



Norseman Woodlands to Eucla Coast

**STANDING
ORDERS LOCAL
LAW 2018**

LOCAL GOVERNMENT ACT 1995

SHIRE OF DUNDAS

STANDING ORDERS LOCAL LAW 2018

TABLE OF CONTENTS

| | |
|---|---|
| PART 1—PRELIMINARY | 1 |
| 1.1 Citation | 1 |
| 1.2 Commencement | 1 |
| 1.3 Application and intent | 1 |
| 1.4 Interpretations | 1 |
| 1.5 Repeal | 2 |
| PART 2—MEETINGS – NOTICE AND BUSINESS | 2 |
| 2.1 Notice of meetings – members to receive notice | 2 |
| 2.2 Special or emergency meetings | 2 |
| 2.3 Business to be specified on notice paper | 3 |
| 2.4 Specified papers | 3 |
| 2.5 Papers relating to matter under discussion | 3 |
| 2.6 Objectionable business | 3 |
| PART 3—MEETING QUORUM | 3 |
| 3.1 Quorum at meetings | 3 |
| 3.2 Count-out adjournment | 3 |
| 3.3 Absence of quorum-record in minute book | 4 |
| PART 4—MEETING MINUTES | 4 |
| 4.1 Recording and reading of minutes | 4 |
| 4.2 Confirmation of minutes | 4 |
| 4.3 Recording of proceedings | 4 |
| PART 5—MEETING AND ORDER OF BUSINESS | 4 |
| 5.1 Ordinary meeting – Order of business | 4 |
| 5.2 New business of an urgent nature | 5 |
| PART 6—MEETINGS – PUBLIC PARTICIPATION AND CONDUCT | 5 |
| 6.1 Meetings generally open to the public | 5 |
| 6.2 Meetings not open to the public | 5 |
| 6.3 Public question time | 6 |
| 6.4 Participation at committee meeting | 6 |
| 6.5 Admission and removal of the public | 7 |

| | |
|---|----|
| PART 7—ROLE OF THE PRESIDING MEMBER | 7 |
| 7.1 Directions by the Presiding Member | 7 |
| 7.2 The residing Member to take part in debates | 7 |
| 7.3 Precedence of Presiding member | 7 |
| 7.4 Dissent with the Presiding Members ruling | 7 |
| PART 8—QUESTIONS | 8 |
| 8.1 Questions by Members | 8 |
| 8.2 Questions not to involve argument or opinion | 8 |
| PART 9—PETITIONS | 8 |
| 9.1 Petitions | 8 |
| PART 10—NOTICE OF MOTION | 9 |
| 10.1 Notices of motion – ordinary and extraordinary business | 9 |
| 10.2 Register of notices | 9 |
| 10.3 Closing of notice book | 9 |
| 10.4 Relevance of motion | 9 |
| 10.5 Motion to lapse | 9 |
| 10.6 Order of notice of motion | 9 |
| 10.7 Exclusion or amendment of notice | 9 |
| 10.8 Limitations of notices | 9 |
| 10.9 Notices abandoned | 10 |
| 10.10 Lack of quorum during discussion on motion | 10 |
| 10.11 Repetition of lost motions | 10 |
| PART 11—CONDUCT OF MEMBERS | 10 |
| 11.1 Official titles to be used | 10 |
| 11.2 Members to occupy own seats | 10 |
| 11.3 Leaving meetings | 10 |
| 11.4 Debate – Maintenance of order | 10 |
| 11.5 Alcohol | 10 |
| PART 12—CONDUCT OF MEMBERS DURING DEBATE | 11 |
| 12.1 Members who wish to speak | 11 |
| 12.2 Priority | 11 |
| 12.3 Relevance | 11 |
| 12.4 Limitation of number of speeches | 11 |
| 12.5 Limitation of duration of speeches | 11 |
| 12.6 Members not to speak after conclusion of debates | 11 |
| 12.7 Irrelevance, repetition, imputations, offensive expressions | 11 |
| 12.8 Members not to interrupt | 12 |
| 12.9 Re-opening discussion on resolutions | 12 |
| 12.10 Chairs right to adjourn without explanation to regain order | 12 |
| PART 13—PROCEDURES FOR DEBATES ON MOTIONS | 12 |
| 13.1 Motions to be read | 12 |
| 13.2 To be seconded | 12 |
| 13.3 Only one substantive motion considered | 12 |
| 13.4 Order of call in debate | 12 |
| 13.5 Limit of debate | 13 |
| 13.6 Secunder requesting right to speak | 13 |

