



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

569



PERTH, MONDAY, 18 FEBRUARY 2008 No. 29 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

© STATE OF WESTERN AUSTRALIA

SHIRE OF MURRAY

DOG ACT 1976

LOCAL LAW RELATING TO DOGS 2007

LOCAL GOVERNMENT ACT 1995

STANDING ORDERS LOCAL LAW 2007

DOG ACT 1976**SHIRE OF MURRAY****LOCAL LAW RELATING TO DOGS 2007****TABLE OF CONTENTS****PART 1—PRELIMINARY**

- 1.1 Citation
- 1.2 Repeal
- 1.3 Commencement
- 1.4 Definitions
- 1.5 Terms and Expressions Used
- 1.6 Application

PART 2—IMPOUNDING OF DOGS

- 2.1 Pound
- 2.2 Attendance of Pound Keeper At Pound
- 2.3 Notification
- 2.4 Release of Impounded Dog
- 2.5 Proof of Ownership/Authority to Collect
- 2.6 Disposal of Dogs
- 2.7 Proceeds of Sale
- 2.8 Cost Of Euthanasia
- 2.9 Euthanasia of a Dog in Other Circumstances
- 2.10 Liability Not Waived
- 2.11 No Breaking into or Destruction of Pound

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

- 3.1 Dogs to be Confined
- 3.2 Limitation on the Number of Dogs
- 3.3 Fees

PART 4—APPROVED KENNEL ESTABLISHMENTS

- 4.1 Interpretation
- 4.2 Application for Licence for Approved Kennel Establishment
- 4.3 Notice of Proposed Use
- 4.4 Exemption from Notice Requirements
- 4.5 When Application can be Determined
- 4.6 Determination of Application
- 4.7 Where Application cannot be Approved
- 4.8 Conditions of Approval
- 4.9 Compliance with Conditions of Approval
- 4.10 Fees
- 4.11 Form of Licence
- 4.12 Period of Licence
- 4.13 Variation of Licence Conditions
- 4.14 Transfer
- 4.15 Notification
- 4.16 Inspection of Kennel
- 4.17 Appeals

PART 5—DOGS IN PUBLIC PLACES

- 5.1 Places where Dogs are Prohibited Absolutely
- 5.2 Dogs in Public Places
- 5.3 Places which are Dog Exercise Areas

PART 6—MISCELLANEOUS

6.1 Offence to Excrete

PART 7—ENFORCEMENT

- 7.1 Interpretation
- 7.2 Authorised Persons Extent of Authority
- 7.3 Modified Penalties
- 7.4 Issue of Infringement Notice
- 7.5 Failure to Pay Modified Penalty
- 7.6 Payment of Modified Penalty
- 7.7 Withdrawal of Infringement Notice
- 7.8 Service

FIRST SCHEDULE

SECOND SCHEDULE

FORM 1

FORM 2

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE

DOG ACT 1976**SHIRE OF MURRAY****LOCAL LAW RELATING TO DOGS 2007**

Under the powers conferred by the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Murray resolved on the 19 December 2007 to adopt the following Local Law.

PART 1—PRELIMINARY**1.1 Citation**

This Local Law may be cited as the *Shire of Murray Local Law relating to Dogs 2007*.

1.2 Repeal

The Shire of Murray Dog Local Laws published in the *Government Gazette* on the 30th December 1999 and the Dog Local Laws Amendment published in the *Government Gazette* on June 12, 2001 are repealed.

1.3 Commencement

This Local Law comes into effect fourteen (14) days after the date it is published in the *Government Gazette*.

1.4 Definitions

In this Local Law unless the context otherwise requires—

“**Act**” means the *Dog Act 1976* (as amended);

“**Authorised person**” means a Ranger or any other person authorised by the Local Government to administer, enforce, issue any Infringement Notice, impound or destroy dogs or otherwise carry out the objectives of this Local Law or the Act;

“**CEO**” means the Chief Executive Officer of the Local Government;

“**Council**” means the Council of the Local Government;

“**District**” means the district of the Local Government of the Shire of Murray;

“**Leash**” includes a chain, cord, leash or harness no greater than two (2) metres in length and of sufficient strength to restrain a dog in all circumstances;

“**Local Government**” means the Shire of Murray;

“**Person liable for the control of a dog**” has the meaning given to it in the Act;

“**Pound**” means any land, including any enclosures or structures thereon, established or maintained by the local government pursuant to the Act;

“**Pound-keeper**” has the same meaning as Authorised Person;

“**Public Place**” has the meaning given to it in the Act;

“**Public buildings**” means churches, community centres, licensed premises, public swimming pools and schools;

“**Regulations**” means the *Dog Regulations 1976*;

“**Thoroughfare**” has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

“**Town Planning Scheme**” means a town planning scheme made by the local government under the *Planning and Development Act 2005* and which applies throughout the whole or a part of the district.

1.5 Terms and expressions used

The terms and expressions used shall have the meanings given in subsection 1.4 of this Local Law, but in the event of any inconsistency, the definitions provided in the Act shall apply.

1.6 Application

This local law applies throughout the district.

PART 2—IMPOUNDING OF DOGS

2.1 Pound

The local government may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Act or this local law.

2.2 Attendance of pound keeper at pound

The pound-keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week, as are determined by the Chief Executive Officer.

2.3 Notification

Where a dog has been seized or placed in a pound pursuant to this local law or the Act the pound-keeper shall, if the owner or person is usually in charge of the dog is known, notify such person in writing, as soon as practicable that the dog has been impounded.

2.4 Release of impounded dog

If the owner or person apparently acting on behalf of the owner of a dog seized or impounded claims a dog, then the dog shall be released to that person by prior payment to the local government or an authorised person—

- (a) the fees determined by the local government under sections 6.16-6.19 of the *Local Government Act 1995* relating to the impounding and sustenance of the dog, together with;
- (b) any veterinary costs which may have been incurred by the local government in relation to treatment of that dog; and
- (c) any fees in relation to the registration of the dog, if the dog is not registered pursuant to the Act.

2.5 Proof of ownership/authority to collect

A person applying for the release of an impounded dog shall prove to the satisfaction of the pound-keeper the ownership of the dog and their authority to take possession of the dog. A pound-keeper may accept such proof as is deemed necessary. No person shall have any right of action against a pound-keeper or the local government in respect of the release of a dog in good faith.

2.6 Disposal of dogs

If an impounded dog is not claimed and said fees paid within seventy-two (72) hours of it being impounded a pound-keeper may sell, destroy or otherwise dispose of a dog.

2.7 Proceeds of sale

Upon the sale of a dog the proceeds of sale shall be the property of the local government. The owner of a dog sold pursuant to this local law or the Act shall have no claim against the local government in respect of the proceeds of the sale.

2.8 Cost of euthanasia

If the local government arranges the destruction of a dog at the request of its owner, then whether the dog has been seized or not, the owner shall pay the fees determined by the local government under section 6.16-6.19 of the *Local Government Act 1995*, when required to do so.

2.9 Euthanasia of a dog in other circumstances

Notwithstanding anything contained in this local law, but subject to the provisions of sub-section (12) of Section 29 of the Act, any dog seized or impounded may at any time be destroyed upon the written authority of a registered veterinary surgeon, medical practitioner, or environmental health officer.

2.10 Liability not waived

The payment of fees in respect of the seizure, care, detention or destruction of a dog shall not relieve the owner of liability to a penalty imposed under the Act, Regulations or this local law.

