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LOCAL GOVERNMENT ACT 1995

SHIRE OF MUNDARING

**KEEPING AND CONTROL OF CATS
LOCAL LAW**

STANDING ORDERS LOCAL LAW

LOCAL GOVERNMENT ACT 1995

SHIRE OF MUNDARING

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LOCAL GOVERNMENT ACT 1995

SHIRE OF MUNDARING

KEEPING AND CONTROL OF CATS LOCAL LAW

Under the powers conferred upon it by the Local Government Act 1995, and by all other powers enabling it, the Council of the Shire of Mundaring hereby records having resolved on 25th August 2003 to make the following Local Law.

PART 1 – PRELIMINARY*Division 1 – Introductory Matters***Title**

1.1 This local law may be cited as the Shire of Mundaring Local Law for the Keeping and Control of Cats.

Objectives

1.2 The objectives of this local law are to –

- (a) control the number of cats kept on premises;
- (b) promote responsible cat ownership;
- (c) reduce the nuisance to the community caused by cats; and
- (d) promote the protection of native fauna.

Interpretation

1.3 In this local law unless the context otherwise requires –

“Act” means *Local Government Act 1995*;

“Applicant” means the occupier of premises who makes an application for a permit under this Local Law;

“Approved Cattery” means a cattery which is the subject of a valid planning approval granted under a scheme or which is a non-conforming use that may continue under a scheme;

“Authorised Person” means a person authorised by the Local Government to perform the functions conferred on an authorised person under this Local Law;

“Cat Prohibited Area” means the land described in Schedule 1;

“Cattery” means land or building where more than 3 cats over the age of 3 months are kept;

“CEO” means the Chief Executive Officer of the Shire of Mundaring;

“Council” means the Council of the Local Government;

“District” means the district of the Local Government;

“Fauna Protection Buffer Zone” means the land described in Schedule 2;

“Identified cat” means a cat, which is identified under clause 2.2;

“Keeper” in relation to a cat means each of the following persons –

- (a) the owner of the cat;
- (b) a person by whom the cat is ordinarily kept;
- (c) a person who has or appears to have immediate custody or control of the cat;
- (d) a person who keeps the cat, or has the cat in her or his possession for the time being;
- (e) a person who occupies any premises in which a cat is ordinarily kept or ordinarily permitted to live;
- (f) a permit holder of a permit which relates to the cat; or
- (g) the holder of an exemption issued in relation to the cat;

“Local Government” means the Shire of Mundaring;

“Nuisance” means behaviour that includes where a cat –

- (a) excretes or urinates on premises being premises where the cat is not normally resident; or
- (b) behaves in a manner that is contrary to reasonable standard of behaviour expected of an animal in the locality of the premises where the cat is normally resident;

“Permit” means a permit issued by the Local Government under Clause 3.6;

“Permit Holder” means a person who holds a valid permit under clause 3.6;

“Premises” includes –

- (a) any land and any improvements; and
- (b) any part of any building in separate ownership or separate occupation, including any unit, flat, house, duplex, apartment or group or multiple dwelling;

“RSPCA” means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

“Scheme” means a town planning scheme of the Local Government made by it under the *Town Planning and Development Act 1928*.

Application

1.4 This Local Law applies throughout the District.

PART 2 - IDENTIFYING CATS

Division 1 – Identifying Cats

Keeper of a Cat Shall Identify it

2.1 A keeper of a cat shall identify the cat by one of the methods described in clause 2.2.

When a Cat is Identified

2.2 A cat is identified if –

- (a) the cat has a collar around its neck and the collar, or a tag securely attached to the collar, is marked with the current address or telephone number of a keeper of the cat; or
- (b) the cat has a microchip implanted in its body containing or containing information that may be used to obtain the name of a keeper of the cat and a current address and telephone number of the keeper.

Cats that Do Not Need to be Identified

2.3 Clause 2.1 does not apply to a cat –

- (a) kept at any refuge conducted by the RSPCA or any other animal welfare organisation;
- (b) kept at an animal pound which has been approved by the Local Government;
- (c) kept at a pet shop;
- (d) kept at a veterinary surgery; or
- (e) which is less than 3 months old.

No Interference with Identification

2.4 A person, other than the keeper of a cat or a person acting with the keepers authority, shall not without reasonable excuse interfere with or remove the means by which a cat is identified under clause 2.2.

Address of Keeper

2.5 For the purpose of giving a notice to a keeper of an identified cat, the keeper’s address is to be taken to be that ascertained from the cat’s collar or tag, or on or obtained from the information contained in the microchip.

PART 3 – PERMITS FOR KEEPING CATS ON PREMISES

Division 1 – Permits for Keeping Cats on Premises

Interpretation

3.1 In this Part, “Cat” does not include a cat less than 3 months old.

When a Permit to Hold Cats is Required

3.2 (1) Subject to sub clause (2), a person shall not keep –

- (a) 3 or more cats on any premises except in accordance with a valid permit; or
- (b) more than one cat on any premises in a Fauna Protection Buffer Zone except in accordance with a valid permit.

(2) A permit is not required under sub clause (1) if the premises concerned are –

- (a) a refuge of the RSPCA or any other animal welfare organisation;
- (b) an animal pound which has been approved by the Local Government;
- (c) a Pet Shop;
- (d) a veterinary surgery; or
- (e) an approved Cattery.

Application for Permit

3.3 An application for a permit under Clause 3.2 shall –

- (a) be made by an occupier of premises in relation to those premises;
- (b) specify the number of cats to be kept on the premises;
- (c) describe the cats which are to be kept on the premises and state whether or not those cats are identified under Clause 2.1;
- (d) be in a form approved by the local government;

- (e) be accompanied by any fee imposed and determined by the local government under and in accordance with Sections 6.16 to 6.19 of the Act; and
- (f) be accompanied by the consent in writing of the owner of the premises, where the occupier is not the owner of the premises to which the application relates.

Refusal to Determine Application

3.4 The Local Government may refuse to determine an application for a permit if it is not made in accordance with Clause 3.3.

Factors Relevant to Determination of Application

- 3.5 (1) In determining an application for a permit the Local Government may have regard to –
- (a) the physical suitability of the premises for the use proposed in the application (“use”);
 - (b) the suitability of the zoning of the premises under any scheme which applies to the premises for the use;
 - (c) the structural suitability of any enclosure in which any cat is to be kept;
 - (d) the likelihood of a cat causing a nuisance or inconvenience or annoyance to the occupiers of adjoining land;
 - (e) the proximity of the premises to a Cat Prohibited Area or a Fauna Protection Buffer Zone;
 - (f) whether the premises are located in a Fauna Protection Buffer Zone;
 - (g) the likely effect on the amenity of the surrounding area of the use;
 - (h) the likely effect on the local environment including, any pollution or other environmental damage which may be caused by the use;
 - (i) any submissions received under sub clause (2) within the time specified in sub clause (2); and
 - (j) such other factors which the Local Government may consider to be relevant in the circumstances of the particular application.
- (2) The Local Government may require an application to—
- (a) consult with her or his adjoining landowners; and
 - (b) advise the adjoining landowners that they may make submissions to the Local Government on the application for the permit within 7 days of receiving that advice, before determining the application for the permit.

