disagreed With—Effect of Motion

11.2.1 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.

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

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

11.3.1 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.

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

11.3.3 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 the procedural motion, is given the opportunity to reintroduce the matter after which debate shall continue according to these standing orders.

11.4 That the Council Meet Behind Closed Doors—Effect of Motion

11.4.1 In accordance with the Act, the motion, if carried, will cause the general public and any officers or employees the Council determines, to leave the room.

11.4.2 No person shall in any way publish, or make public, any of the discussion taking place on a matter discussed behind closed doors, but this prohibition shall not extend to the actual resolution or resolutions carried as a result of such discussion and recorded in the minute book.

12. DECISION MAKING PROCEDURES**12.1 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 present and voting, at a properly constituted meeting, unless otherwise provided in the Act, regulations, or the standing orders.

12.2 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.

12.3 Order of Amendments

Any number of amendments may be proposed to a motion, but whenever any 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.

12.4 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 meeting upon which any member may speak and further amendment may be moved.

12.5 Consent of Seconder Required to Accept Alteration of Wording

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

12.6 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 shall not continue.

12.7 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 present, until the amendment proposed has been withdrawn or lost.

12.8 Authority for Withdrawal

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

12.9 Right of Reply

12.9.1 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 shall speak on the question.

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

12.10 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 an 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.

12.11 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.

12.12 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, that person's right of reply is forfeited.

12.13 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 and, if so desired by any member, shall state it again.

12.14 Method of Taking Vote

12.14.1 In putting the question to the Council, the President shall ask for those in favour and members in favour shall indicate by a show of hands. The President may then ask for those against who will indicate by a show of hands. The President will then declare the motion carried or lost after first exercising his/her right of a second vote if available and that right is exercised.

12.14.2 If objection is raised in respect to the determination of the motion, the President shall put the question as often as necessary to determine the decision in accordance with the method of taking a vote as described in Clause 12.14. 1.

13. POINTS OF ORDER**13.1 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, shall immediately cease while the President listens to the point of order.

13.2 Points of Order—Definitions

A difference of opinion or a contradiction of a speaker shall not be recognised as 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 meeting.
- (b) That offensive or insulting language is being used.
- (c) Drawing attention to the violation of any local law or standing orders of the Council, providing that the member raising the point of order shall state the local law or standing order believed to be breached.

13.3 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.

13.4 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 support a motion of dissent with the ruling.

13.5 Points of Order—Motion Against Ruling Procedure

An objection having been taken to the ruling of the President, the member 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 to be taken.

13.6 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.

14. ADJOURNMENT OF MEETING**14.1 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 adjournment.

14.2 Notice of Adjourned Meeting

When a meeting is adjourned, if time permits, notice of the adjourned meeting shall be forwarded to each member in accordance with the Act.

14.3 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.

14.4 Limit to Moving Adjournment of Council

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

14.5 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.

14.6 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 member objects to the withdrawal the motion must continue to be debated.

15. PERSONAL EXPLANATION**15.1 Personal Explanation**

No member shall speak, except upon the question before the meeting, unless it is to make a personal explanation. Any member who is permitted to speak under these circumstances must confine the observations to a succinct statement of what is to be explained in relation to a specific part of the former speech which may have been misunderstood and to the explanation itself. When a member gives an explanation, that member shall make no reference to matters not strictly necessary for that purpose, nor endeavor to strengthen the former position by introducing new argument or matter, nor reply to other members of the Council.

15.2 Personal Explanation—When Heard

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

15.3 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.

16. COMMITTEES OF COUNCIL**16.1 Powers and Duties of Committees**

The powers and duties of committees shall be clearly defined and specifically delegated to them by resolution of the Council, and shall be recorded in a policy manual.

16.2 Election of Committee Presiding Member and Deputy Presiding Member

At the first meeting of a committee, a Presiding Member and a Deputy Presiding Member shall be elected.

16.3 Absence from Committee Meetings

If any member of a committee, other than the President, is absent from three consecutive meetings without having obtained leave of absence from the Council or the committee, that member's seat on the committee shall become vacant.

16.4 Reports of Committees to be Taken as Read

16.4.1 The reports and recommendations of every committee shall, when presented to the Council, be taken as read, unless the committee meeting has been held at a time which has prevented the minutes from being mailed or delivered to Councillors prior to the Council Meeting.