2.11 No breaking into or destruction of pound

A person who—

- (a) unless he or she is the pound keeper or a person authorized to do so, releases or attempts to release a dog from a pound; or
- (b) destroys, breaks into, damages or in any way interferes with or renders not dog-proof;
 - (i) any pound; or
 - (ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog,

commits an offence.

Penalty: Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

(1) An occupier of premises on which a dog is kept must—

- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;

- (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction capable of preventing the dog from passing over, under or through it, at all times, given the age, size and physical characteristic of the dog kept;
- (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
- (d) maintain the fence and all gates and doors in the fence in good order and condition; and
- (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

Penalty: Where the dog is a dangerous dog, \$2,000 and a daily penalty of \$200; otherwise \$1,000 and a daily penalty of \$100.

3.2 Limitation on the number of dogs

(1) This clause does not apply to premises, which have—

- (a) a current license under Part 4 of this local law, as an approved kennel establishment; or
- (b) have been granted an exemption under section 26(3) of the Act.

(2) (a) The owner or occupier of premises within the district shall not, unless the premises are licensed as an approved kennel establishment, or has been granted an exemption in accordance with Section 26(3) of the Act and the First Schedule of this local law, keep or permit to be kept on those premises more than two (2) dogs over the age of three (3) months.

- (b) A person who contravenes clause 3.2 (2) (a) commits an offence.

Penalty: \$1,000.

(3) The maximum number of dogs which an owner or occupier may keep is prescribed in the First Schedule of this local law, subject to—

- (a) The premises complying in all respects with the provisions of the Act and this local law; and
- (b) All dogs being registered in accordance with the Act;
- (c) Notwithstanding the provisions of the First Schedule an owner or occupier of premises may only keep two dogs on those premises if that person or any other person liable for the control of dogs on those premises has been convicted for an offence under the Act on two or more occasions during the twelve months immediately preceding the renewal of the registration.
- (d) If any part of land comprised within the premises is sold, then immediately the Transfer of Land is registered at the Department of Land Administration, the entitlement to keep dogs shall be calculated in accordance with the area of land remaining after such sale.

(4) A person wishing to keep more than the number of dogs as prescribed in the First Schedule but not greater than six (6) dogs on any premises shall apply for an exemption for those premises under the provisions of Section 26 (3) of the *Dog Act 1976*. Any such application for exemption shall be made in the form of the Third Schedule, and must be lodged with the local government together with the fee for the application for an exemption, referred to in clause 3.3 (1).

The Council may approve an application for exemption in respect of those premises but any such approval—

- (a) shall be made subject to any conditions or requirements deemed necessary;
- (b) shall not operate or authorize the keeping of more than six (6) dogs on those premises; and
- (c) may be revoked or varied at any time by Council.

(5) The Council may, at its discretion vary the number of dogs that may be kept in accordance with clause 3.2 (4), and, as described in the First Schedule, but in any case the variation shall not permit more than six (6) dogs to be kept on a premises, unless a kennel establishment licence is approved under Part 4.

3.3 Fees

(1) On lodging an application for an exemption, the applicant is to pay a fee to the local government.

(2) The fee referred to in subclause (1) is to be determined by the local government under sections 6.16—6.19 of the *Local Government Act 1995*.

PART 4—APPROVED KENNEL ESTABLISHMENTS

4.1 Interpretation

In this Part and in the Fifth Schedule—

“**exercise yards**” means a fenced enclosure that is used for exercising dogs. “Day runs” and “puppy runs” have the same meaning;

“**kennel**” means an individual enclosure of a specified size, where one dog is kept, in the case of a whelping dog where that dog’s progeny may be kept with that dog for a specified period;

“**kennel building**” means a building used to house individual kennels;

“**licence**” means a licence to keep an approved kennel establishment on premises;

“**licensee**” means the holder of a licence;

“premises” in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence;

“transferee” means a person who applies for the transfer of a licence to her or him under clause 4.14.

4.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Form 1 of the Second Schedule, and must be lodged with the local government, together with—

- (a) two copies of the plans and specifications of the kennel establishment, including a site plan;
- (b) copies of the notices to be given under clause 4.3;
- (c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (d) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (e) the fee for the application for a licence referred to in clause 4.10(1).

4.3 Notice of proposed use

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—

- (a) once in a newspaper circulating in the district; and
- (b) to the owners and occupiers of any land adjoining the proposed kennel premises.

(2) The notices in subclause (1) must specify that—

- (a) any written submissions as to the proposed use are to be lodged with the CEO within fourteen (14) days of the date the notice is given; and
- (b) the application and plans and specifications may be inspected at the offices of the local government.

(3) Where—

- (a) the notices given under subclause (1) do not clearly identify the premises; or
- (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

4.4 Exemption from notice requirements

Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a—

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements,

under a town planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

4.5 When application can be determined

An application for a licence is not to be determined by the local government until—

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.3(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.

4.6 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 4.7;
- (b) any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.7 Where application cannot be approved

The local government cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a town planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.8 Conditions of approval

- (1) The local government may approve an application for a licence subject to the conditions contained in the Fifth Schedule and to such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in the Fifth Schedule.

4.9 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

Penalty: \$1,000 and a daily penalty of \$100.

4.10 Fees

- (1) On lodging an application for a licence, the applicant is to pay the fee to the local government prescribed in the *Regulations*.
- (2) On the renewal of a licence, the licensee is to pay the fee to the local government prescribed in the *Regulations*.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fee referred to in subclause (3) is determined by the local government under sections 6.16—6.19 of the *Local Government Act 1995*.

4.11 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

4.12 Period of licence

- (1) The period of effect of a kennel establishment licence is twelve (12) months from July 1st to June 30th the following year.
- (2) A kennel establishment licence is to be renewed, subject to clause 4.12 (4), when the form of that in Form 2 of the Second Schedule is lodged with the local government, together with the fee referred to in clause 4.10(2).
- (3) On the renewal of a licence the conditions of the licence at the time of its issue continue to have effect, unless the conditions are varied by the local government in accordance with clause 4.13 of this local law.
- (4) A licence not renewed within twenty-one (21) calendar days after expiry will not be renewed upon payment of the kennel establishment licence fee, and a new application for a kennel establishment licence must be submitted to the local government in accordance with this local law.

4.13 Variation of licence conditions

- (1) The local government may vary the conditions of a licence—
 - (a) during the renewal process for an kennel establishment licence, or;
 - (b) during the transfer process of a kennel licence.
- (2) The local government may cancel a licence—
 - (a) on the request of the licensee;
 - (b) following a breach of the Act, the Regulations or this local law; or
 - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of—
 - (a) paragraph (a) of subclause (2), the date requested by the licensee; or
 - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.14 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be—
 - (a) made in the form determined by the local government;
 - (b) made by the transferee;
 - (c) made with the written consent of the licensee; and
 - (d) lodged with the local government together with—

written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and

the fee for the application for the transfer of a licence referred to in clause 4.10(3).

(2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).

(3) The local government may approve, whether or not subject to such conditions, as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.

(4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.15 Notification

The local government is to give written notice to—

- an applicant for a licence of the local government's decision on her or his application;
- a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- a licensee of any variation made under clause 4.13(1);
- a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- a licensee when her or his licence is renewed;
- a licensee of the cancellation of a licence under clause 4.13(2)(a); and
- a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27(6) of the Act.

4.16 Inspection of kennel

With the consent of the occupier, an authorised person—

- (a) may inspect an approved kennel establishment at any time;
- (b) may inspect the premises prior to the renewal of a kennel establishment licence.