| | |
|--|----|
| PART 14—PROCEDURAL MOTIONS | 13 |
| 14.1 Permissible procedural motions | 13 |
| 14.2 No debate | 13 |
| 14.3 Who may move | 13 |
| 14.4 Procedural motions – right of reply on substantive motion | 14 |
| 14.5 Meeting to proceed to next item of business | 14 |
| 14.6 Debate to be adjourned | 14 |
| 14.7 Meeting now adjourn | 14 |
| 14.8 Question to be put | 14 |
| 14.9 Member to be no longer heard | 14 |
| 14.10 Ruling of the Presiding Member to be disagreed with | 15 |
| PART 15—EFFECT OF PROCEDURAL MOTIONS | 15 |
| 15.1 That the Council proceed to the next business | 15 |
| 15.2 That the question be adjourned | 15 |
| 15.3 That the Council do now adjourn | 15 |
| 15.4 That the question be now put | 15 |
| 15.5 That the Councillor be no longer heard | 15 |
| 15.6 That the ruling of the Presiding Member be disagreed with | 15 |
| 15.7 That the motion lie on the table | 15 |
| 15.8 That the meeting be closed to the public | 15 |
| PART 16—DECISIONMAKING PROCEDURES | 15 |
| 16.1 Voting and decisions - majority to determine | 15 |
| 16.2 Breaking down of complex questions | 16 |
| 16.3 Member may require questions to be read | 16 |
| 16.4 Order of amendments | 16 |
| 16.5 Substantive motion | 16 |
| 16.6 Repetition of motions | 16 |
| 16.7 Consent of seconder required to accept alteration of wording | 16 |
| 16.8 Withdrawal of motion and amendments | 16 |
| 16.9 Limitation of withdrawal | 16 |
| 16.10 Authority for withdrawal | 16 |
| 16.11 Right of reply | 17 |
| 16.12 Right of reply provisions | 17 |
| 16.13 Motions and amendments – to be in writing | 17 |
| 16.14 Amendments to be relevant | 17 |
| 16.15 Amendments must not negate original motion | 17 |
| 16.16 Mover of motion not to speak on amendment | 17 |
| 16.17 Question - when put | 17 |
| 16.18 Question – method of putting | 18 |
| 16.19 Recording of votes | 18 |
| 16.20 Revoking decisions – when this can occur | 18 |
| PART 17—POINTS OF ORDER | 18 |
| 17.1 Points of order – When to raise | 18 |
| 17.2 Points of order – Definitions | 18 |
| 17.3 Points of order – Ruling | 19 |
| 17.4 Points of order – Ruling conclusive, unless dissent motion is moved | 19 |
| 17.5 Points of order – Motion against ruling procedure | 19 |
| 17.6 Points of order take precedence | 19 |

| | |
|--|----|
| PART 18—ADJOURNMENT OF MEETING | 19 |
| 18.1 Meeting may be adjourned | 19 |
| 18.2 Notice of adjourned meeting | 19 |
| 18.3 Business at adjourned meeting | 19 |
| 18.4 Limit to moving adjournment of Council | 19 |
| 18.5 Withdrawal of motion for adjournment of Council | 19 |
| PART 19—PERSONAL EXPLANATION | 20 |
| 19.1 Personal explanation | 20 |
| 19.2 Personal explanation – When heard | 20 |
| 19.3 Ruling on questions of personal explanation | 20 |
| PART 20—COMMITTEES OF COUNCIL | 20 |
| 20.1 Committees | 20 |
| 20.2 Establishment of committees | 20 |
| 20.3 Standing orders to apply to committees | 20 |
| PART 21—SUSPENSION OF STANDING ORDERS | 21 |
| 21.1 Suspension of Standing Orders | 21 |
| 21.2 Where local law does not apply | 21 |
| 21.3 Cases not provided for in local law | 21 |
| PART 22—ADMINISTRATIVE MATTERS | 21 |
| 22.1 Custody and use of the common seal | 21 |
| 22.2 Custody of corporate property | 21 |
| 22.3 Duty of Chief Executive Officer | 21 |
| PART 23—ENFORCEMENT | 22 |
| 23.1 Penalty for breach | 22 |
| 23.2 Who can prosecute | 22 |

LOCAL GOVERNMENT ACT 1995

SHIRE OF DUNDAS

STANDING ORDERS LOCAL LAW 2018

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Dundas resolved on the 17 April 2018 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Dundas Standing Orders Local Law 2018*.

1.2 Commencement

This local law will come into operation 14 days after the date of publication in the *Government Gazette*.

1.3 Application and intent

- (1) The proceedings and business of the Council shall be conducted in accordance with the Act, and where not specifically prescribed, according to this local law, the clauses of which shall be referred to as “the Standing Orders”.
- (2) This local law provides rules and guidelines which apply to the conduct of meetings of the Council, its committees and electors.
- (3) This local law is intended to result in—
 - (a) Better decision-making by the Council and committees;
 - (b) The orderly conduct of meetings dealing with Council business;
 - (c) Better understanding of the process of conducting meetings; and
 - (d) The more efficient and effective use of time at meetings.

