



**SHIRE OF PINGELLY**

***STANDING ORDERS***

***LOCAL LAW 2017***

# **STANDING ORDERS LOCAL LAW 2017**

## **CONTENTS**

### **PART 1 - INTERPRETATIONS AND STANDING ORDERS**

- 1.1 Citation
- 1.2 Commencement
- 1.3 Application
- 1.4 Repeal
- 1.5 Proceedings Conducted According to Standing Orders
- 1.6 All Meetings Governed by Standing Orders
- 1.7 Interpretations

### **PART 2 - MEETINGS - NOTICE AND BUSINESS**

- 2.1 Notice of Meetings – Councillors to Receive Notice
- 2.2 Emergency Meetings
- 2.3 Business to be Specified on Notice Paper
- 2.4 Specified Papers
- 2.5 Papers Relating to Matter under Discussion
- 2.6 Public Notice of Meetings
- 2.7 Public Inspection of Certain Documents

### **PART 3 - MEETINGS - QUORUM**

- 3.1 Quorum at Meetings
- 3.2 Count-out/Adjournment

### **PART 4 - MEETINGS - MINUTES**

- 4.1 Recording of Minutes
- 4.2 Confirmation of Minutes

### **PART 5 - MEETINGS - ORDER OF BUSINESS**

- 5.1 Ordinary Meeting - Order of Business
- 5.2 Order of Business at Special Meeting
- 5.3 Unacceptable Business
- 5.4 Business at Adjourned Meeting
- 5.5 New business of an Urgent Introduced by Decision of the Meeting
- 5.6 Meeting of Electors

### **PART 6 - MEETINGS - PUBLIC CONDUCT**

- 6.1 Admission and Removal of the Public

### **PART 7 - ROLE OF PRESIDENT**

- 7.1 Directions by the President
- 7.2 The President to Take Part in Debates
- 7.3 Precedence of President
- 7.4 Dissent with the President's Ruling

### **PART 8 - QUESTIONS**

- 8.1 Questions of Which Due Notice Has to be Given

- 8.2 Questions Not to Involve Argument or Opinion

## **PART 9 - PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

- 9.1 Petitions  
9.2 Deputations  
9.3 Community Forum

## **PART 10 - NOTICES OF MOTION**

- 10.1 Notices of Motion to be in Writing  
10.2 Notice of Motion to the Chief Executive Officer  
10.3 Subject of Notice of Motion  
10.4 Motion to Lapse

## **PART 11 - CONDUCT OF MEMBERS**

- 11.1 Official Titles to be Used  
11.2 Leaving Meetings  
11.3 Debate - Maintenance of Order - Imputations - Offensive Expressions  
11.4 Members to Occupy Own Seats  
11.5 Alcohol  
11.6 Smoking

## **PART 12. - CONDUCT OF MEMBERS DURING DEBATE**

- 12.1 Councillors Wishing to Speak  
12.2 Priority  
12.3 Relevance  
12.4 Speaking Twice/Right of Reply  
12.5 Suspension  
12.6 Limit of Speeches  
12.7 Councillors not to Speak After Conclusion of Debates  
12.8 Irrelevance, Repetition, Imputations, Offensive Expressions.  
12.9 Councillors Not to Interrupt  
12.10 Presiding Member's Right to Adjourn Without Explanation to Regain Order

## **PART 13 - PROCEDURES FOR DEBATE OF MOTIONS**

- 13.1 Motions and Amendments to be Presented  
13.2 Motion or Amendment to be Seconded  
13.3 Only One Substantive Motion Considered  
13.4 Order of Call in Debate  
13.5 Limit of Debate  
13.6 Secunder Requesting Right to Speak  
13.7 Negated Motions

## **PART 14 - PROCEDURAL MOTIONS**

- 14.1 Permissible Procedural Motions  
14.2 Procedural Motions Not Required in Writing  
14.3 Procedural Motions - Recording in Minutes  
14.4 Procedural Motions - Majority Required  
  
