

Local Government Act 1995

Shire of Williams

Local Laws Relating to Standing Orders

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Williams hereby records having resolved on the 20th day of August, 1997, to make the following local laws:

1. Interpretations and Standing Orders

1.1 Proceedings Conducted According to Standing Orders

The proceedings and business of the council shall be conducted in accordance with the Act, regulations, and any other law, and where not specifically prescribed, according to these local laws, the clauses of which shall be referred to as "the Standing Orders".

1.2 All Meetings Governed by Standing Orders

The proceedings of all council meetings, committee meetings and other meetings of the council shall be governed by these standing orders unless otherwise provided in the Act, regulations, or any other law.

1.3 Interpretations

The interpretations should be used in these standing orders, unless the context otherwise requires:

"Act" means the "Local Government Act, 1995 and amendments and successors";

"clause" means a clause of these standing orders;

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

"Council" means the council of the Shire of Williams;

"President" includes the Deputy President, in the absence of the President, and any councillor chosen to preside at any meeting of the council in the manner prescribed in the Act.

"Presiding Member" includes the Deputy Presiding Member, in the absence of the Presiding Member, and any member chosen to preside at any meeting of a committee in the manner prescribed in the Act.

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

"Member" means the President, or a councillor of the council, or in the case of committees, a member of the committee appointed in accordance with the Act.

"Officer" is an employed member of the staff of the Council;

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

"Simple majority" is more than 50% of the members present and voting.

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

2. Meetings - Notice and Business

2.1 Notice of Meetings - Members to Receive Notice

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

2.2 Notices of Motion - Ordinary and Extraordinary Business

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

2.3 Motion to Lapse

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

2.4 Objectionable Business

If the President is of the opinion that any motion or business proposed is of an objectionable nature, the President may, either before or after the matter is brought forward at any meeting, declare that it shall not be considered.

2.5 Any member may move dissent from such a declaration made from the Chair. On the motion being seconded, the motion to dissent shall be put without debate, and in the event of the motion being carried by a majority of

the members present, the business referred to shall then be considered immediately, but if the motion is lost, the ruling of the President shall stand.

2.6 Business to be Specified on Notice Paper

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

3. Meetings - Quorum

3.1 Quorum at Meetings

In accordance with the Act, the quorum at all meetings of the council shall be at least 50% of the total number of offices (whether vacant or not) of members of the council.

3.2 Count-out/Adjournment

At any time during any meeting of the council any councillor or the Chief Executive Officer may call the attention of the President to the fact that a quorum is not present. The President shall immediately suspend the proceedings of the meeting for a period of five minutes. If a quorum is not present at the end of this period, the meeting shall be deemed to have been counted out, and the President 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 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.

4 Recording and Confirmation of Minutes

- 4.1 Minutes are to be kept of each meeting's proceedings, confirmed or amended at the next ordinary meeting of the council and signed and certified by the person presiding.

5 Ordinary Meeting - When Held and Order of Business

5.1 Ordinary Meetings - When Held

The Council shall resolve at the first meeting held after each ordinary elections day, the days and times each month when ordinary meetings of the council shall be held.

5.2 Ordinary Meeting - Order of Business

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

5.3 Late Items

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

6. Meetings - Public Conduct

6.1 Admission and Removal of the Public

6.1.1 The public is admitted to council meetings on the basis that no expression of dissent or approval, conversation or interruption to the proceedings of the council shall take place. In the event of any such interruption, the President may use discretion and without a vote of the council, require those interrupting to withdraw. The person or persons concerned shall immediately withdraw from the meeting.

6.1.2 Any person, not being a member of the council, who interrupts the orderly conduct of the council who does not withdraw immediately upon being called by the President to withdraw from the meeting, may, by order of the President, be removed from the meeting.

7. Role of President

7.1.1 At any meeting of the council the President shall have the right to direct attention to any matter of interest or relevance to the business of the meeting or propose a change to the order of business.

7.1.2 Any member may move that a change in order of business proposed by the President not be accepted and if carried by a majority of members present, the proposed change in order will not take place.