1.4 Interpretations

- (1) The following interpretations should be used in these local laws, unless the context otherwise requires—

Absolute majority is more than 50% of the current number of elected Council positions whether they are vacant or not regardless of the number actually present;

75% majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995* and amendments and successors;

CEO means the Chief Executive Officer of the Local Government;

Clause means a clause of these local laws;

Committee means any Committee appointed in accordance with the provisions of the Act;

Committee meeting means a meeting of a committee; **Local government** means the Shire of Dundas; **Council** means the Council of the Shire of Dundas;

Meeting includes any Ordinary or Special Meeting of the Council or any other meeting held in accordance with the Act and properly convened as the Act requires;

Member means the President, or a Councillor of the Council; **Officer** is an employed member of the staff of the Council;

Presiding Member means—

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

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

Shire President means the Shire President of the Local Government or other Presiding Member at a Council meeting under section 5.6 of the Act;

Simple majority is more than 50% of the Councillors present and voting;

Substantive motion means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

- (2) Unless otherwise defined in this local law, the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

1.5 Repeal

The *Shire of Dundas Local Law No. 1—Standing Orders* as published in the *Government Gazette* on the 4 September 1997 is repealed.

PART 2—MEETINGS—NOTICE AND BUSINESS

2.1 Notice of meetings—members to receive notice

Before any ordinary or special meeting of the Council a notice signed by the CEO, stating the place, date and hour of holding the meeting, and specifying the business to be transacted with supporting committee reports, shall be transmitted by post, email or otherwise left or delivered to each member of the Council, at least 72 hours before the meeting, at the usual or last known place of abode or business, or to another address any member may request by notice in writing to the CEO.

2.2 Special or emergency meetings

- (1) A meeting of Council for the purpose of dealing with an emergency situation may be called by the President or CEO, or in their absence, any three Councillors.
- (2) Members of the Council will be telephoned or contacted by facsimile or email if unavailable directly by telephone and advised of the time and place of the meeting and the nature of the emergency business.
- (3) Decisions made at this meeting must be by absolute majority unless the Act specifies otherwise.

2.3 Business to be specified on notice paper

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

2.4 Specified papers

Any member may, in writing addressed to the CEO and delivered to the office of the CEO at least 48 hours before any meeting of the Council, or of any committee of the Council, request that any specified papers be laid upon the table at any meeting to be named, and the papers shall be laid upon the table accordingly.

2.5 Papers relating to matter under discussion

- (1) At any meeting of the Council, or of any committee of the Council, the Presiding Member or any member may require the production of any specified papers, documents, books or records, books of accounts, plans, or any other record or matter whatsoever relating to any question then under discussion providing that wherever possible, the notice prescribed in the preceding clause shall be given.
- (2) In the event of notice not having been given, the proceedings of the Council shall not be unreasonably delayed while documents are obtained.

2.6 Objectionable business

- (1) If the Presiding Member at any meeting of the Council is of the opinion that any motion or business proposed is of an objectionable nature, the Presiding Member may, either before or after the matter is brought forward, declare that it shall not be considered.
- (2) Any member of the Council may move dissent from such a declaration made from the Chair. On the motion being seconded, the motion to dissent shall be put without debate, and in the event of the motion being carried by a majority of the members present, the business referred to shall then be considered immediately, but if the motion is lost, the ruling of the Presiding Member shall stand.

PART 3—MEETINGS QUORUM

3.1 Quorum at meetings

In accordance with the Act, the quorum at all meetings of Council and its committees shall be a minimum of 50% of the total number of places whether vacant or not.

3.2 Count-out adjournment

- (1) At any time during any meeting of the Council any Councillor or the CEO may call the attention of the Presiding Member to the fact that a quorum is not present.
- (2) The Presiding Member shall immediately suspend the proceedings of the meeting for a period of five minutes.
- (3) If a quorum is not present at the end of this period, the meeting shall be deemed to have been counted out, and the Presiding Member shall adjourn it to a later hour of the same day or to any other time, not more than seven days from the date of adjournment.

3.3 Absence of quorum-record in minute book

At all the meetings of the Council when the Council is counted out, and an absence of quorum noted, the circumstances, together with the names of the members present, shall be recorded in the Minutes.

PART 4—MEETING MINUTES

4.1 Recording and reading of minutes

- (1) Binding or pasting or otherwise permanently affixing the minutes to the leaves of a book shall be a sufficient recording of the minutes.
- (2) Reading of the minutes of a previous meeting may be dispensed with provided that a copy of these minutes has been made available to each member at least 72 hours prior to the date of the ordinary meeting at which they are presented for confirmation.