14.5 Procedural Motions - Closing Debate - Who May Move  
14.6 Procedural Motions - Right of Reply  
14.7 Procedural Motions - Right of Reply on Substantive Motion

## **PART 15 - EFFECT OF PROCEDURAL MOTIONS**

- 15.1 That the Council Proceed to the Next Business - Effect of Motion
- 15.2 That the Question be Adjourned - Effect of Motion
- 15.3 That the Council now Adjourn - Effect of Motion
- 15.4 That the Question be Put - Effect of Motion
- 15.5 That the Council Move into Committee - Effect of Motion
- 15.6 That the Council Move Out of Committee - Effect of Motion
- 15.7 That the Councillor Be No Longer Heard - Effect of Motion
- 15.8 That the Ruling of the President be Disagreed with - Effect of Motion
- 15.9 That the Motion Lie on the Table - Effect of Motion
- 15.10 That the Council Meet Behind Closed Doors - Effect of Motion
- 15.11 That the Council Meet with Open Doors - Effect of Motion

## **PART 16 - DECISION MAKING PROCEDURES**

- 16.1 Voting and Decisions - Majority to Determine
- 16.2 Breaking Down of Complex Questions
- 16.3 Councillor May Require Questions to be Read
- 16.4 Order of Amendments
- 16.5 Substantive Motion
- 16.6 Repetition of Motions
- 16.7 Consent of Secunder Required to Accept Alteration of Wording
- 16.8 Withdrawal of Motion and Amendments
- 16.9 Limitation of Withdrawal
- 16.10 Authority for Withdrawal
- 16.11 Right of Reply
- 16.12 Right of Reply Provisions
- 16.13 Amendments to be Relevant
- 16.14 Amendments Must Not Negate Original Motion
- 16.15 Mover of Motion Not to Speak on Amendment
- 16.16 Question - When Put
- 16.17 Method of Taking Vote
- 16.18 Votes to be Recorded
- 16.19 Revoking or Changing Decisions Made at Council or Committee Meetings
- 16.20 Unopposed Business
- 16.21 All Councillors to Vote

## **PART 17 - POINTS OF ORDER**

- 17.1 Points of Order - When to Raise - Procedure
- 17.2 Points of Order - Definitions
- 17.3 Points of Order - Ruling
- 17.4 Points of Order - Ruling Conclusive, Unless Dissent Motion is Moved
- 17.5 Points of Order - Motion Against Ruling Procedure
- 17.6 Points of Order Take Precedence

## **PART 18 - ADJOURNMENT OF MEETING**

- 18.1 Meeting May be Adjourned
- 18.2 Notice of Adjourned Meeting
- 18.3 Business at Adjourned Meeting
- 18.4 Limit to Moving Adjournment of Council
- 18.5 Unopposed Business - Motion for Adjournment of Council
- 18.6 Withdrawal of Motion for Adjournment of Council

## **PART 19 - PERSONAL EXPLANATION**

- 19.1 Personal Explanation
- 19.2 Personal Explanation - When Heard
- 19.3 Ruling on Questions of Personal Explanation

## **PART 20 - COMMITTEES OF COUNCIL**

- 20.1 Committees
- 20.2 Standing Orders to Apply to Committees
- 20.3 Attendance by Councillors as Observers

## **PART 21 - ADMINISTRATIVE MATTERS**

- 21.1 Copies of Act and Standing Orders and Papers to Councillors of the Council
- 21.2 Custody and Use of Common Seal
- 21.3 Seal Not to be Improperly Used
- 21.4 Suspension of Standing Orders
- 21.5 Cases not Provided for in the Standing Orders
- 21.6 Decisions of the Presiding member
- 21.7 Penalty for Breach of Standing Orders
- 21.8 Duty of Chief Executive Officer
- 21.9 Enforcement

**LOCAL GOVERNMENT ACT 1995**  
**SHIRE OF PINGELLY**  
**STANDING ORDERS LOCAL LAW 2017**

**PART 1- INTERPRETATIONS AND STANDING ORDERS**

**1.1 Citation**

This local law may be cited as the *Shire of Pingelly Standing Orders Local Law 2017*

**1.2 Commencement**

This local law comes into operation 14 days after the day on which it is published in the *Government Gazette*.