4.17 Appeals

Where the local government refuses to approve a kennel establishment licence or gives notice of the intention to cancel a licence the applicant or licensee may in the prescribed manner and in the prescribed time appeal the decision.

PART 5—DOGS IN PUBLIC PLACES

5.1 Places where dogs are prohibited absolutely

(1) Dogs, except a dog referred to in section 6 (4) or 8 of the Act, are prohibited absolutely from entering or being in any of the following places—

- (a) where so indicated by a sign;
- (b) any public building;
- (c) all premises or vehicles classified as food premises or food vehicles under the *Health (Food Hygiene) Regulations 1993*;
- (d) Pinjarra Cemetery, Reserve No. 8109, Pinjarra sub-lots 47, 48 and 49;
- (e) Dwellingup Cemetery Reserve No. 15228, Development Lot 152.

If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

5.2 Dogs in Public Places

(1) The owner or person liable for control of a dog shall ensure that if a dog is in any public place throughout the entire district it is held on a leash by a person capable of controlling the dog in all circumstances.

(2) A dog is exempt from the requirements of this clause of this Local Law, if—

- (a) It is in an area specified in Section 5.3 of this Local Law; or
- (b) It is in a place or being used in accordance with the exemptions provided in Section 31 (2), subsection (c), (d), (e), (f), (g), or (h) of the Act.

If a dog is not held by a leash in accordance with subclause (1) of the Act, every person liable for the control of the dog at that time commits an offence.

Penalty: Where the dog is a dangerous dog, \$4,000; otherwise \$1,000.

5.3 Places which are dog exercise areas

The owner or person liable for the control of a dog may exercise a dog free of restraint, subject to the provisions of section 32 of the Act at—

Reserve 23781 Roe Street, Pinjarra

A thoroughfare is not a public place or class of public place which is a dog exercise area.

PART 6—MISCELLANEOUS**6.1 Offence to excrete**

(1) A dog must not excrete on—

- (a) any thoroughfare or other public place; or
- (b) any land, which is not a public place without the consent of the occupier.

(2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: \$200.

(3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

PART 7—ENFORCEMENT**7.1 Interpretation**

In this Part—

“**infringement notice**” means the notice referred to in clause 7.4; and

“**notice of withdrawal**” means the notice referred to in clause 7.7(1).

7.2 Authorised persons extent of authority

An authorised person may—

- (a) carry into effect the provisions of this local law;
- (b) report to the local government on the working effectiveness of this local law;
- (c) make inquiries and investigations concerning any alleged, purported, or actual offence against any of the provisions of this local law, with the power to interview, question and obtain the full name, place of residence and date of birth of any person who is reasonably suspected of committing an offence within the district;
- (d) institute and conduct prosecutions for offences against this local law; and
- (e) issue any Infringement Notice.

7.3 Modified penalties

(1) The offences contained in the Fourth Schedule are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the third column of the Fourth Schedule directly opposite an offence is the modified penalty payable in respect of that offence if—

- (a) the dog is not a dangerous dog; or
- (b) the dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.

(3) The amount appearing in the fourth column of the Fourth Schedule directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

7.4 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 7 of the First Schedule of the Regulations.

7.5 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the local government, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

7.6 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the local government, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

7.7 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 8 of the First Schedule of the Regulations.

(2) A person authorised to issue an infringement notice under clause 7.4 cannot sign or send a notice of withdrawal.

7.8 Service

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

First Schedule

LOCAL LAW RELATING TO DOGS 2007

Premises having a Land Area of:	Maximum Number of Dogs Permitted
less than 800 square metres	2
800 square metres but less than 2,000 square metres	3
2,000 square metres but less than 10,000 square metres	4
10,000 square metres or greater	6

Second Schedule

LOCAL LAW RELATING TO DOGS 2007

Schedule Index

Form 1: Application for Licence for an Approved Kennel Establishment.

Form 2: Renewal of a Licence for an Approved Kennel Establishment.

FORM 1

APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

I/we (full name)

of (postal address)

(telephone number)

(facsimile number)

(E-mail address)..... (Phone).....

Apply for a licence for an approved kennel establishment at (address of premises)

For (number and breed of dogs).....

* (insert name of person) will be residing at the premises on and from (insert date/s).....

* (insert name of person) will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at.....(insert address of residence) on and from (insert date/s).

Attached are—

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) two (2) copies of plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside—
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and agree to comply with the Code of Practice known as, in the keeping of dogs at the proposed kennel establishment.

Signature of applicant

Date

* delete where not applicable.

Note: a licence if issued will have effect for a 12 month period commencing July 1st each year to June 30 the following year.

OFFICE USE ONLY

Application fee paid on [insert date].

Officer.....

FORM 2

RENEWAL OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

I/we (full name)
of (postal address)
(telephone number)
(facsimile number)
(E-mail address)..... (Phone)
Apply for the renewal of a licence for an approved kennel establishment at (address of premises).....

* (insert name of person)will be residing at the premises on and from (insert date/s)

* (insert name of person) will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at(insert address of residence) on and from(insert date).

Signature of applicant

Date

* delete where not applicable.

Note 1: Note: A licence will have effect for a 12 month period commencing July 1st each year to June 30 the following year. Licences not renewed within twenty one (21) days of the due date will be invalid.

Note 2: On the renewal of a licence the conditions of the licence at the time of its issue continue to have effect, unless the conditions are varied by the local government.

OFFICE USE ONLY

Renewal fee paid on [insert date].

Officer.....

Third Schedule

LOCAL LAW RELATING TO DOGS 2007

EXEMPTION APPLICATION TO KEEP MORE THAN TWO DOGS

I/we (full name)
of (postal address)
(telephone number)
(facsimile number)
(E-mail address)

Apply for an exemption to keep more thandogs at (address of premises)

Lot No: Property Size:

DETAILS AND NUMBERS OF DOGS TO BE KEPT

Breed/Age/Sex/Registration Details/Sterilised Y/N

Table with 6 rows and 5 columns for dog details: 1. Breed, 2. Age, 3. Sex, 4. Registration, 5. Sterilised Y/N.

Signature of applicant

Date

OFFICE USE ONLY

Application fee paid on Officer.....

Fourth Schedule

LOCAL LAW RELATING TO DOGS 2007

OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

Offence	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
2.11 (a)	Attempting to or causing the unauthorised release of a dog from a pound	200	400
2.11 (b)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	200	
3.1	Failing to provide means for effectively confining a dog	100	200
3.2 (2)	Keeping more than two dogs	100	200
4.9	Failing to comply with the conditions of a licence	100	200
5.1(2)	Dog in place from which prohibited absolutely	200	400
5.2 (3)	Dog not held on leash	100	200
6.1(2)	Dog excreting in prohibited place	50	

Fifth Schedule

LOCAL LAW RELATING TO DOGS 2007

CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

- (a) Limit the maximum number of dogs that can be kept, regardless of age;
- (b) Each dog shall have its own kennel, and each dog shall be kept confined in the kennel, as directed by the local government—
 - (i) In the case of a whelping dog the offspring of that dog may reside in that dog's kennel for a period of up to 12 weeks;

Kennel buildings

- (c) Dog kennels must be constructed inside a kennel building;
 - (i) The lowest internal height of a kennel building shall be 2.4 metres;
 - (ii) All external gates or doors into a kennel building or an exercise yard must be fitted with self closing and latching mechanisms;

The external walls of a kennel building must be constructed of concrete, brick, stone or with good quality new zincalume or new pre-finished colour coated sheeting or new fibrous cement sheeting or any other durable material approved by the local government;

- (d) The upper surface of the kennel building floor must be—
 - (i) at least 100mm above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (e) The roof of each kennel building must be constructed of impervious material;

Building and structure locations (setbacks)

- (f) The minimum setbacks for a dwelling, kennel building and yards shall be determined by the requirements of the Town Planning Scheme, if setbacks are not specified in the Town Planning Scheme the following applies—

Dwelling—

- (i) Ten (10) metres from the front boundary of the land;
- (ii) Five (5) metres from any side boundary;
- (iii) Twenty (20) metres from the rear boundary;

Kennel building—

- (iv) Thirty (30) metres from the front boundary of the land;
- (v) Ten (10) metres from the rear or a side boundary of the land;

Exercise yards—

- (vi) Five (5) metres from any external boundary of the land;

The setbacks for a dwelling and kennel building may be altered by the local government, except the distance determined by clause (g) of this schedule, if the shape of the land, the topography or the water table level makes it desirable to approved a lesser distance.