Decision on Application

- 3.6 (1) The Local Government may –
- (a) approve an application for a permit in which case it shall approve it subject to the factors referred to in clause 3.7 and may approve it subject to any other conditions it considers fit; or
 - (b) refuse to approve an application for a permit.
- (2) If the Local Government approves an application under sub clause (1) (a) the permit shall be issued to the applicant in the form determined by the CEO.
- (3) If the Local Government refuses to approve an application under sub clause (1) (b), then it is to advise the applicant accordingly in writing.

Conditions

- 3.7 Every permit is issued subject to the following conditions –
- (a) each cat kept on the premises to which the permit relates shall be an identified cat;
 - (b) each cat shall be contained on the premises and shall not leave the premises unless it is under the control of a keeper of the cat;
 - (c) the premises shall be maintained in good order and in a clean and sanitary condition; and
 - (d) the permit holder shall not substitute or replace any cat once that cat –
 - (i) dies; or
 - (ii) is permanently removed from the premises, without first obtaining the consent of the Local Government, and if that consent is obtained, the new cat shall be subject to the terms and conditions of the permit.

Duration of Permit

- 3.8 Unless otherwise specified, a permit commences on the date of issue and is valid unless and until—
- (a) it is revoked;
 - (b) the permit holder ceases to reside at the premises to which the permit relates.

Revocation

3.9 The Local Government may revoke a permit if the permit holder fails to observe any provision of this Local Law or a condition of her or his permit.

Permit not Transferable

3.10 A permit shall be personal to the applicant and neither run with the land nor be transferable or assignable to any other person or property.

PART 4 – CAT PROHIBITED AREAS AND FAUNA PROTECTION BUFFER ZONES

Division 1 – Cat Prohibition Areas

Designation of a Cat Prohibited Area

4.1 (1) The Local Government may designate land as an area on which cats are prohibited from entering or remaining by stating a description of the land in Schedule 1.

(2) In designating land for the purposes of sub clause (1), the Local Government may have regard to the following matters in relation to the land –

- (a) whether the land is greater than 1 hectare in area;
- (b) the nature of the Fauna on the land;
- (c) whether the land has been recognised by any authority as having Fauna of Local, Regional or State significance; and
- (d) whether it is land to which section 5 of the *Conservation and Land Management Act 1984*, applies.

Cat Not to be in a Cat Prohibited Area

4.2 (1) A cat shall not be in a Cat Prohibited Area.

(2) If a cat is at any time in a Cat Prohibited Area every keeper of the cat commits an offence.

Division 2 – Fauna Protection Buffer Zones

Designation of Fauna Protection Buffer Zones

4.3 (1) The Local Government may designate land as a Fauna Protection Buffer Zone by stating a description of the land in Schedule 2.

(2) In designating land for the purposes of sub clause (1) the Local Government may have regard to the following matters in relation to the land –

- (a) the proximity of the land to a Cat Prohibited Area;
- (b) whether there are any artificial or natural barriers between the land and any proximate Cat Prohibited Area; and
- (c) such other matters which the Local Government considers relevant.

PART 5 – REMOVAL AND IMPOUNDING OF CATS

Act Regulates Removal and impounding of Cats

5.1 The removal, impounding and disposal of cats is dealt with in Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the *Local Government (Functions and General) Regulations 1996*.

Cat Pound

5.2 The Local Government may establish and maintain a pound or pounds, and may approve an animal pound or cattery maintained by any person, for the impounding of cats under this Local Law.

Attendance at Pound

5.3 An authorised person shall be in attendance at the pound for the release of cats at such times and on such days of the week as shall from time to time be determined by the CEO.

Register

5.4 (1) The Local Government is to keep a record of impounded cats (the “Register”).

(2) The register is to contain the following information about each impounded cat –

- (a) the breed and if known, the sex of the cat;
- (b) the colour, distinguishing markings and features of the cat;
- (c) the date and time of its impoundment;
- (d) the name of the person who impounded the cat;
- (e) the reason for the impoundment;
- (f) the place from where it was impounded;
- (g) if known, the name and address of its keeper; and
- (h) the date of release or disposal.

No Unauthorised Release of Impounded Cat

5.5 Unless the person is authorised by the Local Government to do so a person must not –

- (a) release or attempt to release a cat from a pound;
- (b) destroy, break into, damage or in any other way interfere or render not cat proof a pound; or
- (c) destroy, break into, damage or in any other way interfere with any container used for the purpose of catching, holding or conveying cats.

Effect of payment of impounding expenses

5.6 The payment of any fees by a keeper in respect of the impounding and keeping of a cat does not relieve the keeper of any liability to pay a penalty for an offence against any provisions of this Local Law.

Permit May Need to be Obtained before Collection of Cat

5.7 Where –

- (a) a keeper wishes to collect a cat within 7 days of a notice having been given under sections 3.42 (1) (b) or 3.44 of the Act; and
 - (b) a permit is required for the keeping of the cat,
- the cat shall not be released until a permit is obtained by the keeper.

PART 6 – ABANDONMENT OF CATS**No Abandonment**

6.1 A person shall not abandon a cat

Delivery to an Authorised Person not Abandonment

6.2 A person who delivers a cat into the custody of an authorised person is not to be taken as having abandoned the cat.

PART 7 – MISCELLANEOUS**Giving of a Notice**

7.1 A notice served under this Local Law may be given to a person—

- (a) personally;
- (b) by registered mail addressed to the person; or
- (c) by leaving it for the person at her or his address.

Immunity of Persons Acting in Good Faith

7.2 No proceeding, whether civil or penal, shall lie against the Local Government, an authorised person or any person for any act, matter or thing done, or commanded to be done, in the exercise or purported exercise of a power or the performance of a duty under the provisions of the Local Law, or for any act, matter or thing omitted to be done, unless that act, matter or thing done, commanded to be done, or omitted to be done, maliciously or without reasonable and probable cause.

PART 8 – EVIDENCE**Averment that a Person is a Keeper**

8.1 In proceedings for any offence against any provision of this Local Law an averment in the complaint that at a specified time a person was a keeper of the cat is evidence of the fact in the absence of proof to the contrary.

PART 9 – OBJECTIONS AND APPEALS**Objection and Appeal Rights**

9.1 Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the Local Government to grant a permit may be entitled to object to or appeal against the decision under Division 1 of Part 9 of the Act.

PART 10 – OFFENCES AND PENALTIES*Division 1 – General***Offences**

10.1 (i) Any person who contravenes a provision of this Local Law or who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing, commits an offence.

(ii) Any person who commits an offence under this Local Law is liable upon conviction to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of the day during which the offence has continued.

*Division 2 – Infringement Notices and Modified Penalties***Prescribed Offences**

10.2 An offence against a clause specified in Schedule 3 is a prescribed offence for the purposes of section 9.16 (1) of the Act and the amount appearing directly opposite each such clause is the modified penalty payable in relation to an offence against that clause.

Forms

10.3 (1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in subdivision 2 of Division 2 of Part 9 of the Act.

(2) An infringement notice given under section 9.16 (1) of the Act is to be in the form of Form 1 in Schedule 4.

(3) A notice sent under section 9.20 of the Act withdrawing an infringement notice is to be in the form of Form 2 in Schedule 4.

