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LOCAL GOVERNMENT ACT 1995

SHIRE OF BUSSELTON

**PROCEEDINGS AND BUSINESS
OF COUNCIL LOCAL LAW 2004**

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LOCAL LAW 2004**

By the power of the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Busselton resolved on 10 December, 2003 and 25 February, 2004 to enact a new Proceedings and Business of Council Local Law 2004.

1.0 PRELIMINARY**1.1 Citation**

- (a) This Local Law may be cited as the *Proceedings and Business of Council Local Law 2004*. The proceedings and business of the Council and its Committees shall be conducted according to this Local Law.
- (b) In the Clauses to follow, this Local Law is referred to as “the Standing Orders”.

1.2 Commencement

This Local Law comes into operation 14 days after its publication in the *Government Gazette*.

1.3 Repeal

The Shire of Busselton Local Law Relating to the Conduct of Proceedings and the Business of Council published in the *Government Gazette* on 22 December, 1997 is repealed.

1.4 Interpretation

In these Standing Orders—

- “Act”—means the *Local Government Act 1995* and includes any Regulations made under the Act.
- “Adoption En-Bloc”—means a single resolution of Council that has the effect of adopting the Officer recommendation as the Council resolution for specifically identified reports.
- “Amendment”—means any motion which seeks to alter another motion which is the subject of debate.
- “CEO”—means the Chief Executive Officer of the Shire of Busselton or the Chief Executive Officer's nominated representative.
- “Committee”—means any committee established by Council under the Act.
- “Council”—means the Council of the Shire of Busselton.
- “Councillor”—means a person who currently holds the office of councillor on the Council (including a person who holds the office of President or Deputy President as well as the office of Councillor).
- “Elector”—means a person who is eligible to be enrolled to vote at elections within the district of the Shire of Busselton.
- “Employee”—means any person employed by the Shire of Busselton.
- “Instrument of Appointment”—means the document defining all rules and other matters applicable to a particular Committee established by the Council.
- “Item to be Debated”—means any item identified as requiring additional information or an alternative motion that will not be included in the “Adoption En-Bloc”.
- “Meeting”—means any ordinary or special meeting of the Council or a Committee.
- “Member”—has the same meaning as defined in section 1.4 of the Act and also includes any Employees or other persons appointed to a Committee in accordance with the Act and acting in that capacity.
- “Negated”—means lost on a majority vote of the Members present at the meeting.
- “Officer”—means any Employee in attendance at a Meeting for the purposes of carrying out his/her duties at the Meeting.
- “Presiding Member”—means any Member presiding at any Meeting to which these Standing Orders apply.
- “Relevant Person”—has the meaning as given to it by Section 5.59 of the Act.
- “Shire”—means the Shire of Busselton.

Any word not otherwise defined has the meaning given to it by the Act.

1.5 Application and Purpose

- (a) The Standing Orders provide the rules and guidelines which shall apply to the conduct of Meetings of Council and its Committees.
- (b) The Standing Orders are intended to result in—
- (i) Structured, efficient and transparent decision-making by Council and its Committees; and
 - (ii) The orderly conduct of meetings dealing with Local Government business.

2.0 COMMITTEES

2.1 Types of Committees

Council may from time to time resolve to establish a Committee under Section 5.8 of the Act (by absolute majority).

Council may establish one of two different types of Committee; Management and Advisory—

(a) Management Committees

Management Committees may comprise Councillors, Employees and other persons in accordance with clause 2.2. Relevant authority only may be delegated to the Committee in accordance with the Act to manage the Local Government's business or facility/event in accordance with the Committee's Instrument of Appointment.

(b) Advisory Committees

Advisory Committees may comprise Councillors, Employees and other persons in accordance with clause 2.2 and may only be established to assist the CEO in his/her advisory capacity to Council. Authority cannot be delegated to Advisory Committees. The Committee will act in accordance with its Instrument of Appointment.

2.2 Establishing Committees

Any motion to form a Committee shall include—

- (a) The Committee's Instrument of Appointment with the name, purpose and terms of reference of the Committee;
- (b) The number of members to be appointed to the Committee and its quorum;
- (c) The names or office titles of persons to be appointed to the Committee;
- (d) Details of the delegation of any powers or duties to the Committee in accordance with section 5.16 of the Act;
- (e) Any arrangement the Committee will have for deputies; and
- (f) Meeting details (such as frequency, place, process of calling).

2.3 Standing Orders to Apply

- (a) The Standing Orders shall apply to the conduct of Council and Committee Meetings.
- (b) The Standing Orders shall apply, so far as is practicable, to any meeting of Electors, but where there is inconsistency between the provisions of the Standing Orders and the Act, the latter shall prevail.