7.2 The President to Take Part in Debates

Subject to the provisions of these standing orders, the President may take part in a discussion upon any question before the council, provided that like other councillors in accordance with these standing orders, the President may only speak once and provided that this is done before the right of reply is exercised.

7.3 Precedence of President

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

7.4 Dissent With the President's Ruling

A member may move a procedural motion to disagree with a ruling given by the President. The President must immediately call for a seconder and put the motion without debate.

8. Conduct of Members

8.1 Members to Address The President

Any member moving a motion or amendment or taking part in the discussion thereof shall, except when prevented by sickness or physical disability, rise and address the President.

8.2 Official Titles to be Used

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

8.3 Debate - Maintenance of Order - Imputations - Offensive Expressions

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

8.4 Demand for Withdrawal

If a member commits a breach of clause 8.3, the President, or the council by resolution, may require that member to withdraw unreservedly any offending comment and to make a satisfactory apology; and if the member declines or neglects to do so, the President may direct such member to cease speaking, and may call on the next speaker.

9. Conduct of Members during Debate

9.1 Relevance

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

9.2 Limitation of Number of Speeches

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

9.3 Limitation of Duration of Speeches

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

9.4 Members Not to Interrupt

No member shall interrupt another member whilst speaking unless—

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

10. Procedures for Debate of Motions

10.1 To be Seconded

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

10.2 Only One Substantive Motion Considered

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

10.3 Order of Call in Debate

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

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

10.4 Limit of Debate

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

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 proceed to the next business
- (b) that the debate be adjourned;
- (c) that the council do adjourn;
- (d) that the question be now put;
- (e) that the ruling of the President be disagreed with;
- (f) that the motion lie on the table;
- (g) that the council meet behind closed doors;
- (h) that a committee recommendation be referred back to the originating committee or any other committee.

11.2 Reason for Closure to be Stated

A member who moves a procedural motion under Clause 11.1(g) shall state the reason for moving the motion and this must relate to a matter contained in Section 5.23(2) of the Act.

11.3 Procedural Motions Not Required in Writing

Procedural motions are not required to be presented in writing.

11.4 Procedural Motions - Recording in Minutes

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

11.5 Procedural Motions - Majority Required

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

11.6 Procedural Motions - Closing Debate - Who May Move

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

11.7 Procedural Motions - Right of Reply

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

11.8 Procedural Motions - Right of Reply on Substantive Motion

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

12 Effect of Procedural Motions

12.1 That the Council Proceed to the Next Business - Effect of Motion

This motion, having been carried, will cause the debate to cease immediately and for the council to move to the next item on the Agenda of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be placed on any future notice paper.

12.2 That the Debate be Adjourned - Effect of Motion

This motion, having been carried, will cause all debate on the substantive motion or amendment to cease but to continue when the discussion is reconvened. A record shall be taken of all those who have spoken on the question under debate and they shall not be permitted to speak on any resumption of the debate, but this clause does not deprive the mover of the right of reply.

12.3 That the Council do Adjourn - Effect of Motion

This motion, having been carried, will cause 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 President or the majority of councillors upon vote, determine otherwise. A record shall be taken of all those who have spoken on a question under consideration at the time of the adjournment and they shall not be permitted to speak on any subsequent consideration of the same question, but this clause does not deprive a mover of the right of reply.

12.4 That the Question be Now Put - Effect of Motion

12.4.1 This motion, having been carried during discussion on a substantive motion without amendment, will cause the President to offer the right of reply and then immediately put the question under consideration without further debate.

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

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

12.5 That the Ruling of the President be Disagreed With - Effect of Motion

12.5.1 This motion, having been carried, will cause the ruling of the President about which this motion was moved, to be reversed and for the meeting to proceed accordingly.

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

12.6 That the Motion Lie on the Table - Effect of Motion

12.6.1 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.

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

12.6.3 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 re-introduce the matter after which debate shall continue according to these standing orders.