Schedule 1
CAT PROHIBITED AREAS

Reserve No.	Location	Vesting/Ownership	Purpose
8120	Coulston Road, Boya	Shire of Mundaring	Recreation
23165	Rosedale Road, Chidlow	Shire of Mundaring	Recreation
20765	Victor Road, Darlington	Shire of Mundaring	Recreation & Bird Sanctuary
6922	Great Eastern Highway, Darlington	Shire of Mundaring	Public Park
8006	Hudman Road, Darlington	Shire of Mundaring	Public Recreation
19897	Victor Road, Darlington	Shire of Mundaring	Parkland
23981	Moola Road, Glen Forrest	Shire of Mundaring	Park
36428	Ryecroft Road, Glen Forrest	Shire of Mundaring	Propagation of Flora
10636	Great Eastern Highway, Greenmount	Shire of Mundaring	Quarry
38133	Wandu Road, Greenmount	Shire of Mundaring	Public Recreation
37790	Oxley Road, Hovea	Shire of Mundaring	Public Recreation
27431	Hedges Road, Hovea	Shire of Mundaring	Gravel
32727	Strettle Road, Mahogany Creek	Shire of Mundaring	Parks & Recreation
25433	Keane Street, Mt Helena	Shire of Mundaring	Recreation
34103	Alps Street, Mt Helena	Shire of Mundaring	Parkland
29269	Quail Street, Mt Helena	Shire of Mundaring	Parklands & Recreation - National Park
10924	Riley Road, Mt Helena	Shire of Mundaring	Gravel & Quarry
38310	Houston Street, Mt Helena	Shire of Mundaring	Public Recreation
29733	Dibble Street, Mt Helena	Shire of Mundaring	Recreation
22848	Walker Road, Mundaring	Shire of Mundaring	Gravel
20990	Jarrah Road, Mundaring	Shire of Mundaring	Gravel
25507	Summit Road, Mundaring	Shire of Mundaring	Public Recreation
11414	Byfield Road, Parkerville	Shire of Mundaring	Recreation
22781	Yennerdin Road, Parkerville	Shire of Mundaring	Parkerville Fire Shed
10941	Kintore Road, Parkerville	Shire of Mundaring	Recreation & Parklands
38311	Mitton Place, Sawyers Valley	Shire of Mundaring	Public Recreation
11073	Sawyers Road, Sawyers Valley	Shire of Mundaring	Government Requirements
36125	Cable Street, The Lakes	Shire of Mundaring	Gravel extraction

FREEHOLD LAND

Lot No.	Location	Ownership	Purpose
81	Homestead Road, Mahogany Creek	Shire of Mundaring	Recreation
217 and 218	Owen Road, Parkerville	Shire of Mundaring	Recreation and Park

Schedule 4

Form 1

Local Government Act 1995

SHIRE OF MUNDARING

Local Law for the Keeping and Control of Cats

INFRINGEMENT NOTICE

No.....

Date...../...../.....

To (name of alleged offender).....

of (address of alleged offender)

It is alleged that at (place of alleged offence)

on the.....day of.....20.....

you committed an offence indicated below, for which the modified penalty payable is as indicated below –

Item No.	Clause No	Nature of Offence	Modified Penalty	Indicate Offence Committed
1	2.1	Failure to identify a cat	\$100	
2	2.4	Interference with or removal of identification of cat	\$100	
3	3.2(1)(a)	Keeping of 3 or more cats on premises without permit	\$100	
4	3.2(1)(b)	Keeping of more than 1 cat on a Fauna Protection Buffer Zone without a valid permit	\$100	
5	3.8	Failure to comply with a condition of a permit	\$100	
6	4.2(2)	Cat in a Cat Prohibited Area	\$250	
7	5.4(a)	Unauthorised release of impounded cat	\$250	
8	5.4(b)	Destroy, break into, damage or interfere with pound	\$250	
9	5.4(c)	Destroy, break into, damage or interfere with cat container	\$250	
10	6.1	Abandonment of a cat	\$250	

You may dispose of this matter —

(a) by payment of the modified penalty indicated above within 28 days after you have been given this notice, by –

(i) posting this form together with the amount of the modified penalty to the Chief Executive Office, Shire of Mundaring, 7000 Great Eastern Highway, Mundaring 6073, or

(ii) paying the amount of the modified penalty to an authorised person (specify title) of the Shire of Mundaring at the Offices of the Shire at 7000 Great Eastern Highway, Mundaring, between the hours of 9am to 4.30pm Monday to Friday, or

(b) by having it dealt with by a court. [Option to include FER warning]

If this modified penalty is not paid within the time specified, court proceedings may be taken against you.

.....
Signature of authorised person.....
Name of authorised person.....
Title of authorised person**Schedule 4**

Form 2

Local Government Act 1995

SHIRE OF MUNDARING

Local Law for the Keeping and Control of Cats

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

No.....

Date...../...../.....

To (name of alleged offender).....

of (address of alleged offender)

Infringement Notice No dated.....for the alleged

offence of (insert description of offence)has been withdrawn.

The modified penalty of \$

* has been paid and a refund is enclosed

* has not been paid and should not be paid

(* delete as appropriate)

.....
Signature of authorised persons

.....
Name of authorised person

.....
Title of authorised person

Dated the 25th day of March 2003.

The Common Seal of the Shire of Mundaring was hereunto affixed by authority of Council.

T. GERAGHTY JP, President.
M. N. WILLIAMS, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF MUNDARING

STANDING ORDERS LOCAL LAW

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LOCAL GOVERNMENT ACT 1995

SHIRE OF MUNDARING

STANDING ORDERS LOCAL LAW

Under the powers conferred upon it by the Local Government Act 1995, and by all other powers enabling it, the Council of the Shire of Mundaring hereby records having resolved on 25th February 2003 to make the following Local Law.

PART 1 – PRELIMINARY AND CONSTITUTING*Division 1 – Introductory Matters***Title**

1.1.1 This Local Law may be cited as the Shire of Mundaring Standing Orders Local Law 2003.

Commencement

1.1.2 By virtue of Section 3.14 of the Act, this Local Law comes into effect fourteen (14) days after the day it is published in the *Government Gazette*.

Repeal

1.1.3 The Local Law Relating to Standing Orders, published in the *Government Gazette* of 26 August 1977 as amended from time to time is hereby repealed.

Content and Intent

1.1.4 (1) This Local Law provides the rules and guidelines –

- (a) for the conduct of meetings of Council and committees of the Council; and
- (b) otherwise relating to the business conducted at meetings.

(2) This Local Law is intended to achieve –

- (a) the orderly and effective conduct of meetings;
- (b) greater community understanding of the meeting process;
- (c) better decision-making by the local government; and
- (d) better outcomes from decisions made.

(3) This Local Law is enacted under the Act and is intended to be read in conjunction with the Act and the Regulations and the Council Code of Conduct.

Interpretation

1.1.5 (1) In this Local Law, unless the contrary intention appears –

“Act” means *Local Government Act 1995*;

“CEO” means the Chief Executive Officer of the Shire or the Acting Chief Executive Officer acting in his place;

“committee” means a committee established by Council in accordance with s.5.8 of the Act;

“Council” means the Council of the Shire;

“Councillor” means a person who holds the Office of Councillor on the Council;

“meeting” means a meeting of the Council or a committee;

“member” where used in reference to Council means a councillor and where used in reference to a committee, means a councillor, employee or other person appointed by the Council to that committee;

“ordinary meeting” means a meeting convened in accordance with Sections 5.4 and 5.5(1) of the Act at such place and at such time as the Council, from time to time, appoints for the transaction of ordinary business of the Council or of any committee;

“person presiding” means the President or other person presiding at a meeting of the Council or a committee;

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

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

“local government” means the Shire of Mundaring;

“President” means the President of the Shire of Mundaring and includes the Deputy Shire President when acting as the President in accordance with the Act;

“Shire” means the Shire of Mundaring;

“special meeting” means a meeting convened in accordance with Sections 5.4 and 5.5(2) of the Act to consider special business of the Council or of any committee, the nature of which is to be specified in the notice convening the meeting.