3.0 CALLING AND CONVENING OF MEETINGS

3.1 Kinds of Meetings

- (a) Ordinary Meetings are those called at such place and at such times as Council, from time to time, appoints for the transaction of the ordinary business of the Council.
- (b) Special Meetings are those called to consider specific business, the nature of which shall be specified in the notice convening the Meeting. No business shall be transacted at a Special Meeting other than that for which the Special Meeting has been called.
- (c) Committee Meetings may be held at such place and time as determined by any Committee established by the Council under the Act, in accordance with its Instrument of Appointment (refer clause 2.2).
- (d) Electors' Meetings (special) may be held at such place and time as determined by the Council or at the request of electors in accordance with the Act and a general meeting of electors shall be held once every year in accordance with the Act.

3.2 Convening Meetings

A notice of Meeting shall be in writing and served on each Member—

- (a) By delivering it to the Member personally; or
- (b) By delivering it to the Member's usual place of abode or business; or
- (c) By sending it to the Member by post, facsimile or email at the Member's usual place of abode or business. A notice sent by post shall be deemed to have been served at the time when in the ordinary course of post it would have reached the address to which it was sent.

Notwithstanding, a notice concerning a Special Meeting of Council may be given in person or by a telephone call to each of the Members before the holding of the Meeting.

3.3 Notice of Adjourned Meeting

When a Meeting is adjourned to a day and hour other than the next Ordinary Meeting, notice of the Adjourned Meeting shall, if time permits, be sent in the manner provided in clause 3.2 to each Member, specifying the nature of the business to be transacted.

3.4 Failure to Receive Notice Not to Invalidate Proceedings

Failure to receive a notice shall not affect the validity of any Meeting.

4.0 BUSINESS OF MEETINGS

4.1 Business to be Specified on Notice Paper

(a) No business shall be transacted at any Council Meeting other than that specified in the notice paper except matters which the Act or the Standing Orders permit to be dealt with without notice.

(b) No business, including the answering of public questions, shall be transacted at a Special Meeting of Council other than that business specified in the notice paper as the purpose of the Meeting and those questions relating to the purpose of the Meeting.

(c) No business, including the answering of public questions, shall be transacted at a Committee Meeting other than that business specified in the notice paper to be transacted at the Meeting and questions relating to items in the notice paper of the Meeting. This shall not limit the ability of the public to ask a question and receive an answer on the function of a Management Committee.

(d) No business shall be transacted at a reconvened Meeting of Council or a Committee other than that specified in the notice of the Meeting which had been adjourned and which remains unresolved (refer Clause 3.3).

(e) Business to be conducted at Electors' Meetings shall be in accordance with the Act and no other business shall be entertained at any Electors' Meeting.

4.2 Order of Business—Council

(a) The order of business at Meetings of the Council shall, unless altered by the Presiding Member or by Council resolution, be as near as practicable as follows—

- (i) Attendance, Apologies and Leave of Absence
- (ii) Opening Prayer
- (iii) Public Question Time
- (iv) Summary of Responses to Previous Questions Taken on Notice
- (v) Applications for Leave of Absence
- (vi) Confirmation of Minutes
- (vii) Announcements by the Presiding Member Without Discussion
- (viii) Petitions and Memorials
- (ix) Declaration of Due Consideration
- (x) Declarations of Interests
- (xi) Presentations by Parties With an Interest
- (xii) Business From Previous Meeting
- (xiii) Reports of Officers
- (xiv) Motions of Which Notice Has Been Given
- (xv) Confidential Reports
- (xvi) Notices of Motion Proposed for Consideration at the Following Meeting
- (xvii) Next Meeting
- (xviii) Closure

(b) Notwithstanding, the CEO or Presiding Member may introduce to the agenda of a Meeting in an appropriate place within the order of business, any matter which must be decided by that Meeting.

(c) The Presiding Member shall decline to deal with any matter or other business, if in the reasonable opinion of the Presiding Member, that motion or business is not a matter of urgent necessity or is something which is more appropriately dealt with in some other manner or forum or subsequent meeting.

(d) In cases of extreme urgency matters may, by a majority decision of the Members present, be raised without notice and decided by the Meeting.

4.3 Order of Business—Committees

The order of business for Meetings of Committees shall, unless altered by the Presiding Member or by resolution, be as near as practicable as follows—

- (i) Attendance, Apologies and Leave of Absence
- (ii) Public Question Time
- (iii) Summary of Responses to Previous Questions Taken on Notice

- (iv) Confirmation of Minutes
- (v) Declaration of Due Consideration
- (vi) Declarations of Interests
- (vii) Reports of Officers
- (viii) Next Meeting
- (ix) Closure

No new business may be introduced at Committee Meetings.