**1.3 Application**

This local law provides rules and guidelines which apply to the conduct of meetings of the Council, its committees and to meetings of electors.

**1.4 Repeal**

The Shire of Pingelly Local laws relating to Standing Orders published in the *Government Gazette* on 16 April 1999 is repealed.

**1.5 Proceedings Conducted According to Standing Orders**

The proceedings and business of the Council shall be conducted in accordance with the *Local Government Act 1995*, the regulations and any other Law, and where not specifically prescribed, according to this local law, the clauses of which shall be referred to as "the Standing Orders".

**1.6 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 *Local Government Act 1995*, regulations, or any other law.

**1.7 Interpretations**

The interpretations should be used in these standing orders, 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;

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

**"Chief Executive Officer"** means the Chief Executive Officer employed by the Shire under the Act;

**"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 Pingelly;

**"Councillor"** means the President, or a Councillor of the Council.

**"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;

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

**"President"** includes the Deputy President, in the absence of the President, and any Councillor chosen to preside in place of the President or Deputy President 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 in the manner prescribed in the Act.

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

**"Special majority"** means that:

- (a) if there are more than 11 offices of Councillor, the power can only be exercised by, or in accordance with, a decision of 75% majority of the Council; or
- (b) if there are not more than 11 offices of Councillor, the power can only be exercised by, or in accord with, a decision of an absolute majority of the Council.

**"75% majority"** means a majority comprising enough of the Councillors for the time being of the Council for their number to be at least 75% of the number of offices (whether vacant or not) of Councillors;

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

## **PART 2 - MEETINGS - NOTICE AND BUSINESS**

### **2.1 Notice of Meetings – Councillors to Receive Notice**

Before any Ordinary or Special Meeting of the Council, a notice signed by the Chief Executive Officer, stating the place, date and hour of holding the meeting and specifying the business to be transacted with an agenda and supporting committee reports, shall be transmitted by email or sent by any other electronic means (so long as it is capable of being printed out in its entirety), to the last known or provided email address and a hard copy placed in the Councillors drawer within the Chamber.

### **2.2 Emergency Meetings**

A meeting of Council for the purpose of dealing with an emergency situation may be called by the President or Chief Executive Officer, or in their absence, any three Councillors. The Chief Executive Officer, or a person authorised by him or her, shall either personally or by telephone, email, facsimile or other electronic means or otherwise leave or deliver to each Councillor, details of the nature of the emergency and the date, time place and purpose of the emergency meeting. 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 other than that specified in the notice without the approval of the President or if there is dissent by any Councillor to the President's ruling, with the approval of the majority of Councillors present determined by vote, except;

- (a) matters which the Act permits to be dealt with without notice,
- (b) matters which this local law (clause 5.5) permits to be dealt with without notice.

## **2.4 Specified Papers**

Councillors may request at least two days before any meeting of the Council or Committee, in writing addressed to the Chief Executive Officer requesting to provide any specified papers be prepared and laid upon the table at any meeting. Notification is to be received by the Chief Executive Officer in writing by way of email, fax or letter two days before the meeting. The written request is to state the reason for the specified papers, the meeting name, date time and location.

## **2.5 Papers Relating to Matter Under Discussion**

At any meeting of the Council, or of any Committee of the Council, the President or any Councillor 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 clause 2.4 shall be given. 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 Public Notice of Meetings**

The Chief Executive Officer shall give reasonable local public notice where practical of Council and Committee meetings, as required by Regulation 12 of the *Local Government (Administration) Regulations 1996*.