- (g) A kennel building or exercise yard shall be at least ten (10) metres from any residential dwelling, church, school, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;

Kennels

- (h) From the floor of the kennel building the lowest internal fixed height of an individual kennel is two (2) metres. A removable partition to reduce the fixed height of an individual kennel is permitted, however the minimum height of the partition is 1.2 metres from the floor;
- (i) The walls of each kennel must be constructed of concrete, brick, stone, fibrous cement sheeting or steel mesh, steel sheeting or other durable material approved by the local government;
- (j) Bedding for dogs must be a minimum 200 mm above the finished floor level;
- (k) The minimum size for a kennel for an individual dog is 2.5 square metres;

Effluent/waste disposal

- (l) All kennel building and kennel floor washings must pass through the drain in item ((d),(x)) and must be piped to approved apparatus for the treatment of waste in accordance with the health requirements of the local government;
- (m) All faeces, rubbish, and other waste material shall be disposed of in accordance with the directions of the local government;

Exercise yards, day runs, puppy runs

- (n) Each kennel building shall have at least one exercise yard attached that is at least twice the floor area of the kennel building to which it is attached;

Each exercise yard shall be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government. All gates into the yard must be fitted with self closing mechanisms;

- (o) Where a yard is to be floored, the floor must be constructed in the same manner as the floor of the kennel building;
- (p) No permanent structures can be built within the yards;

Additional fencing for greyhounds

- (q) Where greyhounds are kept, a perimeter fence with self-locking gates shall be constructed around the kennel building and yards of link mesh or wire netting or other materials approved by the local government. The minimum height of the fence shall be 1.6 metres;

General

- (r) All external surfaces of kennel building must be kept in good condition;
- (s) All kennels, yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected daily;
- (t) Noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (u) Reticulated water must be available at the kennel building via a properly supported standpipe and hose for the hosing down of the kennels and yards;
- (v) All food for the kennelled dogs is to be stored in a room within the kennels. The food is to be stored in metal cabinets or refrigerators that are installed at least 50 mm above the finished floor level;
- (w) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
 - (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

Dated this 14th day of January 2008.

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

NOEL H. NANCARROW, Shire President.
DEAN UNSWORTH, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995**SHIRE OF MURRAY****STANDING ORDERS LOCAL LAW 2007****PART 1—PRELIMINARY**

- 1.1 Citation
- 1.2 Application
- 1.3 Interpretation
- 1.4 Repeal

PART 2—CALLING MEETINGS

- 2.1 Calling Council Meetings
- 2.2 Calling Committee Meetings
- 2.3 Notice of Meeting and Notice of Adjournment
- 2.4 Calling ordinary and Special Meetings of Council
- 2.5 Failure to Receive Notice Not to Invalidate Proceedings

PART 3—BUSINESS OF THE MEETING

- 3.1 Business to be specified on Notice Paper
- 3.2 Order of Business
- 3.3 Public Question Time
- 3.4 Applications for Leave of Absence
- 3.5 Notice of Items to be Discussed Behind Closed Doors
- 3.6 Confirmation of Minutes
- 3.7 Announcements by the Person Presiding Without Discussion
- 3.8 Petitions
- 3.9 Deputations
- 3.10 Motions of which Previous Notice has been Given
- 3.11 Questions by Members of which Due Notice has been Given
- 3.12 New Business of an Urgent Nature Introduced by a Decision of the Meeting
- 3.13 Motions without Notice by an absolute Majority Decision of the Council

PART 4—PUBLIC ACCESS TO AGENDA MATERIAL

- 4.1 Inspection Entitlement
- 4.2 Confidentiality of Information Withheld

PART 5—DISCLOSURE OF FINANCIAL INTERESTS

- 5.1 Disclosure of Financial and Proximity Interests
- 5.2 Disclosure of Interests Affecting Impartiality
- 5.3 Separation of Committee Recommendations
- 5.4 Member with an Interest may ask to be Present
- 5.5 Member with an Interest may ask Permission to Participate
- 5.6 Invitation to Return to Provide Information
- 5.7 Disclosures by Employees

PART 6—QUORUM

- 6.1 Quorum to be Present

PART 7—KEEPING OF MINUTES

- 7.1 Content of Minutes
- 7.2 Preservation of Minutes

PART 8—CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

- 8.1 Official Titles to be Used
- 8.2 Members to Occupy Own Seats
- 8.3 Leaving Meetings
- 8.4 Adverse Reflection

- 8.5 Recording of Proceedings
- 8.6 Prevention of Disturbance
- 8.7 Distinguished Visitors

PART 9—CONDUCT OF MEMBERS DURING DEBATE

- 9.1 Priority
- 9.2 The Person Presiding to Take Part in Debates
- 9.3 Relevance
- 9.4 Limitation of Number of Speeches
- 9.5 Limitation of Duration of Speeches
- 9.6 Members not to Speak after Conclusion of Debate
- 9.7 Members not to Interrupt
- 9.8 Re-Opening Discussion on Decisions
- 9.9 Objectionable Business

PART 10—PROCEDURES FOR DEBATE OF MOTIONS

- 10.1 Motions to be Stated
- 10.2 Motions to be Supported
- 10.3 Unopposed Business
- 10.4 Only One Substantive Motion Considered
- 10.5 Breaking Down of Complex Questions
- 10.6 Order of Call in Debate
- 10.7 Limit of Debate
- 10.8 Member May Require Questions to be Read
- 10.9 Consent of Seconder Required to Accept Alteration of Wording
- 10.10 Order of Amendments
- 10.11 Amendments must not Negate Original Motion
- 10.12 Foreshadowed Motion
- 10.13 Substantive Motion
- 10.14 Repetition of Motions
- 10.15 Withdrawal of Motion and Amendments
- 10.16 Limitation of Withdrawal
- 10.17 Personal Explanation
- 10.18 Personal Explanation—when Heard
- 10.19 Ruling on Questions of Personal Explanation
- 10.20 Right of Reply
- 10.21 Right of Reply Provisions

PART 11—PROCEDURAL MOTIONS

- 11.1 Permissible Procedural Motions
- 11.2 No Debate on Procedural Motions
- 11.3 Procedural Motions—Closing Debate—who May Move
- 11.4 Procedural Motions—Right of Reply on Substantive Motion

PART 12—EFFECT OF PROCEDURAL MOTIONS

- 12.1 Council (or Committee) to Proceed to the Next Business—Effect of Motion
- 12.2 Question to be Adjourned—Effect of Motion
- 12.3 Council (or Committee) to Now Adjourn—Effect of Motion
- 12.4 Question to be Put—Effect of Motion
- 12.5 Member to be No Longer Heard—Effect of Motion
- 12.6 Ruling of the Person Presiding Disagreed with—Effect of Motion
- 12.7 Council (or Committee) to Meet Behind Closed Doors—Effect of Motion