4.4 Order of Business—Electors' Meetings

The order of business at an Electors' meeting shall be in accordance with the notice paper unless altered by the Presiding Member.

4.5 Unacceptable Business

If the Presiding Member is of the opinion that any motion, question or business proposed to be made or transacted at a Meeting is unacceptable, the Presiding Member may declare either before or after the motion, question or business is brought forward, that the motion, question or business shall not be entertained by the Meeting.

5.0 COMMENCEMENT

5.1 Quorum

Except in cases where the Minister for Local Government may have reduced the number necessary to form a quorum for a Council Meeting or the Council may have reduced the number necessary to form a quorum for a Committee Meeting, the number of Members necessary to form a quorum for any Meeting—

- (a) Where the total number of offices of Member (whether vacant or not) is an even number, is one half of that total;
- (b) Where the total number of offices of Member (whether vacant or not) is an odd number, is the integer nearest to, but greater than, one half of that total.

5.2 Quorum Must be Present

Business shall not be transacted at a Meeting unless a quorum is present.

5.3 Absence of Quorum

If at any Meeting to be convened a quorum is not present within half an hour after the time appointed for that Meeting, the Presiding Member or in the absence of a Presiding Member the majority of the Members present, or any one Member, if only one is present, or if no Member is present, the CEO or a person authorised by the CEO, may adjourn the meeting to some future date and this would be minuted.

5.4 Absence of Quorum during Meeting

(a) If at any time during any Meeting a quorum is not present the Presiding Member shall thereupon suspend the proceedings of the Meeting for a period of five minutes, and if a quorum is not present at the expiration of that period, the Presiding Member shall adjourn the Meeting to a future time or date.

(b) Where the debate on any motion, moved and seconded, is interrupted by virtue of clause 5.4(a), that debate may, on a motion at a subsequent Meeting without notice, be resumed from the point it was interrupted.

5.5 Names Recorded

At any Meeting at which there is not a quorum of Members present, or is interrupted by virtue of clause 5.4(a) the names of the Members then present shall be recorded in the minutes.

6.0 PUBLIC QUESTION TIME

6.1 Raising a Question

A member of the public who wishes to raise a question during public question time can, through the Presiding Member, do so in one of three ways—

- (a) Submit the question in writing, including their name and address, to the Shire office prior to the day of the Meeting;
- (b) Submit the question in writing, including their name and address, to the Shire office on the day of but prior to the start of the Meeting;
- (c) If time permits and if the Presiding Member allows, verbally, after having stated their name and address at a Meeting.

Questions shall be put as succinctly as possible and no discussion shall be allowed. Questions submitted in accordance with (a) and (b) shall be read aloud to the Meeting by the Minuting Officer.

6.2 Time Allowed and Equal and Fair Opportunity to Ask a Question

Public question time shall be conducted for 15 minutes if there are sufficient questions and may be extended for up to another 15 minutes by the Presiding Member. At the discretion of the Presiding Member questions are to be dealt with generally in accordance with the following—

- (a) Questions of which a written notice has been submitted prior to the day of the Meeting.
- (b) Questions of which a written notice has been given on the day of the Meeting but prior to the start of the Meeting.
- (c) Questions without notice from the gallery.

Notwithstanding, only one question, or part of a question where multiple parts exist, per person at a time should be asked and responded to. Subsequent questions should only be asked by another person until such time as each person has had an opportunity to ask one question or part of a question. Then other questions may be considered and one question or part of a question per person may again apply.

6.3 Question on Notice

A question may be taken on notice for later response. When the Presiding Member determines that a question will be taken on notice the CEO is to ensure that a response is given to the member of the public in writing and a summary of the response is included in the agenda of the next Meeting.

6.4 Interest of Relevant Person

Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to declare that they have an interest in the matter and allow another person to respond to the question.

6.5 No response

The Presiding Member may declare that a public question shall not be responded to where—

- (a) The member of the public uses public question time to make a statement; or
- (b) The member of the public asks a question that is personally offensive or defamatory in nature; or
- (c) The question is not the business of the local government; or
- (d) The question does not relate to the business of the Meeting at a Special Meeting of Council; or
- (e) The question does not relate to the function of the Committee or the business to be transacted at the Committee Meeting to which it is asked.

6.6 Recording of Questions

Summaries of questions and responses are to be included in the minutes.