## **2.7 Public Inspection of Certain Documents**

The Chief Executive Officer is to ensure that the notice papers and agenda relating to any Council or Committee meeting and reports and other documents which -

- (a) are to be tabled at the meeting; or
- (b) have been produced by the Local Government or Committee for presentation at the meeting and which have been made available to Councillors or Committee,

are available for inspection by members of the public at the same time as they were made available to the Council or Committee members.

Members of the public are not entitled to inspect the information referred to above, if in the Chief Executive Officer's opinion the meeting, or that part of the meeting to which the information refers, is likely to be closed to the public.

# **PART 3 - MEETINGS - QUORUM**

## **3.1 Quorum at Meetings**

Except in cases where the Minister for Local Government may have reduced the number necessary to form a quorum for a Council meeting or the Council may have reduced the



number necessary to form a quorum for a committee meeting, the number of members necessary to form a quorum for any meeting shall be:

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

### **3.2 Count-out/Adjournment**

3.2.1 If a quorum has not been established within the 30 minutes after a Council or committee meeting is due to begin then the meeting shall be adjourned, and

- (a) in the case of Council, by the President or if the President is not present at the meeting, by the Deputy President
- (b) in the case of a Committee, by the presiding Councillor of the Committee or if the presiding Councillor is not present at the meeting, by the deputy presiding Councillor;
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of Councillors present,
- (d) if only one Councillor is present, by that Councillor; or
- (e) if no Councillor is present or if no Councillor other than the Chief Executive Officer is present, by the Chief Executive Officer or a person authorised by the Chief Executive Officer.

3.2.2 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.

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

## **PART 4 - MEETINGS - MINUTES**

### **4.1 Recording of Minutes**

4.1.1 The person presiding at a meeting of the Council or a committee is to cause minutes to be kept of the meeting's proceedings.

4.1.2 Binding or otherwise permanently affixing the minutes to form the leaves of a book shall be a sufficient recording of the minutes.

### **4.2 Confirmation of Minutes**

4.2.1 Reading of the minutes of a previous meeting at a meeting of the Council or a committee may be dispensed with provided that a copy of those minutes has been

supplied to each Councillor at least 48 hours prior to the date of the meeting at which they are presented for confirmation.

- 4.2.2 The minutes of any preceding meeting or meetings of the Council or a committee, not previously confirmed, shall be submitted for confirmation to the next ordinary meeting of the Council or the committee as the case requires and no discussion of them shall be permitted except as to their accuracy as a record of the proceedings. The last page of the minutes must be signed and dated by the person presiding at the meeting certifying that the minutes have been confirmed.
- 4.2.3 Copies of unconfirmed minutes of each Council and committee meeting shall be made available for inspection at the Shire office and Shire website or other publicly accessible places as determined by the Chief Executive Officer, for inspection by members of the public -
- (a) in the case of a Council meeting, within 10 business days after the meeting;  
and
  - (b) in the case of a committee meeting, within 10 business days after the meeting.

## **PART 5 - MEETINGS - ORDER OF BUSINESS**

### **5.1 Ordinary Meeting - Order of Business**

The order of business at meetings of the Council, unless altered by Council resolution to that effect, shall be as nearly as practicable as follows:

1. Declaration of opening / announcement of visitors;
2. Acknowledgement of country;
3. Announcements by the presiding member;
4. Record of attendance / apologies / approved leave of absence;
5. Response to previous public questions taken on notice;
6. Public question time;
7. Applications for leave of absence;
8. Disclosure of interest;
9. Confirmation of minutes of previous Council meeting(s);
10. Petitions, deputations, presentations / submissions;
11. Reports of committees of Council;
12. Reports of Council delegates on external committees;
13. Reports from the Shire President;
14. Office of the Chief Executive Officer;
15. Directorate of Corporate and Community Services;

16. Directorate of Technical Services;
17. Elected members motions of which previous notice has been given;
18. New business or urgent business introduced by decision of the meeting;
19. Closure of meeting.