12.7 That the Council Meet Behind Closed Doors - Effect of Motion

- 12.7.1 In accordance with the Act, the motion, if carried, will cause the general public and any officers or employees the council determines, to leave the room.
- 12.7.2 While a resolution made under this clause is in force the operation of clause 9.2, limiting the number of speeches a member may make, shall be suspended, unless the council resolves otherwise.
- 12.7.3 Upon the public again being admitted to the meeting the CEO shall, unless the council resolves otherwise, read out the motions passed by the council whilst it was proceeding behind closed doors including the vote of a member or members to be recorded in the minutes under Section 5.21 of the Act.
- 12.7.4 No person shall in any way publish, or make public, any of the discussion taking place on a matter discussed behind closed doors, but this prohibition shall not extend to the actual resolution or resolutions carried as a result of such discussion and other information recorded in the minutes.

12.8 That a Committee Recommendation be Referred Back to the Originating Committee or any other Committee

This motion having been moved and seconded during discussion of a committee recommendation, will cause the President to offer the right of reply to any substantive motion before the meeting and then immediately put the question without further debate.

13 Decision Making Procedures

13.1 Voting and Decisions - Majority to Determine

All acts of the council and all questions coming before the council may be decided by a simple majority of the members present and voting, at a properly constituted meeting, unless otherwise provided in the Act, regulations, or the standing orders.

13.2 Breaking Down of Complex Questions

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

13.3 Order of Amendments

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

13.4 Nature of Amendments

An amendment to a substantive motion shall take one or more of the following forms—

- (a) that certain words be omitted therefrom;
- (b) that certain words be omitted and others substituted;
- (c) that words be added.

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

13.6 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.

13.7 Withdrawal of Motion and Amendments

Council may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment shall not continue.

13.8 Limitation of Withdrawal

Where an amendment has been proposed to a substantive motion, the substantive motion shall not be withdrawn, except by consent of the

majority of members present, until the amendment proposed has been withdrawn or lost.

13.9 Authority for Withdrawal

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

13.10 Right of Reply

13.10.1 The mover of a substantive motion shall have the right of reply. After the mover of the substantive motion has commenced the reply, no other member shall speak on the question.

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

13.11 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 the amendment does not have a right of reply.
- (d) Once the right of reply has been taken, there can be no further discussion, nor any other amendment and the substantive motion as amended is immediately put to the vote.

13.12 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.

13.13 Mover of Motion Not to Speak on Amendment

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

13.14 Question - When Put

When the debate upon any question is concluded and the right of reply has been exercised, the President shall immediately put the question and, if so desired by any member, shall again state it.

13.15 Method of Taking Vote

13.15.1 In putting the question to the council, the President shall ask whether there is any objection to the motion, and if not the motion is carried unanimously.

13.15.2 If objection is raised to the motion, the President shall put the question as often as necessary to determine the decision from a show of hands before declaring the decision.

14 Points of Order

14.1 Points of Order - When to Raise - Procedure

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised, shall immediately cease while the President listens to the point of order.

14.2 Points of Order - Definitions

A difference of opinion or a contradiction of a speaker shall not be recognised as a point of order, but the following shall be recognised as valid points of order—

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

14.3 Points of Order - Ruling

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

14.4 Points of Order - Ruling Conclusive, Unless Dissent Motion is Moved

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

14.5 Points of Order - Motion Against Ruling Procedure

An objection having been taken to the ruling of the President, the member so objecting may immediately move dissent with the ruling. Should the motion be seconded it shall be put to the vote immediately and the result of the vote, whether in support of the ruling or otherwise, shall determine the action to be taken.

14.6 Points of Order Take Precedence

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

15. Adjournment of Meeting

15.1 Meeting May be Adjourned

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

15.2 Notice of Adjourned Meeting

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

15.3 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.

15.4 Limit to Moving Adjournment of Council

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

15.5 Unopposed Business - Motion for Adjournment of Council

On a motion for the adjournment of the council, the President, before putting the motion, may seek leave of the council to proceed to the transaction of unopposed business.