7.0 MINUTES OF MEETINGS

7.1 Confirmation of Minutes

The minutes of a Meeting of Council or a Committee (whether ordinary or special) are to be submitted to the next ordinary Meeting of the Council or the Committee, as the case requires, for confirmation.

8.0 DECLARATIONS

8.1 Declaration of Due Consideration

At any Meeting, the Presiding Member will ask Members to consider whether they have given due consideration to the matters contained in the agenda. Any Member who has not duly considered the matters shall declare so to the meeting. Due consideration ensures that the decisions made at the Meeting are based on the clear indication that each Member has an understanding of the matters before the Meeting.

8.2 Declarations of Interest

(a) Where a Member or Officer determines they have an interest in an item to be discussed at any Meeting, the Member or Officer shall—

- (i) Make every attempt to disclose their interest in any item to be discussed at a Council Meeting in writing to the CEO prior to 3pm on the day before the Meeting. Where this is not possible, disclose their interest in writing to the CEO prior to the Council Meeting if it has not previously been disclosed and the Member or Officer determines that an interest does exist;
- (ii) Disclose their interest in any item to be discussed at a Committee Meeting in writing to the CEO prior to the Meeting.

(b) In accordance with the Act with relation to financial or proximity interests and the Shire of Busselton Code of Conduct (Policy) for interests that may reasonably be perceived to affect impartiality, Members and Officers shall—

- (i) Declare the nature and extent of their interest during the Declarations of Interest segment of the agenda;
- (ii) Should the interest be of a financial or proximity nature the Member or Officer shall reaffirm the declaration immediately before the item is discussed and shall not participate in, or be present at, any discussion or decision-making procedure relating to that matter, unless the disclosing Member or Officer is permitted to do so by the Meeting in accordance with the Act.

- (iii) Should the interest be one that may be perceived to affect the Member's or Officer's impartiality, the Member or Officer shall reaffirm the declaration immediately before the item is discussed and shall declare to the meeting the nature of the interest and affirm that they will consider the item solely on its merits and vote or act accordingly.

9.0 PRESENTATIONS BY PARTIES WITH AN INTEREST

9.1 Presentations at Council Meetings

Once the notice paper and agenda of a meeting of Council has been issued, parties with a demonstrable interest in any item listed on the agenda for discussion may seek to present to the Council.

9.2 Demonstration of Interest

A person must demonstrate that they are a party with an interest in an item on the agenda by stating their name, the item to which they wish to speak, whether or not they are in agreement with the recommendation in the agenda and they are—

- (a) The applicant or duly authorised representative of the applicant; or
- (b) An adjoining neighbour sharing a common length of boundary or directly opposite neighbour of the affected property; or
- (c) Such other persons as in the opinion of the Presiding Member have a significant direct interest or are duly representing those that have a significant direct interest in the item on the notice paper and have not lodged with the Shire anything in writing in relation to the proposal.

9.3 Time Limitation

Persons addressing Council on an agenda item will be limited to a period of five minutes unless the person is granted an extension by the Presiding Member.

9.4 Questions of Presenters

Members may, through the Presiding Member, question persons addressing Council on the item but no debate or general discussion will be permitted.

9.5 Change to Order of Business

The Presiding Member may bring forward and deal with an item following a presentation on that matter being received, but only after all presentations on all matters have been received.

10.0 PETITIONS

10.1 Valid Petition

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

- (a) Be addressed to the President of the Shire of Busselton;
- (b) State the request on each page of the petition;
- (c) Contain the names, addresses and signatures of the petitioners making the request, and the date each petitioner signed;
- (d) Contain a summary of the reasons for the request;
- (e) State the name of the person upon whom, and an address at which, notice to the petitioners can be given.

10.2 Acceptance of Petition

The only determination the Council will make on the presentation of any petition shall be—

- (a) That the petition be received; or
- (b) That the petition be rejected; or
- (c) That the petition be received and referred to the CEO for a report back to Council with any relevant specific directions to apply.

11.0 MATTERS TO BE CONSIDERED

11.1 Matters For Consideration—Council Meetings

At Ordinary Meetings of Council items included in Officers' Reports will be considered and determined by a single resolution, referred to as Adoption En-Bloc, unless the item is identified for debate or withdrawn by virtue of clause 11.2.

11.2 Items to be Considered by Separate Resolution at Council Meetings

An item shall be considered by separate resolution when it requires an absolute or special majority decision, or when a Member discloses an interest in an item in writing to the CEO, or when an interest has not previously been disclosed in writing, when a Member determines an interest does exist and declares this interest at the Meeting and in writing. No debate on the item will be entertained, except where the item was also identified under clause 11.3 or clause 11.4.