4.2 Confirmation of minutes

- (1) The minutes of any preceding meeting or meetings as described in the Act, not previously confirmed, shall be submitted for confirmation as the first business after public question time at all meetings of the Council, and no discussion of them shall be permitted except as to their accuracy as a record of the proceedings.
- (2) Each page of the minutes of the full Council meeting shall be initialled by the President or person presiding over the meeting as prescribed by the Act, except that the last page of the minutes must receive a full signature and date.

4.3 Recording of proceedings

- (1) The Local Government may direct that an audio or video recording of a meeting of the Council or a committee be made.
- (2) In the event of a recording being made under subclause (1), the Presiding Member is to advise the meeting, immediately before the meeting is commenced, that such a recording will be taking place.
- (3) A person, other than the Local Government, is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.
- (4) If the Presiding Member gives permission under subclause (3), the Presiding Member is to advise the meeting, immediately before the meeting is commenced, that such permission has been given and the nature and extent of that permission.

PART 5—MEETING AND ORDER OF BUSINESS

5.1 Ordinary meeting—Order of business

- (1) The order of business of an ordinary meeting of Council shall be—
 - (a) Declaration of opening and announcement of visitors;
 - (b) Declarations of financial, proximity, impartiality interests and gifts received;
 - (c) Record of attendance and apologies;
 - (d) Applications for leave of absence;

- (e) Response to previous public questions taken on notice;
 - (f) Public question time;
 - (g) Confirmation of minutes of previous meetings;
 - (h) Petitions and deputations or presentations;
 - (i) Announcements by the presiding member without discussion;
 - (j) Reports of officers;
 - (k) Elected members motions of which previous notice has been given;
 - (l) New business of an urgent nature;
 - (m) Next meeting; and
 - (n) Closure of meeting.
- (2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.
 - (3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

5.2 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), “cases of extreme urgency or other special circumstances” means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the Local Government and must be considered and dealt with by the Council before the next meeting.

PART 6—MEETINGS—PUBLIC PARTICIPATION AND CONDUCT

6.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried—
 - (a) the Presiding Member is to direct everyone to leave the meeting except—
 - (i) the Members;
 - (ii) the CEO; and
 - (iii) any officer specified by the Presiding Member; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.

- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the Presiding Member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 12.4 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a Member to be included in the minutes.

6.3 Public questions

- (1) Question time for the public is dealt with in the Act.
- (2) Public question time will be limited to a total of fifteen minutes of duration, except by consent of the Presiding Member and each speaker will be limited to three minutes duration to speak, except by consent of the Presiding Member;
- (3) The Presiding Member may decide that a public question shall not be responded to where—
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.

6.4 Participation at committee meetings

- (1) In this clause a reference to a person is to a person who—
 - (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.
- (2) Without the consent of the Presiding Member, no person is to address a committee meeting.
- (3) The Presiding Member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (4) A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.
- (5) A person who fails to comply with a direction of the Presiding Member under subclause (4) may, by order of the Presiding Member, be removed from the committee room.
- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

6.5 Admission and removal of the public

- (1) The public is admitted to the Council Chamber on the basis that no expression of dissent or approval, conversation or interruption to the proceedings of the Council shall take the place.
- (2) In the event of any such interruption, the Presiding Member may use discretion and without a vote of the Council, require these interrupting to withdraw.
- (3) The person or persons concerned shall immediately withdraw from the Council Chamber.
- (4) This direction by the Presiding Member may not be challenged by moving dissent with the ruling and the Presiding Members ruling is final.
- (5) Any person, not being a member of the Council, who interrupts the orderly conduct of the business of the Council who does not withdraw immediately upon being called by the Presiding Member to withdraw from the Council Chamber may, by order of the Presiding Member, be removed from the Council Chamber.

PART 7—ROLE OF PRESIDING MEMBER

7.1 Directions by the Presiding Member

- (1) At any meeting of the Council the Presiding Member shall have the right to direct attention to any matter of interest or relevance to the business of the Council or propose a change to the order of business.
- (2) Any Councillor may move that a change in order of business proposed by the Presiding Member not be accepted and if carried by a majority of Councillors present, the proposed change in order will not take place.

7.2 The Presiding Member to take part in debates

Subject to the provisions of these local laws, the Presiding Member may take part in a discussion upon any question before the Council, provided that like other Councillors in accordance with these local laws, the Presiding Member may only speak once and provided that this is done before the right of reply is exercised.

7.3 Precedence of Presiding Member

- (1) When the Presiding Member rises during the progress of a debate, any member of the Council then speaking, or offering to speak, shall immediately cease and every member of the Council present shall preserve strict silence so that the Presiding Member may be heard without interruption.
- (2) This clause shall not be used by the Presiding Member to exercise the right provided in Clause 7.2, but shall be used to preserve order.

7.4 Dissent with the Presiding Members ruling

- (1) Except where expressly denied in these local laws or the Act, a member of the Council may move a procedural motion to disagree with a ruling given by the Presiding Member.
- (2) The Presiding Member must immediately call for a seconder and put the motion without debate.