(2) In this Local Law terms have the meanings given to them in the Act and Regulations and in the case of conflict between any interpretation or other provision herein and any provision of the Act or Regulations, the latter will prevail.

(3) This Local Law shall apply to committees except the requirement limiting the number of times a member may speak (refer to Section 2.2.8) and the need to rise to address the person presiding (refer to Section 2.1.4).

Division 2 – Meetings and How Called

Meetings of the Council and Committees

1.2.1 (1) Meetings of Council and committees of Council shall be either ordinary meetings or special meetings.

(2) Subject to the provisions of the Act, Regulations and this Local Law relating to the revocation of or change to a decision, no business is to be transacted at a special meeting, other than that for the purpose of which the special meeting has been called.

Calling of Council Meetings

1.2.2 The calling of a Council meeting is to be in accordance with Section 5.4 of the Act.

Calling of Committee Meetings

1.2.3 An ordinary or special meeting of a committee is to be held –

- (a) if called for by –
 - (i) the President; or
 - (ii) the presiding member of the committee; or
 - (iii) if the committee is comprised of three members, any two (2) members of that committee; or
 - (iv) if the committee is comprised of more than three members, then any three members of that committee,in a notice to the CEO setting out the time, date, place and purpose of the proposed meeting; or
- (b) if so decided by the Council or the committee.

Convening Ordinary and Special Meetings of Council

1.2.4 The convening of ordinary and special meetings of Council is to be in accordance with Sections 5.5 and 9.50 of the Act.

Convening Ordinary and Special Meetings of Committee

1.2.5 (1) The CEO is to convene an ordinary meeting of a committee, by giving each member of the committee at least 72 hours notice of the date, time and place of the meeting and an agenda for the meeting by facsimile, letter or electronic mail.

(2) The CEO is to convene a special meeting of a committee by giving each member notice, before the meeting, of the date, time, place and purpose of the meeting.

(3) In convening a special meeting of a committee, there is no minimum period of notice to be given and notice can be given by telephone, facsimile, letter, electronic mail or orally in person.

Notice of Meeting

1.2.6 Failure of any member to receive a notice convening a meeting shall not affect the validity of the meeting, so long as all reasonable steps have been taken to give the notice.

Notice of Adjournment

1.2.7 (1) When a meeting is adjourned to a day and hour other than the next ordinary meeting date, notice of the adjourned meeting shall, if time permits, be given to each member.

(2) At the resumption of an adjourned meeting, no business shall be transacted other than such business as remains outstanding on the notice paper of the adjourned meeting.

Division 3 – Quorum for Meetings and Adjournment when No Quorum

Quorum for Meetings

1.3.1 (1) The requirements for a quorum at a meeting are as prescribed in Section 5.19 of the Act.

(2) The procedure if a quorum is not present to commence a meeting is as prescribed in Regulation 8 of the Regulations.

Quorum not Present during Meeting

1.3.2 (1) If at any time during the course of a meeting a quorum is not present, the person presiding, upon becoming aware of that fact, shall adjourn the proceedings for a period not exceeding thirty (30) minutes.

(2) If a quorum is not present at the expiration of the suspension period in Section (1), the person presiding may –

- (a) adjourn the meeting to a time and date to be set by the person presiding, which may be the same day or another day, or
- (b) may cancel the meeting.

Debate on Motion to be Resumed

1.3.3 Where the debate on any motion is interrupted due to the adjournment of a meeting under Section 1.3.2(1) or (2), that debate is to be resumed at the next meeting at the point at which it was so interrupted.

Names to be Recorded

1.3.4 At any meeting –

- (a) at which there is not a quorum present; or
 - (b) which is adjourned or cancelled under Section 1.3.2(2);
- the names of the members then present are to be recorded.

Division 4 – Public Participation

Public Participation

1.4.1 (1) Members of the public are welcome to attend all meetings of Council or a committee where there has been no resolution to proceed behind closed doors. A copy of the agenda of an ordinary meeting and, where time permits, a special meeting, is to be made available in the local government's libraries and at the administration centre prior to the meeting.

(2) Certain documents that may form part of the agenda may be marked "Codicil" or "Confidential" and members of the public will not have access to these documents.

(3) Section 2.3.5 (1) of this Local Law allows for a resolution to be passed that a meeting proceed behind closed doors to discuss any matter identified in Section 5.23 (2) of the Act. If that occurs members of the public will be asked to leave the room as provided in Section 2.3.5 (2).

(4) Members of the public are not permitted to interrupt or enter into any conversation during a meeting except in accordance with Section (5) or (6).

(5) (i) At the beginning of each meeting, members of the public will have the opportunity to place questions before the Council or committee in accordance with Regulation 6 of the Regulations.

(ii) A member of the public who raises a question during question time is to provide his or her name and address.

(iii) A question may be taken on notice by the Council for later response.

(iv) When a question is taken on notice under Section (5)(iii) a response is to be given to the member of the public in writing and a copy is to be provided to councillors.

(6) A committee may resolve by simple majority, to invite a member of the public in attendance to make a brief comment in relation to a matter on the agenda of the meeting, either during question time held under Section (5), or when the matter is discussed during the course of the meeting.

(7) A committee may resolve by simple majority to invite a member of the Council who is not a member of the committee to participate in the debate on all or any part of the agenda of the meeting.

Division 5 – Business at Meeting

Business to be Specified in Notice

1.5.1 No business is to be transacted at any meeting other than for the purpose specified in the notice relating to the meeting, except –

- (a) matters that the Act permits to be dealt with without notice; and
- (b) matters that this Local Law expressly permits to be dealt with without notice.

Order of Business at an Ordinary Meeting

1.5.2 The Order of Business of an ordinary meeting of Council or a committee shall be as decided by Council from time to time and unless otherwise decided by Council or a committee at a meeting, shall be as near as practical to the following –

- Opening of the Meeting
- Attendance and Apologies
- Public Question Time
- Applications for Leave of Absence
- Confirmation of Minutes
- Announcements by the Person Presiding without Discussion
- Disclosures of Interest
- Reports of Committees and/or Employees
- New Business of an Urgent Nature
- Notice of Motion for Consideration at the Following Meeting
- Date, Time and Place of the Next Meeting
- Closure of the Meeting.

Order of Business at a Special Meeting

1.5.3 (1) The Order of Business at any special meeting is to be –

- Opening of the Meeting
- Attendance and Apologies
- Public Question Time
- Disclosures of Interest
- Business of the Meeting
- Closure of the Meeting.

(2) The business of the meeting will be that which stands in the Notice of the Meeting.

Confirmation of Minutes

1.5.4 (1) On considering the minutes of a previous meeting, no discussion shall be permitted except as to the accuracy of those minutes.

(2) If a member is dissatisfied with the accuracy of the minutes, then the member is to:

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

Notice of Motion

1.5.5 (1) A member may bring forward at a meeting such business as that member wishes in the form of a motion, of which notice has been given either at the previous meeting, or at any time in writing to the CEO thereafter, being no less than seven (7) clear days before the meeting at which it is to be brought forward.