11.3 Items to be Debated—Notice Prior to the Council Meeting

An item may be identified for debate prior to 3pm on the day before the Council meeting by any of the following mechanisms—

- (a) By the CEO when an item requires revision or to be varied in any way;
- (b) By a Member wishing to move a motion different from the recommendation stated in the agenda by the provision of written notification to the CEO of the proposed alternative motion and the reasons for the proposed motion;
- (c) By a Member wishing to ask a question regarding any item (where the question cannot be answered satisfactorily prior to the Meeting by an Officer) when that Member provides written notification of the details of the question.

11.4 Items to be Debated—Notice on Day of Council Meeting

An item may be identified for debate on the day of or at the Council Meeting for any of the following reasons—

- (a) A Member has not received a satisfactory reply from an Officer to a question asked prior to 3pm on the day before the Meeting;
- (b) The CEO requests the Presiding Member to declare, or the Presiding Member declares, new relevant information of an urgent nature has become available after 3pm on the day before the Meeting.

11.5 Notification of Items to be Excluded From Adoption En-Bloc

The CEO shall provide Members with details of all agenda items to be excluded from the Adoption En-Bloc, and hence be debated and/or resolved by separate resolution, along with supporting information as early as practicable prior to the Meeting.

12.0 NOTICES OF MOTION—COUNCIL MEETINGS**12.1 Notice in Writing**

Unless otherwise permitted by the Act or the Standing Orders, a Member may only bring forward at a Council Meeting business in the form of a motion of which notice has been given, in writing, to the CEO.

12.2 Notice in Advance

Notice of motion shall be given to the CEO either—

- (a) At the previous Council Meeting, or
- (b) At least 14 clear days before the Council Meeting at which it is to be brought forward.

12.3 Motion to be Considered

Every motion of which notice has been given shall be considered by the Council unless—

- (a) The Member who gave notice thereof, or some other Member authorised by the Member, in writing, is not present to move the motion when called on; or
- (b) The Council by resolution agrees to defer consideration of the motion to a later stage or date and gives reasons for the deferral.

12.4 Relevant Motion

A notice of motion is to relate to a matter which by resolution will contribute to the good governance of the District of the Shire of Busselton.

12.5 CEO Advice on Notices of Motion

The CEO may—

- (a) Exclude from the agenda, with the concurrence of the Presiding Member, any notice of motion deemed to be out of order, or without concurrence, any motion considered ultra vires by the CEO and this shall be noted in the agenda.
- (b) Provide relevant information pertaining to the notice of motion and also material facts and circumstances on such matters as policy, budget and law.

13.0 QUESTIONS FROM MEMBERS**13.1 Types of Questions**

A Member may, without notice during the course of debate, or at appropriate times during a Meeting, ask any question relevant to that debate or to the subject under discussion or seek clarification of Meeting procedure.

14.0 PRESIDING AT MEETINGS**14.1 Presiding at Council Meetings**

The Shire President shall preside at all Ordinary and Special Meetings of the Council and Electors' Meetings. In the Shire President's absence, or if after being present the Shire President retires or is

unable or unwilling to preside, the Deputy Shire President shall preside. If the Deputy Shire President is not present, or after being present retires or is unable or unwilling to preside, then one of the Members chosen by majority vote of the Members then present shall preside.

14.2 Presiding at Committee Meetings

The Presiding Member of a Committee elected in accordance with the Act shall preside at a meeting of that Committee. In the Presiding Member's absence, or if after being present the Presiding Member retires or is unable or unwilling to preside, the Deputy Presiding Member shall preside. If the Deputy Presiding Member is not present, or after being present retires or is unable or unwilling to preside, then one of the Members chosen by majority vote of the Members then present shall preside.

15.0 ADDRESSING THE MEETING AND PRESIDING MEMBER

15.1 Respect to the Presiding Member

After any Meeting has been formally constituted a Member shall not enter, leave or withdraw from the Meeting without first paying due respect to the Presiding Member. When the Presiding Member is putting any motion a Member shall not walk out of or into the Meeting and shall not, while any Member is speaking, pass between the speaker and the Presiding Member.

15.2 Titles to be used

A speaker, in referring to any other Member or Officer present, shall designate that person by his/her appropriate title.

15.3 Presiding Member to be Heard

Whenever the Presiding Member indicates an intention to speak during a debate, any Member then speaking or offering to speak shall cease speaking and all other Members shall be silent so that the Presiding Member may be heard without interruption.

15.4 Presiding Member to take Part in Debate

Subject to the provisions of the Act and the Standing Orders, it shall be competent for the Presiding Member to move or second motions as well as to take part in a discussion upon any motion or business before the Meeting.