PART 8—QUESTIONS

8.1 Questions by Members

- (1) Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.
- (2) A Member requesting general information from an employee at a Council meeting may ask a question without notice and with the consent of the Presiding Member, may ask one or more further questions of that employee or another employee present at the meeting.
- (3) Where possible the employee shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the employee may ask that—
 - (a) the question be placed on notice for the next meeting of Council; and
 - (b) the answer to the question be given to the Member who asked it within 14 days.
- (4) Every question and answer—
 - (a) is to be brief and concise; and
 - (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.
- (5) In answering any question, an employee may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

8.2 Questions not to involve argument or opinion

In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except these necessary to explain the question.

PART 9—PETITIONS

9.1 Petitions

- (1) A petition is to be in writing and—
 - (a) be addressed to the Shire President;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request; and
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the Local Government is to—
 - (a) receive the petition and submit it to the relevant officer to be included in his or her report deliberations (to be submitted within the next 2 rounds of Council meetings) on the matter that is the topic of the petition, subject to subclause (3).
 - (b) If in the opinion of the Presiding Member the subject or topic of the petition does not fall within the jurisdiction of the Council, reject the petition.

- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

PART 10—NOTICE OF MOTION

10.1 Notices of motion-ordinary and extraordinary business

Councillors may bring forward business in the form of a written motion, of which notice shall be given in writing to the CEO, up to 24 hours before the publication of the business paper.

10.2 Register of notices

- (1) The CEO shall, immediately upon the receipt of any notice of motion, enter it in the book to be provided and kept for the purpose.
- (2) This book shall be open to the inspection of every member of the Council.

10.3 Closing of notice book

In order to give every facility for the due issuing of notices to members of the Council by the CEO, the notice book shall be closed at noon on the day preceding the day fixed for publication of the notice paper.

10.4 Relevance of notice

A notice of motion is to relate to the good governance of the district.

10.5 Motion to lapse

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

10.6 Order of notice of motion

All notices of motion shall be dated and numbered as received and shall be entered by the CEO upon the business paper in the order in which they are received, except by permission of the Presiding Member or the Council, as outlined in accordance with Clause 7.1 of these local laws.

10.7 Exclusion or amendment of notice

- (1) The CEO, after consultation with the President, may exclude from the Council business paper any notice of motion which may be out of order.
- (2) Clerical alterations or amendments which will bring the notice of motion into due form may be made by the CEO, but no notice shall be deemed invalid on the basis of the policy involved being considered objectionable, or because it relates to a matter not within the scope of the ordinary work of the Council so long as, in the opinion of the President or the CEO, the matter is one of public interest, utility or importance.

10.8 Limitations of notices

No member shall have more than three notices on the business paper at the same time unless express approval of the President has been obtained.

10.9 Notices abandoned

If a motion, notice of which is specified on the business paper, is not moved either by the member of the Council who has given the notice of motion, or by some other Councillor, or if the motion is not seconded, it shall be considered as abandoned and shall not again be introduced without subsequent notice of motion being given to the CEO.

10.10 Lack of quorum during discussion on motion

If an adjournment under clause 3.2 occurs during a discussion upon any motion, notice of which has been given, discussion on the motion shall continue when the meeting resumes or if the meeting is adjourned, at the adjourned meeting.

10.11 Repetition of lost motions

No motion which has the same specific intent to one which has been lost within the preceding three months shall be moved unless it is presented as a notice of motion and the notice is signed by one third of the offices of member of Council, whether present or not.

PART 11—CONDUCT OF MEMBERS

11.1 Official titles to be used

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

11.2 Members to occupy own seats

In accordance with the Act, at the first meeting attended by a Councillor after election, the CEO shall allocate by random draw, a position at the Council table to each Councillor and the Councillor shall, until such time as there is a call by a majority of Councillors for a reallocation of positions, occupy that position when present at meetings of Council.

11.3 Leaving meetings

After a meeting of the Council has been formally constituted, and the business commenced, no member shall enter, leave or withdraw from the meeting without first seeking leave from the Presiding Member.

11.4 Debate—Maintenance of order

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

11.5 Alcohol

Consumption of alcohol in Council or committee meetings is prohibited.

PART 12—CONDUCT OF MEMBERS DURING DEBATE

12.1 Members who wish to speak

Every member of the Council wishing to speak shall indicate by show of hands or other method agreed upon by Council. When invited by the Presiding Member to speak, members shall address the Council through the Presiding Member.

12.2 Priority

- (1) In the event of two or more members of the Council wishing to speak at the same time, the Presiding Member shall decide which member is entitled to be heard.
- (2) The decision shall not be open to discussion or dissent.