(2) At the time of presenting the motion to Council, the member must also provide a report that supports the purpose of the motion.

(3) A notice of motion shall lapse unless the member who gave the notice thereof, or some other member authorised in writing by the member who gave the notice, is present to move the same when such motion is called on.

PART 2 – RULES OF DEBATE*Division 1 – Formal Conduct***Confidential Business**

2.1.1 (a) Every matter dealt with by, or brought before a proceeding behind closed doors, shall be treated as strictly confidential and shall not, without the authority of the meeting, be disclosed to any person other than the members or employees of the Council (and in the case of employees – only so far as may be necessary for the performance of their duties), prior to the discussion of that matter in connection with a motion at a meeting held with open doors.

Penalty \$5000

(b) Information withheld by the CEO from members of the public for discussion behind closed doors, is to be marked as a “codicil” in the agenda and –

- (i) is then to be treated as strictly confidential by persons in receipt of this information; and
- (ii) is not without the authority of the Council to be disclosed to any person other than the President, councillors or the employees of the Council to the extent necessary for the purpose of carrying out their duties.

Penalty \$5000

Recording of Proceedings Prohibited

2.1.2 A person shall not use any electronic visual or vocal recording or transmitting device or instrument to record or transmit the proceedings of a meeting unless the person has been given permission by the council or committee as appropriate to do so.

Seating of Members

2.1.3 (1) At any meeting each member is to occupy the place assigned to that member within the meeting room. A member who refuses a request by the person presiding to resume the member’s assigned place may be declared by the person presiding to be out of order so as to attract the operation of Section 2.4.13 of this Local Law.

(2) At the first meeting held after each Ordinary elections day, the CEO after consultation with the presiding member, may allot seats at the council table to councillors by ballot and the councillor is to occupy that position when present at meetings of the Council until such time as there is a call by majority of councillors for a re-allocation of positions.

Members to address the Presiding Member

2.1.4 At a Council meeting a member moving a motion or amendment, or taking part in the discussion thereon, shall rise and address the person presiding unless the member is unable to conveniently stand by reason of sickness or disability and shall therefore be permitted to sit while speaking.

Titles to be used

2.1.5 At a meeting, speakers in referring to other persons present shall designate them by their separate titles of “President”, “Presiding Member”, “Councillor”, “Member” or “Chief Executive Officer”, as the case may be. Other employees of the Council shall be designated by their management titles.

Order of Speaking

2.1.6 If two or more members rise to speak at the same time, the person presiding shall decide the order of speaking.

Crossing the Meeting Room

2.1.7 When the person presiding is putting a motion to the vote, no member shall walk out of or across the meeting room, nor shall any member, whilst any other member is speaking, pass between the speaker and the person presiding.

Continued Irrelevance – Unbecoming language – Breach of order

2.1.8 The person presiding may call the attention of the meeting to continued irrelevance, tedious repetition, unbecoming language, or any breach of order on the part of a member and may direct such member, if speaking, to discontinue their speech and thereupon such member shall cease speaking and, if appropriate, resume their seat. A member failing to comply with such a direction may be declared by the person presiding to be out of order so as to attract the operation of Section 2.4.13 of this Local Law.

Adverse Reflection

2.1.9 No member of the Council or a committee is to reflect adversely upon a decision of the Council or any committee except on a motion that the decision be revoked or changed.

No Adverse Reflection on a Member or Employee

2.1.10 (1) A member present at a meeting shall not reflect adversely upon the character or action of another member or employee, nor impute any improper motive to a member or employee, unless the meeting resolves, without debate, that the motion then before the meeting cannot otherwise be adequately considered.

(2) A member who uses any expression which in the opinion of the person presiding reflects offensively on the Council or any Councillor or officer of the local government, shall when required by the person presiding unreservedly withdraw such expression and make a satisfactory apology to the person presiding, and if that member declines, or neglects to do so, the person presiding may declare the member to be in Continued Breach of Order and the member may be dealt with in accordance with Section 2.4.13

Point of Order

2.1.11 (1) A member who is addressing the person presiding shall not be interrupted except upon a point of order, in which event the member shall resume their seat until the member raising the point of order has been heard thereon and the point of order has been either upheld or rejected by the person presiding, whereupon the member so interrupted may, if permitted, proceed.

(2) A member rising to express a difference of opinion, or to contradict a speaker, shall not be recognised as raising a point of order.

Points of Order – when Valid

2.1.12 The following are to be recognised as valid points of order –

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

Rulings by Presiding Member

2.1.13 The person presiding shall decide all questions of order or practice and that decision shall be final unless the meeting decides otherwise on a motion moved under Section 2.3.11.

Suspension of Standing Orders

2.1.14 (1) Any of these Standing Orders or part thereof, may be suspended on a motion which is carried by an Absolute Majority of the members.

(2) Any member moving the suspension of a Standing Order shall state the objective of the motion, but no other discussion shall take place.

*Division 2 – Order of Debate***Order of Call in Debate**

2.2.1 The person presiding 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.

Motions or Amendments

2.2.2 A member who wishes to propose an original motion or amendment shall state its substance before the member addresses the meeting thereon, and if so required by the person presiding, shall put the motion or amendment in writing.

Division of Complicated Motions

2.2.3 The person presiding may, at the person's discretion, or the meeting may on a motion carried without debate, order a complicated motion to be divided and put in the form of two or more motions.

Withdrawal of Motion

2.2.4 A motion or amendment may be withdrawn by the mover with the simple majority consent of the meeting, which shall be signified without debate and it shall not be competent for any member to speak upon it after the mover has asked permission for its withdrawal, unless permission for withdrawal has been refused.

Motions and Amendments to be Seconded

2.2.5 Unless otherwise required by other legislation, no motion or amendment shall be discussed or put to the vote of the meeting, unless it has been seconded.

Unopposed Business

2.2.6 (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 carried without debate and without taking a vote thereon.

(3) A motion carried under Section (2) may be recorded in the minutes as a unanimous decision of the meeting.

(4) If a member signifies opposition to a motion, the motion is to be dealt in accordance with Section 2.2.7.

(5) This Section does not apply to any motion or decision to revoke or change a decision that has been made at a Council or committee meeting. Any motion or decision is subject to Regulation 10 of the Regulations.

Determining a Vote

2.2.7 Subject to Section 2.2.6 – (Unopposed Business), the method of determining a vote shall be in accordance with Section 5.21 of the Act and notwithstanding the provisions of Section 5.21 (2) every member of a committee who is present at a meeting of the committee is to vote. The procedure is as set out below.

(1) The person presiding, in taking the vote on any motion, is to –

- (a) put the motion first in the affirmative and then the negative;
- (b) determine whether the affirmative or the negative has the majority of votes; and
- (c) declare the result of the vote.

(2) The motion put under Section (1) paragraph (a) may be put as often as is necessary to enable the person presiding to determine that the affirmative or the negative has the majority of votes.

(3) The result of voting is to be determined on the show of raised hands.

(4) Voting at a meeting is to be conducted so that no member's vote is secret except in the case of the filling of the Office of President or Deputy President of the Council, or the election of the Presiding Members or Deputy Presiding Members for committees.

Member not to Speak Twice

2.2.8 (1) No member shall speak twice on the same motion, except by way of explanation, or in reply upon an original motion of which the member was the mover or an amendment last debated of which the member was the mover.