15.5 Priority of Speaking

Where two or more Members indicate their intention to speak at the same time, the Presiding Member shall decide which of them is entitled to priority.

15.6 Members to Address the Presiding Member

Except where this clause is suspended under clause 15.8, any Member moving a motion or amendment, or taking part in discussion at a Council Meeting shall, except when prevented by sickness or physical disability stand and address the Presiding Member. Officers are not permitted to stand.

15.7 Speaking Twice/Right of Reply

Except where this clause is suspended under clause 15.8, a Member shall not speak twice on the same motion at a Council Meeting except—

- (a) In reply, upon an original motion of which the Member was mover;
- (b) In reply, upon an amendment last debated of which the member was the mover; or
- (c) By way of personal explanation, in accordance with part 17.0.

15.8 Suspension

At a Council Meeting, the Presiding Member or Members by resolution moved without notice, may invoke this clause to suspend the operation of clause 15.6 and/or clause 15.7. This clause shall apply until such time as the Presiding Member or Members, by resolution, cease its application.

15.9 Automatic Application of Suspension Clause

Clause 15.8 shall be automatically invoked when a motion that the meeting be closed to members of the public is carried, unless the Presiding Member rules otherwise. When a motion that the meeting be re-opened to members of the public is carried, the application of clause 15.8, if so invoked, shall automatically cease.

15.10 Speaking in Reply

A Member speaking in reply shall not introduce any new matter and shall be confined strictly to responding to and answering other speakers. A Member shall not be afforded a right of reply if there has been no speaker against the motion heard.

15.11 Mover and Seconder

A Member moving a motion or amendment after obtaining a seconder, shall speak first to the motion or amendment but the seconder may reserve speaking to the motion or amendment to a later stage in the debate provided the seconder so indicates after the mover has spoken to the motion or amendment.

15.12 Limit of Speeches

A Member shall not speak on any motion or amendment or in reply for a period longer than five minutes without the consent of the Members, which shall be signified without debate. Only one extension of five minutes shall be permitted.

15.13 No Speech After Certain Events

With the exception of requesting that a motion be read, subject to clause 18.3, no Member shall speak on any motion or amendment—

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

16.0 POINTS OF ORDER**16.1 Point of Order to be Heard**

No Member shall interrupt another Member addressing the Meeting except to raise a point of order. In this event the Member shall cease speaking and be seated until the Member raising the point of order has been heard and the question of order has been determined. The member interrupted may then, if permitted, stand and proceed.

16.2 Acceptable Points

A Member raising a point of order shall specify the ground upon which the point of order is raised. A Member expressing a difference of opinion or contradicting a speaker shall not be recognised as raising a point of order. The following shall be recognised as points of order—

- (a) Discussion on a matter not before the Meeting.
- (b) The use of offensive or insulting language.
- (c) The breach of the Standing Orders or the Act.

16.3 Precedence to Points of Order

All questions of order at any time arising shall, until decided, suspend the consideration and decision of all other business.

16.4 Rulings by Presiding Member

The Presiding Member, when deciding a point of order shall give a decision which shall be final, unless a majority of Members then present vote in favour of a motion of dissent.

17.0 PERSONAL EXPLANATION**17.1 Clarifying Misunderstood Speech**

Unless otherwise permitted by the Standing Orders a Member shall not speak on any matter, other than the matter before the Meeting, unless it is to make a personal explanation. A Member making a personal explanation shall confine it to a succinct explanation of a material part of the Member's former speech which may have been misunderstood.

17.2 Member to be Heard

A Member making a personal explanation of matters referred to by any Member then speaking shall be entitled to be heard forthwith if the Member then speaking consents. If the Member who is speaking declines, the explanation shall be offered at the conclusion of the speech.

17.3 Ruling on Personal Explanation

The ruling of the Presiding Member on the admissibility of a personal explanation shall be final and shall not be open to discussion or dissent.

18.0 MOTIONS AND AMENDMENTS**18.1 Wording to be Stated**

Any Member proposing a motion or amendment shall state the wording of the motion or amendment, unless the motion is in accordance with a recommendation or notice of motion printed in the agenda, before the Member addresses the Meeting on the motion or the amendment and, if so required by the Presiding Member, shall put the motion or amendment in writing.

18.2 Seconder Required

A motion or amendment shall not be discussed or put to the vote of the Meeting unless seconded.

18.3 Member May Require Motion to be Read

Any Member may require the motion under discussion to be read for the Member's information at any time during a debate, but not so as to interrupt any other Member.