## **5.2 Order of Business at Special Meeting**

The order of business (5.1) at any special meeting shall be the order in which that business stands in the notice of the meeting unless the Council, by resolution, alters the order of business to that effect.

## **5.3 Unacceptable Business**

If the Presiding member is of the opinion that any motion or business proposed to be made or transacted at a meeting is disrespectful, he or she may, either before or after the matter is brought forward at any meeting, declare that the motion or business shall not be entertained. Any Councillor may move dissent from such a declaration made from the Chair and in the event of the dissent being carried by a majority of the Councillors present, the business referred to shall then be considered immediately, but if the motion is lost, the ruling of the Presiding member shall stand.

## **5.4 Business at Adjourned Meeting**

At an adjourned meeting of the Council, no business shall be transacted other than such as shall have been specified on the notice of the meeting of which it is an adjournment and which remains undisposed of, save and except in the case of an adjournment to the next Ordinary Meeting of the Council, when the business undisposed of at the adjourned meeting shall have the precedence at such ordinary meeting of the Council.

## **5.5 New business of an Urgent Introduced by Decision of the Meeting**

5.5.1 A Councillor may move a motion involving urgent business that is not included in the notice paper for that meeting provided that the Presiding Member has agreed to the business being raised and the Presiding Member considers that either;

- (a) the urgency of the business is such that the business cannot wait inclusion in the notice paper for the next meeting of the Council or Committee; or
- (b) the delay in referring the business to the next meeting of the Council or Committee could have adverse legal or financial implications for the Council;

5.5.2 Any Councillor may move without notice a procedural motion of dissent in respect of the Presiding Member's ruling that the business is not worthy of inclusion as urgent business. If the motion of dissent is agreed to at the meeting by the majority of Councillors present, the business must then be included as a matter of urgent business.

## **5.6 Meeting of Electors**

This local law apply, so far as is practicable, to any meeting of electors but where there is any inconsistency between this local law and the provisions of the Act, the Act shall prevail.

## **PART 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 Presiding member 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. This direction by the Presiding member may not be challenged by moving dissent with the ruling and the Presiding member ruling is final.

6.1.2 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 meeting place, may, by order of the Presiding member, be removed from the meeting place.

## **PART 7 - ROLE OF PRESIDENT**

### **7.1 Directions by the 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 Council 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 Councillors present, the proposed change in order will not take place.

### **7.2 The President to Take Part in Debates**

Subject to the provisions of the Act and this local law, 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 speaks during the progress of a debate, any Councillor then speaking, or offering to speak, shall immediately cease speaking and every Councillor present shall preserve strict silence so that the President may be heard without interruption. This clause must not be used by the President to exercise the right provided in Clause 7.2, but to preserve order.

### **7.4 Dissent with the President's Ruling**

Except where expressly denied in this local law or the Act, a Councillor 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.

## **PART 8 - QUESTIONS**

### **8.1 Questions of Which Due Notice Has to be Given**

8.1.1 Any Councillor seeking to ask a question at any meeting of the Council, other than Committee meetings, shall give written notice of the specific question to the Chief Executive Officer at least four (4) working hours before commencement of the meeting..

8.1.2 All questions and answers shall be submitted as briefly and concisely as possible.

### **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 those necessary to explain the question.

## **PART 9 - PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

### **9.1 Petitions**

9.1.1 Any petition to be submitted to the Council shall be in writing.

A Ratepayer or Councillor presenting a petition shall be limited to a statement of the parties from whom it comes, of the number of the signatures attached to it, the material issues contained in it and to the reading of the prayer.

A Ratepayer presenting a petition shall be familiar with the nature and contents of the petition and ascertain that it does not contain language disrespectful to the Council or other persons.

The only question which shall be considered by the Council on the presentation of any petition shall be-

- (a) that the petition shall be accepted, or
- (b) that the petition not be accepted, or
- (c) that the petition be accepted and referred to the Chief Executive Officer or a Committee for consideration and provide a report that Council can deal with.