PART 13—MAKING DECISIONS

- 13.1 Question—When Put
- 13.2 Question—Method of Putting

PART 14—IMPLEMENTING DECISIONS

- 14.1 Implementation of a Decision

PART 15—PRESERVING ORDER

- 15.1 The Person Presiding to Preserve Order
- 15.2 Demand for Withdrawal
- 15.3 Points of Order—When to Raise—Procedure
- 15.4 Points of Order—When Valid
- 15.5 Points of Order—Ruling
- 15.6 Points of Order—Ruling Conclusive, Unless Dissent Motion is Moved
- 15.7 Points of Order Take Precedence
- 15.8 Precedence of Person Presiding
- 15.9 Right of the Person Presiding to Adjourn Without Explanation to Regain Order

PART 16—ADJOURNMENT OF MEETING

- 16.1 Meeting may be Adjourned
- 16.2 Limit to Moving Adjournment
- 16.3 Unopposed Business—Motion for Adjournment
- 16.4 Withdrawal of Motion for Adjournment
- 16.5 Time to which Adjourned

PART 17—COMMITTEES OF THE COUNCIL

- 17.1 Establishment and Appointment of Committees
- 17.2 Appointment of Deputy Committee Members
- 17.3 Presentation of Committee Reports
- 17.4 Reports of Committees—Questions
- 17.5 Permissible Motions on Recommendation from Committee
- 17.6 Stranding Orders Apply to Committees

PART 18—MEETING OF ELECTORS

- 18.1 Standing Orders Apply
- 18.2 Restrictions on Voting and Speaking

PART 19—ADMINISTRATIVE MATTERS

- 19.1 Suspension of Standing Orders
- 19.2 Cases not Provided for in Standing Orders

PART 20—COMMON SEAL

- 20.1 The Council's Common Seal

LOCAL GOVERNMENT ACT 1995**SHIRE OF MURRAY****STANDING ORDERS LOCAL LAW 2007**

Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the Shire of Murray resolved on the 19th December 2007 to make the following Local Law.

PART 1—PRELIMINARY**1.1 Citation**

- (1) This Local Law may be cited as the Shire of Murray Standing Orders Local Law 2007.
- (2) In the clauses to follow, this Local Law is referred to as “the Standing Orders”.

1.2 Application

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

1.3 Interpretation

- (1) In these Standing Orders unless the context otherwise requires—

“**absolute majority**” in relation to a Council means a majority comprising enough of the Members for the time being of the Council for their numbers to be more than 50% of the number of offices (whether vacant or not) of Members of the Council;

“**CEO**” means the Chief Executive Office or Acting chief Executive Officer for the time being of the Shire of Murray;

“**clause**” means a clause of these Standing Orders;

“**committee**” means any committee established in accordance with the provisions of the Act;

“**Council**” means the Council of the Shire of Murray;

“**employee**” means a person employed by the Shire of Murray in accordance with the Act;

“**Member**” means the President or a Councillor of Council or in the case of a Committee, a Member of the Committee appointed in accordance with the Act;

“**Minister**” means the Minister responsible for administering the Act;

“**President**” includes—

(a) in the absence of the President, the Deputy President, and

(b) if the President or Deputy president are not available or are unable to perform the functions of the President, a Councillor chosen from those present;

“**presiding Members**” 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*;

“**simple majority**” is more than 50% of the Members present and voting; and

“**substantive motion**” means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

- (2) Unless otherwise defined herein the terms and expressions used in the Standing Orders are to have the meaning given to them in the Act and Regulations.

1.4 Repeal

Part 10 of the Shire of Murray Consolidated Local Laws as published in the *Government Gazette* on December 30, 1999 is repealed.

PART 2—CALLING MEETINGS**2.1 Calling Council Meetings**

The calling of Ordinary and Special Meetings of the Council is dealt within the Act.

2.2 Calling Committee Meetings

A meeting of a committee is to be held—

- (a) if called for in a verbal or written request to the CEO by the presiding Member of the committee, setting out the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the Members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) if so decided by the Council or a committee.

2.3 Notice of Meeting and Notice of Adjournment

- (1) The giving of notice of meetings of the Council is dealt within the Act and the giving of public notice of meetings is dealt within the Regulations.
- (2) The manner in which documents can be given to a person is dealt within the Act and the *Interpretation Act 1984*.
- (3) When a meeting is adjourned to a day and hour other than the next ordinary meeting, notice of the resumption of the adjourned meeting, if time permits, is to be given to each Member specifying the nature of the business to be transacted.

2.4 Calling Ordinary and Special Meetings of Committee

- (1) The CEO is to convene an ordinary meeting of a committee, by giving each Member of the committee at least seventy-two (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.

2.5 Failure to Receive Notice Not to Invalidate Proceedings

Failure to receive a notice of meeting shall not affect the validity of any meeting provided reasonable steps have been taken to serve such notice.

PART 3—BUSINESS OF THE MEETING

3.1 Business to be Specified on Notice Paper

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the person presiding or a decision of the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting, without the approval of the presiding Member or a decision of the committee.
- (4) No business is to be transacted at an adjourned meeting of the Council or a committee other than that—
 - (a) specified in the notice of the meeting which had been adjourned; and
 - (b) which remains unresolved;

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

3.2 Order of Business

- (1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows—
 - (a) Declaration of Opening/Announcement of Visitors;
 - (b) Record of Attendance/Apologies/Leave of Absence (Previously Approved);
 - (c) Response to previous Public Questions taken on notice;
 - (d) Public Question Time;
 - (e) Applications for leave of absence;
 - (f) Confirmation of Minutes;
 - (g) Announcements by Person Presiding without discussion;
 - (h) Petitions/Deputations/Presentations;
 - (i) Declarations of interest;
 - (j) Notice of items to be discussed behind closed doors;
 - (k) Corporate and Community Services Reports;
 - (l) Planning and Development Services Reports;
 - (m) Technical Services Reports;
 - (n) Motions of which previous notice has been given;

- (o) New business of an urgent nature introduced by decision of Meeting—
 - (i) Members
 - (ii) Employees;
 - (p) Notices of Motion for consideration at the next ordinary meeting of the Council;
 - (q) Items for consideration behind closed doors; and
 - (r) Closure.
- (2) Unless otherwise decided by the Members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the agenda of the meeting.
- (3) Notwithstanding subclauses (1) and (2) in the order of business for any meeting of the Council or a committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.
- (4) Notwithstanding sub clause (1), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriately decided, by that meeting.

3.3 Public Question Time

- (1) Public question time will be limited to a total of fifteen (15) minutes duration, except by consent of the presiding Member.
- (2) A Member of the public who raises a question during question time is to state his or her name and address and be limited to three minutes duration to speak except with the consent of the presiding Member.
- (3) A question may be taken on notice by the Council or committee for later response.
- (4) When a question is taken on notice under sub-clause (3) a response is to be given to the Member of the public in writing by the CEO, and a copy is to be included in the agenda of the next meeting of the Council or committee as the case requires.

3.4 Applications for Leave of Absence

Leave of absence is dealt with in the Act.