12.3 Relevance

Every member of the Council shall restrict their remarks to the motion or amendment under discussion, or to an explanation or point of order.

12.4 Limitation of number of speeches

No member of the Council shall address the full 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.

12.5 Limitation of duration of speeches

- (1) All addresses shall be limited to a maximum of three minutes.
- (2) Extension of time is permissible only with the agreement of the majority of Councillors present.

12.6 Members not to speak after conclusion of debates

No member of the Council may speak to any question after it has been put by the chair.

12.7 Irrelevance, repetition, imputations, offensive expressions

- (1) The Presiding Member may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order on the part of a member of the Council, and may direct the Councillor, if speaking to discontinue the speech, and the Councillor shall then cease speaking.
- (2) A Councillor may call the attention of the Presiding Member to continued irrelevance, tedious repetition, unbecoming language, or any breach of order on the part of a member of the Council, and may call upon the Presiding Member to direct the Councillor to cease speaking.
- (3) If after a Councillor has drawn the attention of the Presiding Member according to Clause (2), a Councillor continues without alteration, a Councillor may move that the Councillor ceases to speak.

- (4) Upon moving this motion the Presiding Member must immediately call for a seconder, but there shall be no debate.
- (5) If carried by a majority of Councillors present, the Councillor may take no further part in debate on the question before the meeting.

12.8 Members not to interrupt

No member of the Council shall interrupt another member of the Council whilst speaking unless—

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

12.9 Re-opening discussion on resolutions

No member of the Council shall re-open discussion on any resolution of the Council, except for the purpose of moving that the resolution be revoked or changed.

12.10 Chairs right to adjourn without explanation to regain order

- (1) If a meeting ceases to operate in an orderly manner, the Presiding Member may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order.
- (2) This action cannot be challenged by any member of Council.
- (3) Upon resumption, debate will continue at the point at which the meeting was adjourned.
- (4) If at any one meeting, the Presiding Member has cause to adjourn the meeting on two occasions, the Presiding Member has the right to adjourn the meeting for a period of no longer than seven days.

PART 13—PROCEDURES FOR DEBATES ON MOTIONS

13.1 Motions to be read

Any member of the Council who intends to submit a substantive motion or amendment to a substantive motion shall read the text before speaking to it.

13.2 To be seconded

No motion or amendment to a substantive motion shall be in order, or be open to debate until it has been seconded.

13.3 Only one substantive motion considered

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

13.4 Order of call in debate

The Presiding Member will call speakers to a substantive motion in the following order—

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak the motion;

- (d) The seconder to speak 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.

13.5 Limit of debate

The Presiding Member may offer the right of reply and put the motion to the vote if the Presiding Member believes sufficient discussion has taken place even though all Councillors may not have spoken.

13.6 Secunder requesting right to speak

A seconder may request the right to speak at a later time in debate, however the moving of any procedural motion which will close debate, or any amendment to the substantive motion is carried will automatically deny the seconder the right to speak to the substantive motion.

PART 14—PROCEDURAL MOTIONS

14.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion a Member may move the following procedural motions—

- (a) that the meeting proceed to the next item of business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the question be now put;
- (e) that the Member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with;
- (g) that the meeting be closed to the public; or
- (h) that the motion lie on the table.

14.2 No debate

- (1) The mover of a motion specified in paragraph (a), (b), (c), (f), (g) or (h) of clause 14.1 may speak to the motion for not more than 2 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 specified in paragraph (d) or (e) of clause 14.1 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.

14.3 Who may move

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

14.4 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.

14.5 Meeting to proceed to the next item of business

The motion “that the meeting proceed to the next business”, if carried, has the effect that—

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

14.6 Debate to be adjourned

A motion “that the debate be adjourned”—

- (a) is to state the time to which the debate is to be adjourned; and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

14.7 Meeting now adjourn

- (1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.
- (2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution.
- (3) A motion “that the meeting now adjourn”—
 - (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

14.8 Question to be put

- (1) If the motion “that the question be now put”, is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion “that the question be now put” is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

14.9 Member to be no longer heard

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

14.10 Ruling of the Presiding Member to be disagreed with

- (1) If the motion “that the ruling of the Presiding Member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.
- (2) Where the Presiding Member has given the ruling in strict accordance with the Act, this motion may not be moved.
- (3) Where the Presiding Member has adjourned the meeting in accordance with Clause 12.10 of these local laws, this motion may not be moved.