16.4.2 The adoption of recommendations of the committee shall be moved by—

- (a) The Presiding Member of each committee;
- (b) or if absent, another member of the committee;
- (c) or if no member of the committee is present, a Councillor.

16.5 Procedure of Report of Committees

16.5.1 Upon the consideration by the council of any report or recommendations of a committee, the President shall, without further motion, put the recommendations, in their numerical order, unless the Council shall otherwise determine. Several recommendations may be moved en-bloc as one motion and a member may ask that a particular recommendation be debated separately and whether that recommendation be debated separately or not be determined by the Council.

16.5.2 Each item adopted by the Council shall become a resolution of the Council and shall be recorded in the minutes.

16.6 Withdrawal, Correction and Amendments of Committees

16.6.1 In moving the adoption of a recommendation of any committee, the mover may not propose an amendment to any recommendation, except for the correction of a verbal or clerical error.

16.6.2 The Presiding Member of a committee, may be excused from moving the adoption if the Presiding Member wishes to move an amendment to it. In that case, another member of the committee or in the absence of a member of the committee, a Councillor may move the adoption of the recommendation.

16.6.3 The Presiding Member or other member of a committee bringing up a recommendation may, with the consent of the Council withdraw the recommendation.

16.7 Reports of Committees—Questions

When a recommendation of any committee of the Council is submitted for adoption, any member of the Council may direct questions directly relating to the recommendation through the President, to the Presiding Member or any member of the committee bringing up the recommendation. No argument or speeches are permitted. Such being restricted to any debate pursuant to clauses 16.5.1 and 16.8.

16.8 Procedure on Amendments on Reports of the Committees

When an amendment is proposed with reference to the adoption or otherwise of any recommendation of any committee, the amendment shall be disposed of before the other proceedings of the committee are considered.

16.9 Non-Related Motions on Reports of Committees

A member of the Council may not move any motion on any report or recommendation of any committee, which does not relate to the recommendations presented by the committee.

16.10 Recommendations of Committees—Inspection of Plans

All plans referred to in the recommendation of a committee, that may require the consideration of the Council, shall lay on the table of the Council chamber for the inspection of members of the Council at the meeting at which the matter is being considered.

16.11 Committee Procedure

Each committee shall, subject to the Act, regulations, these standing orders and any policy made by the Council, regulate its own procedure.

16.12 Rights and Responsibilities of Councillors who are not Committee Members

Councillors who are not members of a committee may participate in the meeting only at the invitation of the Presiding Member but they are not entitled to vote.

16.13 Standing Orders to Apply to Committees

16.13.1 These standing orders shall apply generally to the proceedings of committees of the Council, except that the following clauses shall not apply to meetings of committees—Clauses 2.1, 4.1, 4.2, 6.2, 8.2, 12.12, 14.2, 16. 1 and 16.4 to 16. 10 inclusive.

16.13.2 In the case of clauses not excluded by subclause 16.13.1 above, a reference to a Council meeting shall be read as a reference to a committee meeting, a reference to the Council shall be read as a reference to a committee, and a reference to President shall be read as a reference to Presiding Member.

17. ADMINISTRATIVE MATTERS—

17.1 Suspension of Standing Orders

- (a) The mover of a motion to suspend any Standing Order or Orders shall state 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 or a committee must be seconded, but the motion need not be presented in writing.

17.2 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.

17.3 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.

Dated this 28th day of March 2002.

The Common Seal of the Shire of Murchison hereunto affixed by authority of a resolution of Council in the presence of—

SIMON A. BROAD, Shire President.
J. N. WARNE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995**SHIRE OF MURCHISON****REPEAL LOCAL LAW 2001**

Under the powers conferred by the *Local Government Act 1995* and of all other power enabling it, the Council of the Shire of Murchison hereby records having resolved on the 16th day of November, 2001, to make the following local law.

REPEAL

The following local laws are repealed—

Dog Act Local Law, published in the *Government Gazette* of 13 December 1929

Discount on Rates Local Law published in the *Government Gazette* of 17 March 1939

Appointment of Employees Local Law published in the *Government Gazette* of 5 December 1941

Prevention of Damage to Roads Local Law published in the *Government Gazette* of 21 September 1951

Prevention of Damage to Streets Local Law published in the *Government Gazette* of 10 January 1966

Dated this 28th day of March, 2002.

The Common Seal of the Shire of Murchison hereunto affixed by authority of a resolution of Council in the presence of—

SIMON BROAD, Shire President.
J. N. WARNE, Chief Executive Officer.