3.5 Notice of Items to be Discussed Behind Closed Doors

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

3.6 Confirmation of Minutes

- (1) When minutes of a meeting are submitted to an ordinary meeting of the Council or committee for confirmation, if a Member is dissatisfied with the accuracy of the minutes, then he or she is to—
- (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

3.7 Announcements by the Person Presiding Without Discussion

- (1) At any meeting of the Council or a committee the person presiding may announce or raise any matter of interest or relevance to the business of the Council or committee, or propose a change to the order of business.
- (2) Any Member may move that a change in order of business proposed by the person presiding not be accepted and if carried by a majority of Members present, the proposed change in order is not to take place.

3.8 Petitions

- (1) A petition, in order to be effective, is to—
- (a) be addressed to the Council;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the names, addresses and signatures of the electors making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given; and
 - (g) not contain any language that is disrespectful to the Council or likely to be defamatory to any person.
- (2) A Petition must be in the form prescribed by the Act and *Local Government (Constitution) Regulations 1996* if it is—
- (a) a proposal to change the method of filling the office of President;
 - (b) a proposal to create a new district or the boundaries of the Shire of Murray;

- (c) a request for a poll on a recommended amalgamation; or
- (d) a submission about changes to wards, the name of a district or ward or the number of Councillors for a district or ward.

(3) A Member presenting a petition shall be limited to a statement of the parties from whom it comes, the number of the signatures attached to it, the material issues contained in it, and to the reading of the preamble to the petition. It shall be incumbent on the Member presenting the petition to be familiar with the nature and contents of the petition, and to ascertain that it is in the form prescribed by this clause.

(4) The only question that shall be considered by the Council on the presentation of any petition shall be—

- (a) that the petition shall be acknowledged; or
- (b) that the petition be acknowledged and referred to the CEO for a report to an appropriate committee; or
- (c) that the petition be acknowledged and be dealt with by the Council in conjunction with an item on the same agenda paper.

3.9 Deputations

(1) A person or persons wishing to be received as a deputation by the Council or a committee is to apply, in writing, to the CEO, not less than seven (7) working days prior to the meeting at which the deputation wishes to be received, setting out in concise terms the matter to be raised. The CEO is to forward the written request to the President, or the presiding Member as the case may be.

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

(3) A deputation invited to attend a Council or Committee Meeting is not to exceed three persons, only two of which are at liberty to address the Council, for a maximum of ten (10) minutes with ten (10) minutes question time to follow, however if the number of persons attending the deputation and/or the length of the deputation is to change then this is at the discretion of the Chairperson.

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

3.10 Motions of which Previous Notice has been Given

(1) Unless the Act, Regulations or these Standing Orders otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the Chief Executive Officer.

(2) A notice of motion under subclause (1) is to be given at least five (5) working days before the meeting at which the motion is moved.

(3) A notice of motion is to relate to the good government of persons in the district.

(4) The CEO—

- (a) with the concurrence of the President may exclude from the notice paper any notice of motion deemed to be out of order; or
- (b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
- (c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

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

(6) A motion of which notice has been given is to lapse unless—

- (a) the Member who gave notice thereof, or some other Member authorised by him or her in writing moves the motion when called on; or
- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

(7) If a notice of motion is given and lapses in the circumstances referred to in subclause (6)(a), notice of motion in the same terms or the same effect is not to be given again for at least three (3) months from the date of such lapse.

3.11 Questions by Members of which Due Notice has been Given

(1) A question on notice is to be given by a Member in writing to the CEO at least five (5) working days before the meeting at which it is raised.

(2) If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.

(3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the person presiding.

3.12 New Business of an Urgent Nature Introduced by a Decision of the Meeting

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

3.13 Motions without Notice by Absolute Majority of the Council

A motion moved without notice, shall be worded so as to refer to a particular matter for investigation and report to Council or a committee for consideration of the Council at a later date, except where the Council is satisfied that sufficient information has been provided and that the urgency of the matter is such as to warrant an immediate decision by the Council.

PART 4—PUBLIC ACCESS TO AGENDA MATERIAL

4.1 Inspection Entitlement

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

4.2 Confidentiality of Information Withheld

- (1) Information withheld by the CEO from Members of the public under the Regulations, is to be—
 - (a) identified in the agenda of a Council or committee meeting under the item “Matters for which meeting may be closed”; and
 - (b) marked “confidential” in the agenda.

(2) A Member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a Member of the Council or the committee or any employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

Penalty \$5,000.

PART 5—DISCLOSURE OF FINANCIAL INTERESTS

5.1 Disclosure of Financial and Proximity Interests

The requirements for disclosure of any interest of Members or employees are provided for in the Act.

5.2 Disclosure of Interest Affecting Impartiality

The disclosure of interests affecting impartiality is dealt with by the Code of Conduct adopted by the Council.

5.3 Separation of Committee Recommendations

Where a Member of the Council has disclosed an interest in a matter, at a committee meeting, and the matter is contained in the recommendations of the committee to an ordinary meeting of Council or to another committee meeting that will be attended by the Member, the recommendation concerned is to be separated on the agenda of that ordinary meeting or other committee meeting, from other recommendations of the committee, to enable the Member concerned to declare the interest and leave the room prior to consideration of that matter only.

5.4 Member with an Interest may ask to be Present

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

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

5.5 Member with an Interest may ask permission to Participate

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

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

5.6 Invitation to Return to provide Information

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

5.7 Disclosures by Employees

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

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

PART 6—QUORUM

6.1 Quorum to be Present

- (1) If at any time during any meeting a quorum is not present, the presiding Member upon becoming aware of the fact is to suspend the proceedings of the meeting for a period of fifteen (15) minutes.
- (2) If a quorum is not present at the expiration of the fifteen (15) minutes suspension period the presiding Member is to extend the suspension for a further period of fifteen (15) minutes after which the meeting is deemed to be adjourned and the CEO is to reschedule the meeting to a future time or date, having regard for the requirements for the convening of meetings.
- (3) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment and be recorded in the minutes of the meeting.
- (4) Where the debate on any motion is interrupted at a meeting, which is adjourned due to a lack of a quorum, that debate is to be resumed at the resumption of the meeting at the point where it was interrupted.
- (5) the Members who have spoken on the motion at the adjourned meeting must not speak again on resumption of that meeting, except the mover who retains the right of reply.
- (6) At any meeting where a quorum is not present or there is an adjournment due to the lack of a quorum the names of the Members then present are to be recorded in the minute book.

PART 7—KEEPING OF MINUTES

7.1 Contents of Minutes

In addition to the matters contained in the Regulations, the content of minutes of a meeting of the Council or a committee is to include, where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled, the reasons for the decision.

7.2 Preservation of Minutes

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

PART 8—CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

8.1 Official Titles to be Used

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

8.2 Members to Occupy Own Seats

At the first meeting held after each ordinary elections day, the CEO is to allot by random draw, a position at the Council table to each councillor and the councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of councillors for a re-allotment of positions.

8.3 Leaving Meetings

During the course of a meeting of the Council or a committee no Member is to enter or leave the meeting without first advising the person presiding, in order to facilitate the recording in the minutes of the time of entry or departure.

8.4 Adverse Reflection

- (1) A Member of Council or of a committee is not to reflect adversely on a decision of the Council or committee except on a motion that the decision be revoked or changed (Part 14).
- (2) A Member of Council or of a committee is not—
 - (a) to reflect adversely on the character or actions of another Member or employee; or
 - (b) to impute any motive to a Member or employee, unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (3) A Member of Council or of a committee is not to use offensive or objectionable expressions in reference to any Member, employee or other person.
- (4) If a Member of Council or of a committee specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes—
 - (a) the person presiding is to cause the words used to be recorded in writing and read to the meeting for verification; and
 - (b) the Council may, by resolution, decide to record those words in the minutes.