(2) The Council may, by resolution, suspend the operation of this Section during the debate of any motion.

(3) The person presiding shall, without waiting for the intervention from members of the meeting, call to order any member proceeding to speak a second time on the same motion, except where the member is otherwise authorised to do so.

Time Limit of Speeches

2.2.9 (1) A member shall not speak upon any motion or amendment or in reply for a period longer than five (5) minutes without the consent of the meeting, which shall be signified without debate by a simple majority of members present.

(2) An extension under Section (1) shall not be permitted beyond a further period of five (5) minutes.

No Digression

2.2.10 A member shall not speak otherwise than upon, or digress from, the motion then before the meeting, except to make a personal explanation.

Personal Explanation

2.2.11 A member making a personal explanation shall confine it to a succinct explanation of a material part of their former speech which may have been misunderstood and shall not advert to matters not strictly necessary for that purpose or seek to strengthen the member's former argument by introducing any new matter, or by replying to other members.

Speaking in Reply

2.2.12 A member speaking in reply shall not introduce any new matter, but shall strictly confine the reply to answering previous speakers.

No Speech after Certain Events

2.2.13 No member shall speak on any motion or amendment –

- (a) after the mover has replied; or
- (b) after the motion has been put.

Motions to Revoke or Change a Decision

2.2.14 Where any motion proposes the revocation or substantial change to an earlier resolution, the provisions of Regulation 10 of the Regulations shall be complied with.

*Division 3 – Procedural Motions***Motions and Amendments to be Determined without Digression**

2.3.1 When a motion is under debate at a meeting, another motion shall not be received unless it be a motion authorised by the Act or this Local Law or one of a nature necessary for the proper observance of the Act or this Local Law.

Permissible Formal Motions during Debate

2.3.2 (1) Whilst a motion is under debate, a member may move a procedural motion which, provided it is seconded, shall be dealt with immediately.

(2) Each of the following is a procedural motion for the purpose of this Section –

- (a) that the matter be referred back to committee;
- (b) that the motion be amended;
- (c) that the meeting proceed behind closed doors;
- (d) that the meeting be adjourned;
- (e) that the debate be adjourned;
- (f) that the question be now put;
- (g) that the meeting proceed with the next business;
- (h) that the question lie on the table;
- (i) that the ruling of the person presiding be disagreed with;
- (j) that the meeting be now closed.

(3) A member who has moved, seconded or spoken on the matter then before the meeting shall not move a procedural motion on that matter other than the motions referred to in Section (2) paragraphs (a), (c) and (i).

That the Matter be Referred Back to Committee – When Moved and How Dealt with

2.3.3 Where the matter before Council is a recommendation from a committee of the Council, any member may at the conclusion of the speech of any other member, move without notice that the matter be referred back to the committee and, on any such motion, the mover may speak for not more than five (5) minutes, the seconder shall not speak other than to formally second and the presiding member of the committee concerned, or in his absence a member thereof, may speak for not more than five (5) minutes, but no other debate shall be allowed.

That the Motion be Amended – When Valid, How Dealt with and Effect

2.3.4 (1) Every amendment shall be relevant to the motion, about which it is moved and is not to have the effect of negating the motion.

(2) As often as an amendment is lost, another amendment may be moved before the original motion is put to the vote. Where an amendment is carried, one further amendment to the original motion, as amended, and no more may be carried.

(3) In speaking to an amendment, a member may give notice of their intention to move a further amendment.

(4) Where an amendment is carried, the original motion, as now amended, shall for all purposes of subsequent debate be treated as the original motion.

That the Meeting Sit Behind Closed Doors – When Moved, How Dealt with and Effect

2.3.5 (1) A member may at the conclusion of a speech of any other member move without notice, for the purpose of dealing with any matter referred to in Section 5.23(2) of the Act, that the meeting sits behind closed doors and on any such motion, the mover may speak for not more than five (5) minutes, the seconder shall not speak other than to formally second and no other debate shall be allowed.

(2) Where a meeting resolves to close doors to members of the public for the meeting, or part of the meeting, the following is to occur –

- (a) the person presiding is to direct all persons other than the members and those persons who they require to assist them with the business, to leave the meeting room and every person is to comply with that direction immediately;
and
- (b) the meeting is closed to members of the public until the meeting resolves to open the meeting to members of the public.

(3) A person who fails to leave the meeting room when so directed, under Section (2) may, by order of the person presiding, be removed from the meeting room.

That the Meeting be Adjourned – When Moved, How Dealt with and Effect

2.3.6 (1) A member may, at the conclusion of the speech of any other member or on the conclusion of any business, move without notice that the meeting be adjourned and that motion shall state a time and date to which the adjournment is to be made.

(2) On a motion to adjourn, the mover may speak for not more than five (5) minutes, the seconder shall not speak other than to formally second and the mover of a motion (if any) which is then under debate, may speak for not more than five (5) minutes, but no other debate shall be allowed.

(3) If any motion for adjournment of the meeting is negated, the subject then under consideration or the next matter on the notice paper shall be discussed before any subsequent motion for adjournment shall be entertained.

(4) If any motion for adjournment of the meeting is carried, the matter (if any) under debate when the decision for adjournment was made, will stand adjourned until the next meeting.

(5) On resuming debate on any matter from an adjourned meeting, the member who moved its adjournment shall be entitled to speak first.

(6) At the same sitting, no member may move or second more than one motion for the adjournment of the meeting.

(7) On a motion for adjournment of the meeting being carried, a record shall be taken of all those who have spoken on the matter under consideration at the time of the adjournment and they shall not be permitted to speak on any subsequent consideration of the same matter when the meeting is resumed, but this Section does not deprive a mover of the right of reply.

That the Debate be Adjourned – When Moved, How Dealt with and Effect

2.3.7 (1) A member may, at the conclusion of a speech of any other member move, without notice, that the debate be adjourned to a later hour on the same day or to any other day.

(2) On a motion that a debate be adjourned, the mover may speak for not more than five (5) minutes, the seconder shall not speak other than to formally second and no other debate shall be allowed, but if the matter then before the meeting is a recommendation from a standing committee, the presiding member of the committee concerned, or in the absence of the presiding member a member thereof, may speak for not more than five (5) minutes.

(3) On resuming an adjourned debate, the member who moved its adjournment shall be entitled to speak first.

(4) At the same meeting no member shall move or second more than one motion for adjournment of the same debate.

(5) On a motion for the adjournment of a debate being carried, a record shall be taken of all those who have spoken on the matter under debate and they shall not be permitted to speak on any resumption of the debate on that subject, but this Section does not deprive a mover of the right of reply.

That the Question be Now Put – When Moved, How Dealt with and Effect

2.3.8 (1) A member may, at the conclusion of the speech of any other member, move without notice, that the question under consideration be now put and upon the motion being seconded, it shall immediately be voted upon without debate.

(2) A motion that the question be now put shall not be decided in the affirmative unless supported by a 75% majority (to the nearest whole integer) of the members present.

(3) Should the motion be carried, any amendment before the meeting shall be put at once, or, if there is no amendment before the meeting, then the original motion or original motion as amended shall be put at once, subject to Section (4).

(4) Whenever it is decided by the meeting that the Question under consideration shall be put, the mover of the motion under consideration shall, if debate has occurred, and if otherwise entitled to do so, be permitted to speak in reply before the motion is put.