18.4 Permissible Motions During Debate

When a motion is under debate, no further motion shall be moved except, at the conclusion of the speech of another Member, a motion—

- (a) That the motion be amended;
- (b) That the Meeting be closed to members of the public;
- (c) That the Meeting adjourn;
- (d) That the debate be adjourned;
- (e) That the motion be put to the vote.

18.5 Who May Move Permissible Motion During Debate

Only a Member who has not spoken on the motion or business then before the Meeting may move a motion in accordance with clause 18.4 (c), (d) and (e). Any Member may move a motion in accordance with clause 18.4 (a) and (b).

18.6 Nature of Amendments

An amendment to a motion shall not negate the motion and must be relevant to the intention of the motion.

18.7 Amended Motion Treated as Original Motion

When any amendment is carried the original motion as amended shall be treated as the original motion.

18.8 One Amendment at a Time

Only one amendment shall be discussed at a time, but, subject to clause 18.9, once an amendment has been determined another amendment may be moved.

18.9 Motion To Only Be Amended Twice

A motion can only be amended twice.

18.10 Business During Meeting Closed to the Public

(a) After resolving that the Meeting be closed to members of the public in accordance with the Act, the discussion at that Meeting, or part of that Meeting, shall not be open to the public until the Meeting by resolution determines that the Meeting shall be re-opened to the public.

(b) After resolving that the Meeting be closed to members of the public in accordance with the Act, the Presiding Member shall direct all members of the public and any Officers that the Meeting specifies to leave the Meeting.

(c) Any person failing to comply with a direction under clause 18.10(b) commits an offence and may be forcefully removed from the Meeting.

(d) While a Meeting is closed to members of the public the operation of clause 15.8 shall apply unless the Presiding Member rules otherwise.

(e) All matters and questions considered or discussed at any Meeting or part thereof that is closed to members of the public shall be treated as strictly confidential and shall only be disclosed to the extent that it is necessary for that person to do so in the performance of his or her duties.

(f) Any decision relating to an item discussed while a Meeting has been closed to members of the public shall be made after the Meeting has been re-opened to members of the public.

18.11 That the Meeting Adjourn

A motion to adjourn the Meeting shall state the date and time that the Meeting shall reconvene.

18.12 Resumption of Adjourned Meeting

Immediately upon a Meeting reconvening, the debate on any motion or business (if any) under consideration at the time of adjournment, shall be resumed.

18.13 That the Debate be Adjourned

A motion to adjourn the debate shall state whether it is to be adjourned to a later hour of the same meeting or to a subsequent meeting.

18.14 Right of Reply After Motion That the Motion Be Put

The only discussion that shall ensue after a Motion that the Motion be put is carried, is to afford the mover of the motion their right of reply, if so entitled.

18.15 Division of Motions

The Presiding Member or the meeting by resolution may require a complicated motion to be divided and put in the form of two or more motions.

18.16 Withdrawal

A motion or amendment may be withdrawn by the mover with the consent of the Meeting. No Member shall speak on the motion or amendment after the mover has asked consent for its withdrawal, unless that consent is refused.

18.17 Limitation of Withdrawal

A motion shall not be withdrawn until any amendment proposed has been withdrawn or negated.

18.18 Negated Motions

A motion to the same effect as any motion which has been Negated, except those motions only relating to meeting procedures, shall not again be moved within a period of three months without the approval of an absolute majority of the Members.

19.0 VOTING**19.1 All Members to Vote**

At all Meetings every Member present shall vote when a motion is put except where the Act otherwise provides. If any Member who is required to vote at the meeting fails to do so the Presiding Member shall call upon the Member to vote.

19.2 Casting Vote

At any Meeting where there is an equal division of votes upon any motion the Presiding Member may cast a second vote.

19.3 Method of Taking the Vote

The Presiding Member shall, in taking the vote on any motion or amendment, put the question first in the affirmative and then in the negative. The Presiding Member may do so as often as is necessary to determine the majority. Voting shall be by a show of hands except where a Member is prevented by physical disability.

19.4 Recording of Voting

At any Meeting the vote of any Member against any motion shall be recorded in the minutes of the Meeting.

19.5 Entitlement to Vote at Electors' Meetings

A person who is not an Elector is not entitled to vote at a Meeting of Electors, and may not take part in any discussion at that Meeting, unless the Meeting, by a motion, requests or authorises the person to do so.

20.0 DISTURBANCES/BREACH OF ORDER**20.1 No Adverse Reflection on Council**

A Member shall not, at any time, other than stating an objective personal opposition to a Council decision or part of a Council decision, comment adversely upon a resolution of the Council, except on a motion where it has been proposed in the notice papers that the resolution be revoked or amended.