### **9.2 Deputations**

9.2.1 Deputations wishing to be received by the Council shall be required in the first instance to send or deliver to the Chief Executive Officer, in writing, the subject matter to be raised by the deputation and the Chief Executive Officer shall arrange to have the written subject matter and deputation visit included on the agenda of the appropriate Council or Committee at the first possible opportunity.

9.2.2 If the Committee having received the deputation is of the opinion that the deputation matter is one that should be brought before the Council, the Chief Executive Officer shall arrange for the deputation written subject matter and deputation visit to be placed on the ordinary or special Council meeting agenda at the first possible opportunity.

9.2.3 A deputation shall not exceed five in number and any member of the deputation shall be at liberty to address the Council or a committee of the Council.

### **9.3 Community Forum**

Any member of the public may at a Committee meeting of the Council, only and during the community forum segment of the agenda and with the consent of the Presiding Member, speak on any matter either on the agenda for the meeting or that comes under the jurisdiction of the Council, provided that:

- (a) the member of the public's speaking rights to be exercised before the meeting debates the particular item if it is on the agenda;
- (b) a member of the public speaking during community forum will be limited to a maximum period of three (3) minutes unless extended by the consent of the meeting which shall be signified without debate;
- (c) the meeting may, by resolution (which may be moved without notice) bring forward and deal with any item listed on the agenda immediately following the conclusion of a person's address to the meeting during community forum.

## **PART 10 - NOTICES OF MOTION**

### **10.1 Notices of Motion to be in Writing**

Unless the Act or this local law otherwise provides, a Councillor may only bring forward at a meeting such business as is referred to in this clause in the form of a motion of which notice has been given, in writing, to the Chief Executive Officer.

### **10.2 Notice of Motion to the Chief Executive Officer**

Notice of motion shall be given to the Chief Executive Officer either:

- (a) at the last previous Council meeting, or
- (b) at least seven (7) business days before the meeting at which it is to be brought forward.

### **10.3 Subject of Notice of Motion**

Every notice of motion shall relate to business affecting the constitution, administration or condition of the Shire of Pingelly or the Council and the Chief Executive Officer shall rule out of order any notice of motion which does not comply with this clause.

#### **10.4 Motion to Lapse**

Every such motion as is mentioned in subclause 10.1 shall lapse unless:

- (a) the Councillor who gave notice, or another Councillor authorised by the Councillor, in writing, is present to move the motion when called on; or
- (b) the Council by resolution agrees to defer consideration of the motion to a later stage or date.

### **PART 11 - CONDUCT OF MEMBERS**

#### **11.1 Official Titles to be Used**

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

#### **11.2 Leaving Meetings**

After a meeting of the Council has been formally constituted and the business commenced, a Councillor or officer of the Council shall not enter or leave such meeting without first paying due respect by deferring to the Presiding Member.

#### **11.3 Debate - Maintenance of Order - Imputations - Offensive Expressions**

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

#### **11.4 Members to Occupy Own Seats**

11.4.1 At the first ordinary meeting attended by a Councillor after election, the Chief Executive Officer shall allot by random draw, with position being allocated clockwise at the Council table to each Councillor with the Deputy President automatically being allocated the seventh (7) seat and the Councillor shall, until such time as there is a call by a majority of Councillors for a re-allotment of positions, occupy that position when present at meetings of the Council.

11.4.2 No Councillor shall be deemed to be present unless occupying that member's allotted place within the Council Chambers.

#### **11.5 Alcohol**

Consumption of alcohol in Council or Committee meetings is prohibited.

#### **11.6 Smoking**

Smoking in Council or Committee meetings is prohibited.



## **PART 12 - CONDUCT OF MEMBERS DURING DEBATE**

### **12.1 Councillors Wishing to Speak**

Every Councillor wishing to speak during a Council meeting shall indicate by show of hand or other method agreed upon by the Council. When invited by the President to speak, Councillors shall address the Council through the President.