8.5 Recording of Proceedings

- (1) No person is to use electronic visual or audio recording device to record the proceedings of the Council unless the CEO, or by decision of the Council, has given permission to do so.
- (2) If the CEO gives permission under subclause (1), the CEO is to advise the meeting, immediately before the recording is commenced, that such permission has been given and details of the part of the meeting that is to be recorded.

8.6 Prevention of Disturbance

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

Penalty \$1,000

(2) No person observing a meeting is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

Penalty \$1,000

8.7 Distinguished Visitors

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

PART 9—CONDUCT OF MEMBERS DURING DEBATE

9.1 Priority

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

9.2 The Person Presiding to Take Part in Debates

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

9.3 Relevance

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

9.4 Limitation of Number of Speeches

No Member of the Council is to address the Council more than once on any motion or amendment before the council except the mover of a substantive motion, in reply, or to a point of order, or in explanation.

9.5 Limitation of Duration of Speeches

All addresses are to be limited to a maximum of five (5) minutes. Extension of time is permissible only with the agreement of a simple majority of Members present.

9.6 Members not to Speak after Conclusion of Debate

No Member of the Council or a committee is to speak to any question after it has been put by the person presiding.

9.7 Members not to Interrupt

No Member of the Council or a committee is to interrupt another Member of the Council or committee whilst speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 10.17; or
- (d) to move a motion under clause 11(1)(e).

9.8 Re-Opening Discussion on Decisions

No Member of the Council or a committee is to re-open discussion on any decision of the Council or committee, except for the purpose of moving that the decision be revoked or changed.

9.9 Objectionable Business

(1) If the presiding Member at any meeting is of the opinion, or a Council draws to the presiding Member's attention, that any motion or business proposed to be made or transacted is of an objectionable character, the presiding Member either before or after the matter is brought forward may declare that the matter shall not be considered.

(2) Any Member may move dissent from the declaration made from the presiding Member, whereupon the motion to dissent shall forthwith be put without debate.

In the event of the dissent being carried by a majority of the Members present, the business referred to shall thereupon be entertained but not otherwise.

PART 10—PROCEDURES FOR DEBATE OF MOTIONS

10.1 Motions to be Stated

Any Member of the Council or a committee who moves a substantive motion or amendment to a substantive motion is to read the text of the motion before speaking to it. The Mover of a recommendation is to remain in Chambers while the Motion is being considered.

10.2 Motions to be Supported

No motion or amendment to a substantive motion is open to debate until it has been seconded, or in the case of a motion to revoke or change the decision made at a Council or committee meeting, unless the motion has the support required under the Regulations.

10.3 Unopposed Business

(1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any Member opposes it.

(2) If no Member signifies opposition to the motion the person presiding may immediately put the motion in subclause (1) to the vote.

(3) If a Member signifies opposition to a motion the motion is to be dealt with according to this Part.

(4) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

10.4 Only One Substantive Motion Considered

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

10.5 Breaking Down of Complex Questions

The person presiding may order a complex question to be broken down and put in the form of several motions, which are to be put in sequence.

10.6 Order of Call in Debate

The person presiding is to call speakers to a substantive motion in the following order—

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) The seconder to speak to the motion;
- (e) A speaker against the motion;
- (f) A speaker for the motion;
- (g) Other speakers against and for the motion, alternating in view, if any; and
- (h) Mover takes right of reply which closes debate.

10.7 Limit of debate

The person presiding may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place even through all Members may not have spoken.

10.8 Member May Require Questions to be Read

Any Member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member whilst speaking.

10.9 Consent of Secunder Required to Accept Alteration of Wording

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

10.10 Order of Amendments

Any number of amendments may be proposed to a motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn or lost.

10.11 Amendments must not Negate Original Motion

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

10.12 Foreshadowed Motion

During the course of debate of an amendment to a motion, a Member may give notice of intention to move a motion or amendment when the question before the meeting is decided.

10.13 Substantive Motion

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.

10.14 Repetition of Motions

No motion or amendment shall be proposed which is the same in substance as a motion or amendment which has been resolved during the same sitting of Council, except by a simple majority decision of the meeting.

10.15 Withdrawal of Motion and Amendments

Council or a committee may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any Member, in which case discussion on the motion or amendment is to continue.

10.16 Limitation of Withdrawal

Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.

10.17 Personal Explanation

No Member is to speak at any meeting of the Council or a committee, except upon the matter before the Council or committee, unless it is to make a personal explanation. Any Member of the Council or committee who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a Member of the Council or committee rises to explain, no reference is to be made to matters unnecessary for that purpose.

10.18 Personal Explanation—When heard

A Member of the Council or a committee wishing to make a personal explanation of matters referred to by any Member of the Council or committee then speaking, is entitled to be heard immediately, if the Member of the council or committee then speaking consents at the time, but if the Member of the Council or committee who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech.

10.19 Ruling on Questions of Personal Explanation

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

10.20 Right of Reply

- (1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other Member is to speak on the question.
- (2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

10.21 Right of Reply Provisions

The right of reply is governed by the following provisions—

- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;
- (c) the mover of any amendment does not have a right of reply;
- (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

PART 11—PROCEDURAL MOTIONS**11.1 Permissible Procedural Motions**

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a Member to move the following procedural motions—

- (a) that the Council (or committee) proceed to the next business;
- (b) that the question be adjourned;
- (c) that the Council (or committee) now adjourn;
- (d) that the question be now put;
- (e) that the Member be no longer heard;
- (f) that the ruling of the person presiding be disagreed with;
- (g) that the Council (or committee) meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to Members of the public under the Act.

11.2 No debate on Procedural Motions

- (1) The mover of a motion stated in each of paragraphs (a), (b), (c), (f) and (g) of clause 11.1 may speak to the motion for not more than five (5) minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) the mover of a motion stated in each of paragraphs (d) and (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Procedural Motions—closing Debate—Who May Move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.4 Procedural Motions—Right of Reply on Substantive Motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

PART 12—EFFECT OF PROCEDURAL MOTIONS**12.1 Council (or Committee) to proceed to the Next Business—Effect of Motion**

The motion “that the Council (or committee) proceed to the next business”, if carried, causes the debate to cease immediately and for the Council (or committee) to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

12.2 Questions to be Adjourned—Effect of Motion

- (1) The motion “that the question be adjourned”, if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.
- (2) If the motion is carried at a meeting of the Council—
 - (a) the names of Members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 9.4 apply when the debate is resumed.

12.3 Council (or Committee) to Now Adjourn—Effect of Motion

- (1) The motion “that the Council (or committee) now adjourn”, if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the person presiding or a simple majority of Members vote upon, determine otherwise.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1)—
 - (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) in the case of a Council meeting—
 - (i) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 9.4 apply when the debate is resumed.