PART 15—EFFECT OF PROCEDURAL MOTIONS

15.1 *[Deleted by Government Gazette 178, 30 November 2018, page 4598]*

15.2 *[Deleted by Government Gazette 178, 30 November 2018, page 4598]*

15.3 *[Deleted by Government Gazette 178, 30 November 2018, page 4598]*

15.4 *[Deleted by Government Gazette 178, 30 November 2018, page 4598]*

15.5 *[Deleted by Government Gazette 178, 30 November 2018, page 4598]*

15.6 *[Deleted by Government Gazette 178, 30 November 2018, page 4598]*

15.7 That the motion lie on the table

- (1) This motion, having been carried, will cause debate on the substantive motion and any amendment to cease immediately and for the meeting to proceed to the next business.
- (2) Any Councillor may raise the motion from the table, by giving appropriate notice of motion for any meeting in the future.
- (3) When a motion is raised from the table, the mover of the original substantive motion, or in the absence of the original mover, the person moving this procedural motion, is given the opportunity to reintroduce the matter after which debate shall continue according to these local laws.

15.8 That the meeting be closed to the public

In accordance with the Act and Clause 6.2 of this local law, this motion, if carried, will cause the general public and any officers or employees the Council determines, to leave the room.

PART 16—DECISION MAKING PROCEDURES

16.1 Voting and decisions-majority to determine

All acts of the Council, and all questions coming before the Council, may be decided by a simple majority of the members of the Council present within the Council Chamber, and voting, at a properly constituted meeting, unless otherwise provided for in the Act or these local laws.

16.2 Breaking down of complex questions

The Presiding Member may order a complex question to be broken down and put in the form of several motions, which shall be put in sequence.

16.3 Member may require questions to be read

Any member of the Council 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.

16.4 Order of amendments

Any number of amendments may be proposed to a motion, but whenever an amendment is made upon a substantive motion, no second or subsequent amendment shall be moved or considered until the first amendment has been disposed of.

16.5 Substantive motion

If an amendment to a substantive motion is carried, the motion as amended shall then be submitted as the substantive motion, and shall become the question before the Council upon which any member may speak and any further amendment may be moved.

16.6 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 the Council, except by agreement of the majority of Councillors present.

16.7 Consent of seconder required to accept alteration of wording

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

16.8 Withdrawal of motion and amendments

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

16.9 Limitation of withdrawal

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

16.10 Authority for withdrawal

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

16.11 Right of reply

- (1) The mover of a substantive motion shall have the right of reply and after the mover of the substantive motion has commenced the reply, no other member of the Council shall speak on the question.
- (2) The right of reply must be confined to rebutting arguments raised by previous speakers and no new matter may be introduced.

16.12 Right of reply provisions

The right of reply shall be governed by the following provisions—

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

16.13 Motions and amendments-to be in writing

Every substantive motion or amendment, but not procedural motions, shall, when requested by the Presiding Member, be written and shall be signed by the proposer and provided to the Presiding Member and the CEO immediately upon being seconded.

16.14 Amendments to be relevant

Every amendment shall be relevant to the motion upon which it is moved, and be framed to show precisely which words need to be deleted.

16.15 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.

16.16 Mover of motion not to speak on amendment

On an amendment being moved, any member may speak to the amendment, except the person who moved the substantive motion who is only entitled to a right of reply except, that if the person who moved the substantive motion does choose to speak to the amendment, their right of reply is forfeited.

16.17 Question-when put

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

16.18 Question-method of putting

If a decision is not clear or in doubt, the Presiding Member shall put the question as often as necessary to determine the decision from a show of hands or other method agreed upon by Council as determined by clause 12.1 before declaring the decision which shall be final unless a call for a recording of votes is received, as provided for in Clause 16.19 of these local laws.

16.19 Recording of votes

- (1) The number of votes for and against a motion at a meeting is to be recorded in the minutes of that meeting.
- (2) A member of the Council or committee may request that his or her vote, whether in the affirmative or negative be recorded in the minutes.

16.20 Revoking decisions-when this can occur

- (1) A substantive motion may be revoked at any time provided that no action in relation to the resolution being rescinded has already occurred.
- (2) If a decision has been made at a Council or a committee meeting then any motion to revoke or change the decision must be supported—
 - (a) in the case where an attempt to revoke or change the decision has been made within the previous three months but had failed, by an absolute majority; or
 - (b) in any other case, by at least one third of the number of offices (whether vacant or not) of members of the Council or committee, inclusive of the mover.
- (3) If a decision has been made at a Council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made—
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (4) This clause does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

PART 17—POINTS OF ORDER

17.1 Points of order—When to raise

- (1) Upon a matter of order arising during the progress of a debate, any member of the Council may raise a point of order including interrupting the speaker.
- (2) Any member of the Council who is speaking when a point of order is raised, shall immediately cease speaking while the Presiding Member listens to the point of order.

17.2 Points of order—Definitions

Expressing a difference of opinion or to contradict a speaker shall not be recognised as raising a point of order, but the following shall be recognised as valid points of order—

- (a) That the discussion is of a question not before the Council;
- (b) That offensive or insulting language is being used; or
- (c) Drawing attention to the violation of any local laws of the Council, providing that the member rising to the point of order shall state the local law believed to be breached.