That the Meeting Proceed with the Next Business – When Moved, How Dealt with and Effect

2.3.9 (1) A member may at the conclusion of the speech of any other member, move without notice, that the meeting proceed to the next business and if the motion be seconded, it shall be put forthwith without debate.

(2) If a motion “that the meeting proceed to the next business” is carried, then the substantive motion and any amendment being debated shall be considered as lapsed and no further debate is permitted.

That the Question Lie on the Table – When Moved, How Dealt with and Effect

2.3.10 (1) A member may at the conclusion of the speech of any other member, move without notice that the motion or amendment under consideration lie on the table and upon that motion being seconded, it shall immediately be put without debate.

(2) Whenever it is decided by the meeting that a motion under consideration shall lie on the table, if it is passed in respect of an amendment, then the amendment and the substantive motion to which it relates must lie on the table.

(3) The meeting may at any time resolve to take the motion from the table.

(4) On a motion that the question lie on the table being carried, a record shall be taken of all those who have spoken on the subject under consideration up to the closing of the meeting and they shall not be permitted to speak on any subsequent consideration of the same matter when the debate is resumed, but this Section does not deprive a mover of the right of reply.

That the Ruling of the Person Presiding be Disagreed With – When Moved, How Dealt with and Effect.

2.3.11 (1) When the person presiding gives a ruling under Section 2.1.13 of this Local Law, a member may, provided it is done immediately, move that the ruling of the person presiding be disagreed with.

(2) On a motion that the ruling of the person presiding be disagreed with, the mover may speak for not more than five (5) minutes and the seconder shall not speak other than to formally second the motion.

(3) If a motion under Section (1) is carried, the ruling of the person presiding about which the motion was moved has no effect and the meeting shall proceed accordingly.

That the Meeting be Now Closed – When Moved, How Dealt with and Effect.

2.3.12 (1) A member may at the conclusion of a speech of any other member, or on the conclusion of any business, move without notice that the meeting be now closed and upon that motion being seconded, the motion shall, subject to Section (2) be immediately put without debate.

(2) On a motion that the meeting be now closed, the mover may speak for not more than five (5) minutes, the seconder shall not speak other than to formally second and the mover of the motion, if any, then under debate may speak for not more than five (5) minutes.

(3) If a motion that the meeting be closed is negated, a similar motion shall not be moved until after the matter under discussion or the next matter on the notice paper, has been disposed of.

(4) On a motion that the meeting be now closed being carried, the debate on any matter under debate when the motion was moved will stand adjourned to its place on the notice paper for the next meeting.

(5) On a motion that the meeting be now closed being carried, a record shall be taken of all those who have spoken on the subject under consideration up to the closing of the meeting and they shall not be permitted to speak on any subsequent consideration of the same matter when the debate is resumed, but this Section does not deprive a mover of the right of reply.

*Division 4 – Preserving Order***Person Presiding to Preserve Order**

2.4.1 The person presiding shall be responsible for preserving order and may call any person to order whenever in the opinion of the presiding person there is cause for doing so.

Person Presiding to be Heard

2.4.2 Whenever the person presiding rises during a debate, any member then speaking or offering to speak is to sit down and the meeting is to be silent so that the person presiding may be heard without interruption.

Definition of Order

2.4.3 Any member who does anything or behaves in a manner which is forbidden by any of these Standing Orders shall be deemed to be out of order.

Breaches of Order

2.4.4 Notwithstanding the generality of the preceding Section the following shall be recognized as breaches of order –

- (a) discussion of a question not before the meeting;
- (b) the use of offensive or insulting language;
- (c) the violation of any part of this Local Law;
- (d) insinuations as to the character, morality, honesty or motives of a member or employee;
- (e) breach of a Code of Conduct of the Council at a meeting.

Infraction of Standing Orders

2.4.5 Any member may direct the attention of the person presiding to any breach of order by any member at the meeting.

Prevention of Disturbance

2.4.6 (1) No Interruption

A person, not being a member, shall not at any meeting interrupt the proceedings of the meeting.

(2) Person Not a Member Interrupting

Any person not being a member interrupting the proceedings of the meeting shall when so directed by the person presiding; forthwith leave the room in which the meeting is being held.

(3) Removal by Order

Any person who, being directed to leave the meeting fails to do so may, by order of the person presiding, be removed from the meeting room.

(4) Enforced Removal

If a person ordered by the person presiding to be removed from the meeting room cannot be removed without the application of physical force then a member or members of the Police Service shall be called to the meeting to effect the removal of the person and the meeting may be adjourned until the person has been removed.

Raising Point of Order

2.4.7 A member raising a point of order shall specify one of the grounds mentioned in Section 2.1.12 before speaking further on the matter.

Precedence of Questions of Order

2.4.8 Notwithstanding anything contained in these Local Laws to the contrary, all questions of order at any time arising shall, until decided, suspend the consideration of and decision on every other question.

Rulings by Person Presiding

2.4.9 (1) The person presiding, when deciding a point of order or practice, shall give their decision, and argument or comment shall not be permitted thereon, and the person presiding's decision is final in that particular case, unless a majority of the members then present upon motion made forthwith, without discussion, dissent therefrom.

(2) Notwithstanding the generality of Section (1) there shall be no dissent from a ruling of the person presiding allowing or disallowing a question on a matter required to be dealt with without discussion.

Ruling Out of Order

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

Withdrawal of Offensive Expression

2.4.11 (1) Any member who uses an expression which, in the opinion of the person presiding, is offensive to any member or employee of the Council is, when required by the person presiding, to unreservedly withdraw the expression and make a satisfactory apology.

(2) If the member declines to do so, the person presiding may refuse to hear the member any further upon the matter then under discussion and may call upon the next speaker.

Disturbance by Members

2.4.12 A member shall not create a disturbance in the meeting room, nor converse aloud while any other person is addressing the meeting, 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 Section 2.4.15.

Continued Breach of Order

2.4.13 (1) Where a member creates a disturbance or persists in any other conduct which disrupts a meeting, or refuses to make any explanation, retraction or apology required by the person presiding under this Local Law, the member is out of order and the person presiding may so declare.

(2) Where the person presiding declares that a member is out of order the person presiding may direct that member to refrain from taking any further part in the meeting, other than by recording the member's vote and the member shall comply with such direction during the remainder of the meeting or until it is withdrawn whichever occurs earlier.

Serious Disorder

2.4.14 (1) If at a meeting the person presiding is of the opinion that by reason of serious disorder or otherwise, the business of the meeting cannot effectively be continued, the person presiding may adjourn the meeting for a period not exceeding thirty (30) minutes, after the expiration of which the meeting shall reconvene and decide whether business is to be proceeded with, which question shall be decided forthwith and without debate.

(2) Where, upon the resumption of the meeting adjourned pursuant to Section (1), the person presiding is again of the opinion that the business of the meeting cannot effectively be continued, the person presiding shall adjourn the meeting to a time and date to be set by the person presiding which may be the same day or another day.

Personal Explanation – When Heard

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

Ruling on Questions of Personal Explanation

2.4.16 The ruling of the person presiding 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.

The Person Presiding to Take Part in Debate

2.4.17 Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in this Local Law, the person presiding may take part in a discussion of any matter before the Council or committee as the case may be.