### **12.2 Priority**

In the event of two or more Councillors members wishing to speak at the same time, the President shall decide which Councillor is entitled to priority to be heard. The decision shall not be open to discussion or dissent.

### **12.3 Relevance**

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

### **12.4 Speaking Twice/Right of Reply**

Except where this clause is suspended under clause 12.5, a Councillor shall not speak twice on the same motion or amendment except;

- (a) in reply, upon an original motion of which the Councillor was the mover;
- (b) in reply, upon an amendment last debated of which the Councillor was the mover of the original motion;
- (c) by way of personal explanation, in accordance with clause 19.

### **12.5 Suspension**

The Council may, by resolution moved without notice, suspend the operation of clause 12.4 and it shall be suspended until such time as the Council shall, by similar resolution, otherwise decide.

### **12.6 Limit of Speeches**

A Councillor shall only speak on any motion or amendment in reply for a period as in the discretion of the President is appropriate and in any event not for a period longer than five (5) minutes without the consent of the Council, which shall be signified without debate. An extension shall not be permitted under this clause beyond a total of ten (10) minutes.

### **12.7 Councillors not to Speak After Conclusion of Debates**

No Councillor may speak to any motion or amendment after:

- (a) the mover has replied, or;
- (b) the question has been put.

## **12.8 Irrelevance, Repetition, Imputations, Offensive Expressions.**

12.8.1 Any Councillor may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order on the part of a Councillor. The President may then direct the offending Councillor to cease the activity brought to the attention of the Council.

12.8.2 If after having been directed by the President in accordance with Clause 12.8.1 to cease speaking a Councillor continues to speak, any other Councillor may move a motion that the Councillor ceases to speak. The President shall immediately call for a seconder but there shall be no debate. If the motion is carried by a majority of Councillors present, the offending Councillor may take no further part in any debate on the question before the meeting.

## **12.9 Councillors Not to Interrupt**

No Councillor shall interrupt another Councillor who is speaking unless:

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to move a permissible procedural motion, as set out in clause 14.1.

## **12.10 Presiding Member's Right to Adjourn Without Explanation to Regain Order**

If a meeting ceases to operate in an orderly manner, the President may use their discretion to adjourn the meeting for a period of up to fifteen (15) minutes without explanation, for the purpose of regaining order. This action cannot be challenged by any Councillor. Upon resumption, debate will continue at the point at which the meeting was adjourned. If at any one meeting, the President has cause to adjourn the meeting on two (2) occasions, the President has the right to adjourn the meeting for a period of no longer than seven (7) days.

## **PART 13 - PROCEDURES FOR DEBATE OF MOTIONS**

### **13.1 Motions and Amendments to be Presented**

Any Councillor who intends moving a substantive motion or amendment to a substantive motion shall present its substance before speaking to it and if required by the President, shall cause the motion or amendment to be put and submitted in writing.

### **13.2 Motion or Amendment to be Seconded**

A motion or amendment to a motion shall not be discussed or put to the vote unless there is a seconder.

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

#### **13.5 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.

#### **13.6 Secunder Requesting Right to Speak**

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

#### **13.7 Negated Motions**

A motion to the same effect as any motion that has been negated by the Council, except those motions provided for in clause 14.1 of this local law, shall not again be entertained within a period of three (3) months except with the consent of an absolute majority of the Councillors.

### **PART 14 - PROCEDURAL MOTIONS**

#### **14.1 Permissible Procedural Motions**

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

- (a) that the Council proceed to the next business;
- (b) that the question be adjourned;
- (c) that the Council now adjourn;
- (d) that the question be put;
- (e) that the Council move into Committee;

- (f) that the Council move out of Committee;
- (g) that the Councillor no longer be heard;
- (h) that the ruling of the President (or person chairing the meeting) be disagreed with;
- (i) that the motion lie on the table;
- (j) that the Council meet behind closed doors;
- (k) that the Council meet with open doors.

#### **14.2 Procedural Motions Not Required in Writing**

Procedural motions are not required to be presented in writing.