17.3 Points of order—Ruling

The Presiding Member shall give a decision on any point of order after the point has been raised by either upholding or rejecting the point of order.

17.4 Points of order—Ruling conclusive, unless dissent motion is moved

The ruling of the Presiding Member upon any question of order shall be final, unless a majority of the members of the Council support a motion of dissent with the ruling.

17.5 Points of order—Motion against ruling procedure

- (1) An objection having been taken to the ruling of the Presiding Member, the Councillor so objecting may immediately move dissent with the ruling.
- (2) Should the motion be seconded, it shall be put to the vote immediately and the result of the vote, whether in support of the ruling or otherwise, shall determine the action of the Council.

17.6 Points of order take precedence

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

PART 18—ADJOURNMENT OF MEETING

18.1 Meeting may be adjourned

The Council may, upon a motion moved and seconded, adjourn any meeting to a later hour of the same day, or to any other time not more than seven days from the date of the adjournment.

18.2 Notice of adjourned meeting

When a meeting is adjourned, if time permits, notice of the adjourned meeting shall be forwarded to each member in the manner provided in Clause 2.1.

18.3 Business at adjourned meeting

At an adjourned meeting, no additional business shall be discussed except that which was on the original notice paper for that meeting.

18.4 Limit to moving adjournment of Council

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

18.5 Withdrawal of motion for adjournment of Council

A motion or an amendment relating to the adjournment of the Council may be withdrawn by the mover, with the consent of the seconder, except that if any Councillor objects to the withdrawal, the motion must continue to be debated.

PART 19—PERSONAL EXPLANATION

19.1 Personal explanation

- (1) No member of the Council shall speak, except under the question before the Council, unless it is to make a personal explanation.
- (2) Any member of the Council who is permitted to speak under these circumstances must confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood.
- (3) When a member of the Council wants to explain, no reference shall be made to matters unnecessary for that purpose.

19.2 Personal explanation—When heard

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

19.3 Ruling on questions of personal explanation

The ruling of the Presiding Member on the admissibility of a personal explanation shall be final unless a motion of dissent with the ruling is moved before any other business proceeds.

PART 20—COMMITTEES OF COUNCIL

20.1 Committees

Committees of the Council shall operate in accordance with the Act and the Regulations.

20.2 Establishment of committees

- (1) The establishment of committees is dealt with in the Act.
- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include—
 - (a) the terms of reference of the committee;
 - (b) the number of council members, officers and other persons to be appointed to the committee;
 - (c) the names or titles of the council members and officers to be appointed to the committee;
 - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
 - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

20.3 Standing orders to apply to committees

These local laws shall apply generally to the proceedings of committees of the Council except that the requirement for members to speak only once shall not be applied in meetings of committees.

PART 21—SUSPENSION OF STANDING ORDERS

21.1 Suspension of Standing Orders

- (1) A member may at any time move that the operation of one or more of the provisions of this local law be suspended.
- (2) A member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion are to take place.
- (3) A motion under subclause (1) which is—
 - (a) seconded; and
 - (b) carried by an absolute majority,is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

21.2 Where local law does not apply

- (1) In situations where—
 - (a) one or more provisions of this local law have been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or these local laws, the Presiding Member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 7.4.

21.3 Cases not provided for in local law

- (1) The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where this local law, the Act or the Regulations are silent.
- (2) The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 7.4.

PART 22—ADMINISTRATIVE MATTERS

22.1 Custody and use of the common seal

- (1) The CEO shall have charge of the common seal of the Council, and shall be responsible for the safe custody and proper use of it.
- (2) The use of the common seal is dealt with in the Act.

22.2 Custody of corporate property

The custody of all property whatsoever belonging to, or held in trust by the Council shall be in the CEO, who shall be responsible to the Council therefore.

22.3 Duty of Chief Executive Officer

It is the duty of the CEO to draw the attention of the Council to any breach or likely breach of these local laws even if it requires interrupting any person speaking, including the Presiding Member.

PART 23—ENFORCEMENT

23.1 Penalty for breach

A person who breaches a provision of this local law commits an offence.

Penalty: \$1,000.00 and a daily penalty of \$500.00.

23.2 Who can prosecute

Who can prosecute is dealt with in the Act.

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

Dated: 16 May
2018.

LAURENE BONZA, Shire President.
DOUG STEAD, Chief Executive Officer.

Revision History:

| Version | Made/ Amended | Gazette Reference | Key Changes/Notes |
|---------|------------------------|---|---|
| 1 | 17 April 2018 | No.73 22 May 2018, page 1613 | Made |
| 2 | 22 November 2018 | No.178, 30 November 2018, page 4598 | Clause 14.10 amended Clauses 15.1-15.6 deleted |
| | | | |
| | | | |