PART 3 – COMMITTEES**Committees and Their Meetings**

3.1 The Local Government Act, Part 5, Division 2, Subdivision 2 deals with committees and their meetings. See in particular –

- Types of committees
- Appointment of committee members
- Tenure of committee members
- Election of presiding members, deputy presiding members
- Function of deputy presiding members
- Who acts if presiding member not present
- Reduction of quorum for committees.

Classes of Committee

3.2 The Council may appoint Standing Committees, Occasional Committees, Management Committees and Advisory Committees to perform any duty, which may be lawfully entrusted by it to a committee. The general term “committee” when used in this Local Law refers to each of those classes of committees.

Standing Committee – Performing Functions of Council

3.3 (1) A Standing Committee is to –

- (a) perform functions within the operational areas of Council and to carry out tasks that have been delegated to the committee in accordance with the provisions of the Act;
- (b) operate in accordance with the Terms of Reference of the committee as set by Council.

(2) Members of a Standing Committee shall consist of Councillors only who are to perform the functions of Council as determined in the Terms of Reference. Standing Committees shall report to Council.

Occasional Committee – Specific Function

3.4 (1) An Occasional Committee is to –

- (a) perform a specific function of the Council over one of its areas of operation in accordance with the Terms of Reference of the committee as set by Council; or
- (b) perform a function of Council as delegated to the committee in accordance with the provisions of the Act.

(2) Members of an Occasional Committee may consist of –

- (a) Councillors;
 - (b) Councillors and employees of the Shire or,
 - (c) Councillors, employees of the Shire and members of the public;
- and will, in accordance with the Terms of Reference, report direct to Council, or a Standing Committee of Council.

Advisory Committee – No Delegated Powers

3.5 (1) An Advisory Committee –

- (a) does not have the power to make a decision, except for the confirmation of the committee’s minutes. The committee is able only to make recommendations to Council;
- (b) is to report to a Standing Committee of Council responsible for that area of operation in accordance with the Terms of Reference as adopted by Council.

(2) Members of an Advisory Committee may consist of –

- (a) Councillors and employees of the Shire;
- (b) Councillors, employees and other persons;
- (c) Councillors and other persons;
- (d) employees and other persons; or
- (e) other persons only.

Management Committee – Particular Property

3.6 (1) A Management Committee is to –

- (a) advise Council on the care, control and management of a specified property which belongs to the Local Government or of which the Local Government is the management body under the *Land Administration Act 1997*, subject to any conditions imposed on the committee by Council in the Terms of Reference;
- (b) subject to Section 5.17(1)(c) of the Act make decisions that affect the day-to-day management within the area of responsibility.

(2) Management Committees generally consist of members of the community only but may include Councillors or employees.

(3) The committee is to report to a Standing Committee of Council responsible for that area of operation in accordance with the Terms of Reference as adopted by Council.

Division of Functions

3.7 A Standing Committee shall not interfere in any matter which, for the time being, has been entrusted to an Occasional Committee.

Committees to keep Minutes

3.8 Each committee shall keep minutes of all its proceedings in accordance with Section 5.22 of the Act and Regulation 11 of the Regulations.

Open Doors

3.9 As provided in Section 1.4.1 the business of any committee shall be conducted with open doors unless the committee resolves to proceed behind closed doors.

Committees may involve Members of Public

3.10 A committee may invite members of the public whom the meetings consider may contribute to the debate, to attend a committee meeting and to enter into discussion with the committee.

PART 4 – MISCELLANEOUS**Election of President and Deputy President**

4.1 The President and Deputy President are to be elected under Schedule 2.3 Division 1 and Schedule 2.3 Division 2 of the Act respectively.

Protection of Employees and Servants**4.2 Complaint**

(1) If a Councillor has any complaint concerning the ability, character or integrity of an employee of the Council, or of any act or omission of such employee and desires to bring such complaint forward, the councillor shall submit the complaint to the CEO. Where a complaint is about the CEO, such complaint shall be submitted to the President.

Officer to Have Right of Reply

(2) If a complaint or criticism be made concerning an officer of the Council, whether by a councillor or by any other person, that officer or employee may reply to the complaint or criticism either in writing to the appropriate committee or with the consent of Council, to Council itself.

Production of Documents to Members

4.3 Production of documents is provided for by Section 5.92 of the Act.

Meetings of Electors

4.4 The Standing Orders Local Law shall so far as practicable apply to meetings of electors except for the following –

- (1) No person shall vote at a meeting of electors unless his or her name is on the current Electoral Roll.
- (2) Subject to the Act, the Shire President shall preside at any meeting.
- (3) The President may require questions to be submitted in writing.
- (4) All questions if answered at the meeting shall be answered by the President or with the permission of the President by a Councillor or an officer of the Council.
- (5) If any question cannot readily be answered at the meeting the answer shall be given in writing as soon as reasonably practicable thereafter.
- (6) If required by the President the mover of a motion shall submit any motion in writing.
- (7) The President may close the meeting when the President determines that the business of the meeting has been concluded.
- (8) Subject to the Act and to this Local Law, the conduct of a meeting of ratepayers and electors shall be at the sole discretion of the President.

Enforcement of Standing Orders

4.5 (1) The person presiding at a meeting shall be responsible for ensuring that these Standing Orders are complied with during the course of the meeting and generally.

(2) The provisions of this Local Law shall be enforced by proceedings in accordance with Section 9.24 of the Act by the presiding member of the Council or any committee but only following the specific direction of the Council or committee by resolution carried by a simple majority.

Cases not provided for in the Standing Orders

4.6 In cases of procedure where the Standing Orders and the Act are silent, the Presiding Member shall decide all other questions of order, procedure, debate or otherwise.

Penalty for Offence when Not Otherwise Specified

4.7 If the penalty to which a person is liable for committing an offence against this Local Law is not otherwise specified, the penalty is a fine of \$1,000.

Affixing of Common Seal

4.8 (1) The form of the sealing clause of the Council of the Shire of Mundaring is –

“The Common Seal of the
Shire of Mundaring was
hereunto affixed by
authority of Council.

.....
Chief Executive Officer
(or his delegate)

.....
Authorised Officer”

- (2) The CEO, or an employee appointed by the CEO, is responsible for the care of the Common Seal and shall keep it in safe custody.
- (3) If the Act or any other law requires that the Common Seal be affixed to any document, then the Common Seal shall be affixed in accordance with the provisions of the Act or any other law and if the Common Seal is required to be affixed to a document in respect of which no direction is given in the Act or any other law as to the circumstances and manner of its affixing, the Council may, from time to time, direct either generally in respect of all documents not otherwise provided for, or in respect of a class of documents or a specific document, not otherwise provided for, that the Common Seal shall be affixed to any such document without any further resolution of the Council being required.
- (4) Where a document is not required by any Act or other law to have the Common Seal of the Shire affixed to it, then it may be executed by the signature of the CEO.
- (5) Notwithstanding the provisions of Section (4), any document is validly executed by the Shire when the Common Seal is affixed to it by an officer of the Shire authorised in that behalf by the CEO, and the CEO attests that the Common Seal has been properly affixed in accordance with the provisions of Section (1).
- (6) The CEO may delegate to an officer of the Shire of executive status the power to execute documents under seal conferred by Section (5).
- (7) The CEO shall cause to be kept a register of all documents to which the Common Seal of the Council has been affixed.”

Dated the 25th day of March 2003.

The Common Seal of the Shire of Mundaring was hereunto affixed by authority of Council.

M. N. WILLIAMS, Chief Executive Officer.
T. GERAGHTY JP, Shire President.