12.4 Question to be Put—Effect of Motion

- (1) The motion “that the question be now put”, if carried during discussion of a substantive motion without amendment, causes the person presiding to offer the right of reply and then immediately put the matter under consideration without further debate.
- (2) This motion, if carried during discussion of an amendment, causes the person presiding to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

12.5 Member to be No Longer Heard—Effect of Motion

The motion “that the Member be no longer heard”, if carried, causes the person presiding to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

12.6 Ruling of the Person Presiding Disagreed With—Effect of Motion

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

12.7 Council (or Committee) to Meet Behind Closed Doors—Effect of Motion

- (1) subject to any deferral under clause 3.5 or other decision of the Council or committee, this motion, if carried causes the general public and any employee the Council or committee determines, to leave the room.
- (2) While a decision made under this clause is in force the operation of clause 9.4 limiting the number of speeches a Member of the Council may make, is suspended unless the Council decides otherwise.
- (3) Upon the public again being admitted to the meeting the person presiding is to cause the motions passed by the Council or committee whilst it was proceeding behind closed doors to be read out, including the vote of a Member or Members to be recorded in the minutes under section 5.21 of the Act.
- (4) a person who is a Council Member, a committee Member, or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

Penalty \$5,000

PART 13—MAKING DECISIONS**13.1 Question—When Put**

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

13.2 Question—Method of Putting

If a decision of the Council or a committee is unclear or in doubt, the person presiding shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter’s vote is secret, before declaring the decision.

13.3 Result of Voting

When the voting result is other than unanimous, details of how each Member voted are to be recorded in the minutes.

PART 14—IMPLEMENTING DECISIONS

14.1 Implementation of a Decision

(1) If a notice of motion to revoke or change a decision of the Council or a committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that—

- (a) if a notice of motion to revoke or change a decision of the Council or a committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of Members required to support the motion under the Regulations indicate their support for the notice of motion at that meeting; and
- (b) if a notice of motion to revoke or change a decision of the Council or a committee is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of Members required to support the motion under the Regulations.

(2) Implementation of a decision is only to be withheld under sub-clause (1) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.

(3) The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given—

- (a) action has been taken to implement the decision; or
- (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant's agent by an employee of the Council authorised to do so;

without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.

PART 15—PRESERVING ORDER

15.1 The Person Presiding to Preserve Order

The person presiding is to preserve order, and may call any Member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

15.2 Demand for Withdrawal

A Member at a meeting of the Council or a committee may be required by the person presiding or by a decision of the Council or committee, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another Member or an employee, and if the Member declines or neglects to do so, the person presiding may refuse to hear the Member further upon the matter then under discussion and call upon the next speaker.

15.3 Points of Order—When to raise—Procedure

Upon a matter of order arising during the progress of a debate, any Member may raise a point of order including interrupting the speaker. Any Member, who is speaking when a point of order is raised, is to immediately stop speaking and be seated while the person presiding listens to the point of order.

15.4 Points of Order—When Valid

The following are to be recognised as valid points of order—

- (a) that the discussion is of a matter not before the Council or committee;
- (b) that offensive or insulting language is being used; and
- (c) drawing attention to the violation of any written law, or policy of the Local Government, provided that the Member making the point of order states the written law or policy believed to be breached.

15.5 Points of Order—Ruling

The person presiding is to give a decision on any point of order which is raised by either upholding or rejecting the point of order.

15.6 Points of Order—Ruling conclusive, Unless Dissent Motion is Moved

The ruling of the person presiding upon any question of order is final, unless a majority of the Members support a motion of dissent with the ruling.

15.7 Points of Order Take Precedence

Notwithstanding anything contained in these Standing Orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

15.8 Precedence of Person Presiding

(1) when the person presiding rises during the progress of a debate, any Member of the Council or committee then speaking, or offering to speak, is to immediately sit down and every Member of the Council or committee present shall preserve strict silence so that the person presiding may be heard without interruption.

Penalty \$500

(2) Subclause (1) is not to be used by the person presiding to exercise the right provided in clause 9.2 but to preserve order.

15.9 Right of the Person presiding to Adjourn Without Explanation to Regain Order

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

(2) Where debate of a motion is interrupted by an adjournment under sub-clause (1), in the case of a Council meeting—

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded; and
- (b) the provisions of clause 9.4 apply when the debate is resumed.

PART 16—ADJOURNMENT OF MEETING

16.1 Meeting may be Adjourned

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

16.2 Limit to Moving Adjournment

No Member is to move or second more than one motion of adjournment during the same sitting of the council or committee.

16.3 Unopposed Business—Motion for Adjournment

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

16.4 Withdrawal of Motion for Adjournment

A motion or an amendment relating to the adjournment of the Council or a committee may be withdrawn by the mover, with the consent of the seconder, except that if any Member objects to the withdrawal, debate of the motion is to continue.

16.5 Time to which Adjourned

The time to which a meeting is adjourned for want of a quorum, by the person presiding to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

PART 17—COMMITTEES OF THE COUNCIL

17.1 Establishment and Appointment of Committees

A committee, other than any committee required by the Act to be established, is not to be established except on a motion setting out the proposed functions of the committee and either—

- (a) the names of the Council Members, employees and other persons to be appointed to the committee; or
- (b) the number of Council Members, employees and other persons to be appointed to the committee and a provision that they be appointed by a separate motion.

17.2 Appointment of Deputy Committee Members

(1) The Council may appoint one or more persons to be the deputy or deputies, as the case may be, to act on behalf of a Member of a committee wherever that Member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council.

(2) Where a Member of a committee does not attend a meeting thereof a deputy of that Member, selected according to seniority, is entitled to attend that meeting in place of the Member and act for the Member, and while so acting has all the powers of that Member.

17.3 Presentation of Committee Reports

When the report or recommendations of a committee are placed before the Council, the adoption of recommendations of the committee may be moved by—

- (a) the presiding Member of the committee if the presiding Member is a Council Member and is in attendance; or
- (b) a Council Member who is a Member of the committee, if the presiding Member of the committee is not a Council Member, or is absent; or
- (c) otherwise, by a Council Member who is not a Member of the committee.

17.4 Reports of Committees—Questions

When a recommendation of any committee is submitted for adoption by the Council, any Member of the Council may direct questions directly relating to the recommendation through the person presiding to the presiding Member or to any Member of the committee in attendance.

17.5 Permissible Motions on Recommendation From Committee

A recommendation made by or contained in the minutes of a committee may be adopted by the Council without amendment or modification, failing which, it may be—

- (a) rejected by the council and replaced by an alternative decision; or
- (b) amended or modified and adopted with such amendment or modification; or
- (c) referred back to the committee for further consideration.

17.6 Standing Orders Apply to Committees

Where not otherwise specifically provided, these Standing Orders apply generally to the proceedings of committees, except that the following Standing Orders do not apply to the meeting of a committee—

- (a) Clause 8.2, in regard to seating; and
- (b) Clause 9.4, limitation on the number of speeches.

PART 18—MEETING OF ELECTORS**18.1 Standing Orders Apply**

These Standing Orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of these Standing Orders and the provisions of the Act and Regulations, the provisions of the Act and the Regulations prevail.

18.2 Restriction on voting and speaking

A person who is not an elector as that term is defined in the Act is not entitled to vote at a meeting of electors, and he or she may not take any part in any discussion at the meeting, unless the meeting, by a resolution, allows the person to do so.

PART 19—ADMINISTRATIVE MATTERS**19.1 Suspension of Standing Orders**

- (1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more of the Standing Orders.
- (2) The mover of a motion to suspend temporarily any one or more of the Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.

19.2 Cases not Provided for in Standing Orders

The person presiding is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders and the Act and Regulations are silent. The decision of the person presiding in these cases is final, except where a motion is moved and carried under clause 11.1 (f).

PART 20—COMMON SEAL**20.1 The Council's Common Seal**

- (1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.
- (3) The common seal of the Local Government is to be affixed to any local law which is made by the Local Government.
- (4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.
- (5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.
Penalty \$1,000.

Dated this 14th day of January 2008.

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

NOEL H. NANCARROW, Shire President.
DEAN UNSWORTH, Chief Executive Officer