20.2 No Adverse Reflection on Member or Employee

A Member shall not comment adversely upon the character or actions of another Member or Employee, or be intentionally disrespectful in any way to another Member or Employee other than through an appropriate agenda item, the discussion for which is closed to members of the public, or in an authorised grievance meeting.

20.3 Record of Words Spoken

A Member can specifically request that words used by another Member be recorded in the minutes, immediately after their use. The Presiding Member is to cause the words used to be recorded, read for verification and minuted.

20.4 Demands for Withdrawal

If any Member commits a breach of clauses 20.1 or 20.2 the Presiding Member may require the Member to withdraw any offending comment and to make a satisfactory apology. If the Member declines the Presiding Member may direct the Member to cease speaking and call on the next speaker.

20.5 Disturbance by Members or from the Public

(a) A Member shall not make any undue noise or disturbance or converse aloud while any other person is addressing the Meeting, except to raise a point of order or to call attention to the lack of a quorum.

(b) Any other person, not being a Member, shall not interrupt the proceedings of any Meeting.

(c) Any other person interrupting the proceedings of a Meeting may be directed to leave the Meeting by the Presiding Member.

(d) Any person failing to comply with a direction under clause 20.5 (c) commits an offence and may be forcefully removed from the Meeting.

20.6 Speaker to Discontinue

The Presiding Member may direct a Member who the Presiding Member determines is continually irrelevant, tediously repetitious, uses unbecoming language, breaches order or lacks decorum to discontinue speaking. The Member shall cease speaking and be seated.

20.7 Presiding Member to Preserve Order

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

20.8 Members May Direct Attention to Breaches of Order

Every Member or Officer shall be entitled to direct the attention of the Presiding Member to any breach of the Act or the Standing Orders, or to draw the attention of the Presiding Member to any matter of which the Presiding Member may take notice under clause 20.6.

20.9 Retraction or Apology on any Matter

When the Presiding Member is of the opinion that any motion, or other matter before the Meeting is out of order the motion or other matter shall be rejected. When anything said or done in the Meeting by any Member is similarly determined to be out of order that Member shall be called upon by the Presiding Member to make an explanation, retraction or apology.

20.10 Continued Breach of Order

When a Member persists with any conduct that the Presiding Member determines is out of order or refuses to make any explanation, retraction or apology required by the Presiding Member under clause 20.4 or 20.9, the Presiding Member may direct that Member to refrain from taking any further part in the Meeting other than complying with the interest and voting provisions of the Standing Orders and the Act.

20.11 Serious Disorder

(a) If at a Meeting the Presiding Member is of the opinion that, by reason of disorder or otherwise, the business of the Meeting cannot effectively be continued, the Presiding Member may adjourn the meeting for a period of not more than fifteen minutes.

(b) Where after any adjournment under clause 20.11 (a) the Presiding Member is again of the opinion that the business of the meeting cannot effectively be continued, the Presiding Member may adjourn the meeting to another date and time.

21.0 ADMINISTRATIVE MATTERS**21.1 Recordings of Proceedings Prohibited**

A person shall not use any visual or vocal electronic device or instrument to record the proceedings of any Meeting unless that person has been given permission by the Presiding Member to do so.

21.2 Rulings of the Presiding Member

Except as otherwise provided for in the Standing Orders, a majority of the Members present at a Meeting may dissent from the Presiding Member's ruling on a matter under the Standing Orders by resolution. In all other cases the Presiding Member's ruling shall be final.

21.3 Suspension of Standing Orders

In cases of urgent necessity any of the clauses of the Standing Orders may be suspended on a motion carried by an absolute majority of the Members. The motion to suspend any clause shall identify the clause and the reason for suspending the clause and this shall be minuted.

21.4 Cases Not Provided for in Standing Orders

The Presiding Member shall decide all questions of order, procedure, debate or otherwise, where no provision or insufficient provision is made in the Standing Orders or the Act.

22.0 ENFORCEMENT OF LOCAL LAW**22.1 Offence Committed**

A person who breaches any clause of the Standing Orders commits an offence.

22.2 Penalty

A person who commits an offence under the Standing Orders is liable to a penalty which is not less than \$200 and not more than \$2000, in accordance with the *Local Government Act 1995*.

22.3 Authority to Enforce

The Presiding Member of any Meeting and the Chief Executive Officer are authorised and empowered to enforce the Standing Orders and prosecute for any breach of the Standing Orders in relation to that Meeting.

Dated this 25th day of February 2004.

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

TROY BUSWELL, Shire President.
ANDREW MACNISH, Chief Executive Officer.