15.6 Withdrawal of Motion for Adjournment of Council

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

16. Personal Explanation

16.1 Personal Explanation

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

16.2 Personal Explanation - When Heard

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

16.3 Ruling on Questions of Personal Explanation

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

17. Committees of Council

17.1 Appointment of Committees

A committee shall not be appointed except on a motion setting out

- (a) the powers and duties proposed to be entrusted to such committee, and
- (b) the names of the council members, employees and other persons to constitute the committee; or

- (c) the number of members intended to constitute the committee and a provision that they be appointed by a separate motion.

17.2 Election of Committee Presiding Member and Deputy Presiding Member

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

17.3 Absence from Committee Meetings

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

17.4 Items to be Numbered

The minutes of every committee shall be divided into items which shall be numbered consecutively.

17.5 Reports of Committees to be Taken as Read

17.5.1 The reports and recommendation of every committee shall, when presented to the council, be taken as read.

17.5.2 The adoption of recommendations of the committee shall be moved by

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

17.6 Procedure of Report of Committees

17.6.1 Upon the consideration by the council of any report or recommendations of a committee, the President shall, without further motion, put the paragraphs of the report or recommendations, in their numerical order, unless the council shall otherwise determine.

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

17.6.3 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 resolution; or
- (b) amended or modified and adopted with such amendments or modifications; or
- (c) referred back to the committee for further consideration.

17.7 Withdrawal, Correction and Amendments of Committees

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

- 17.7.2 The Presiding Member of a committee, may be excused from moving the adoption if the Presiding Member wishes to move an amendment to it. In that case, another member of the committee or in the absence of a member of the committee, another member of the council may move the adoption of the recommendation.
- 17.7.3 The Presiding Member or other member of a committee bringing up a recommendation may, with the consent of the council, withdraw the recommendation.

17.8 Reports of Committees - Questions

When a recommendation of any committee of the council is submitted for adoption, any member of the council may direct questions directly relating to the recommendation through the President, to the Presiding Member or any member of the committee bringing up the recommendation. No argument or speeches are permitted.

17.9 Procedure on Amendments on Reports of the Committees

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

17.10 Non-Related Motions on Reports of Committees

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

17.11 Recommendations of Committees - Inspection of Plans

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

17.12 Committee Procedure

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

17.13 Rights and Responsibilities of Councillors who are not Committee Members

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

17.14 Standing Orders to Apply to Committees

17.14.1 These standing orders shall apply generally to the proceedings of committees of the council, except that the following clauses shall not apply to meetings of committees - Clauses 2.1, 7.2, 8.1, 9.2, 13.13, 15.2, 17.1 and 17.5 to 17.11 inclusive.

17.14.2 In the case of clauses not excluded by subclause 17.14.1 above, a reference to a council meeting shall be read as a reference to a committee meeting, a reference to the council shall be read as a reference to a committee, and a reference to President shall be read as a reference to Presiding Member.

18. Administrative Matters

18.1 Suspension of Standing Orders

- (a) The mover of a motion to suspend any Standing Order or Orders shall state the Standing Order or Orders to be suspended.
- (b) A motion to suspend, temporarily, any one or more of the standing orders regulating the proceedings and business of the council or a committee must be seconded, but the motion need not be presented in writing.

18.2 Cases Not Provided for in Standing Orders

The President shall decide all questions of order, procedure, debate or otherwise in respect of which no provisions of insufficient provision is made in these local laws. The decisions of the President in all such cases shall be final in each particular case unless a majority of the members then present shall on motion made forthwith without discussion dissent therefrom.

18.3 Penalty for Breach of Standing Orders

Any person guilty of any breach of these Standing Orders or any of the provisions hereof, shall be liable to a penalty not exceeding \$1,000.00.

18.4 Duty of Chief Executive Officer

It is the duty of the Chief Executive Officer to draw the attention of the council to any breach or likely breach of these standing orders even if it requires interrupting any person speaking, including the President.

Dated this 20th day of August 1997

THE COMMON SEAL OF
the Shire of Williams was
hereunto affixed by authority
of a resolution of Council in
the presence of:

G. J Warren, President

V Epiro, Chief Executive Officer