#### **14.3 Procedural Motions - Recording in Minutes**

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

#### **14.4 Procedural Motions - Majority Required**

Any procedural motion shall be carried upon the majority of Councillors voting.

#### **14.5 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.

#### **14.6 Procedural Motions - Right of Reply**

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

#### **14.7 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.

### **PART 15 - EFFECT OF PROCEDURAL MOTIONS**

#### **15.1 That the Council Proceed to the Next Business - Effect of Motion**

The motion, that the Council proceed to the next business, 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.

## **15.2 That the Question be Adjourned - Effect of Motion**

The motion, that the question be adjourned, having been carried, will cause all debate on the substantive motion or amendment to cease but to continue when the discussion is reconvened.

## **15.3 That the Council now Adjourn - Effect of Motion**

The motion, that the Council now adjourn, 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 by voting, determine otherwise.

## **15.4 That the Question be Put - Effect of Motion**

15.4.1 The motion, that the question be put, 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.

15.4.2 The motion, that the question be put, having been carried during discussion on an amendment, will cause the President to put the amendment to the vote without further debate.

15.4.3 The motion, that the question be put, having been lost, will allow debate to continue.

## **15.5 That the Council Move into Committee - Effect of Motion**

The motion, that the Council move into Committee, having been carried, will allow free and open discussion on the matter before the meeting. There will be no restrictions on the number of times each Councillor may speak, provided that normal courtesy and order is maintained.

## **15.6 That the Council Move Out of Committee - Effect of Motion**

The motion, that the Council move out of Committee, having been carried, will see the meeting resume its former status and any decisions made during the time that the Council sits in Committee must be formally agreed by the carrying of a substantive motion when the Council moves out of Committee.

## **15.7 That the Councillor Be No Longer Heard - Effect of Motion**

The motion, that the Councillor be no longer heard, having been carried, will cause the President to not allow the Councillor 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.

## **15.8 That the Ruling of the President be Disagreed with - Effect of Motion**

15.8.1 The motion, that the ruling of the President be disagreed with, 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.

15.8.2 Where the President has adjourned the meeting in accordance with clause 12.10 of this local law, the motion, that the President be disagreed with, may not be moved.

**15.9 That the Motion Lie on the Table - Effect of Motion**

15.9.1 The motion, that the motion lie on the table, 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.

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

15.9.3 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 this local law.

**15.10 That the Council Meet Behind Closed Doors - Effect of Motion**

15.10.1 In accordance with the Act, the motion, that Council, if carried, will cause the public and any officers or employees of the Shire of Pingelly as the Council determines to leave the room.

15.10.2 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 recorded in the minute book.

**15.11 That the Council Meet with Open Doors - Effect of motion**

The motion, that Council now meet with open doors, if carried, will revert the meeting to its former status, being open to the public.

**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 Councillors present and voting, at a properly constituted meeting, unless otherwise provided for in this local law or the Act.

**16.2 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.

**16.3 Councillor May Require Questions to be Read**

Any Councillor 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 Councillor whilst speaking.

#### **16.4 Order of Amendments**

Any number of amendments may be proposed to a motion, but whenever an amendment is proposed to be made to 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 Council or during the last three (3) months, unless agreed by an absolute majority.

#### **16.7 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.

#### **16.8 Withdrawal of Motion and Amendments**

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

#### **16.9 Limitation of Withdrawal**

Subject to clause 10, where an amendment has been moved to a substantive motion, the substantive motion shall not be withdrawn, except by consent of the majority of Councillors 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 the Councillor who proposed it, except with their written authority.

#### **16.11 Right of Reply**

16.11.1 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 Councillor shall speak on the question.

16.11.2 The right of reply must be confined to rebutting arguments raised by previous speakers and no new matters 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 a right of reply.
- (d) Once the right of reply has been taken as the mover of the substantive motion, there can be no further discussion, nor any other amendment and the substantive motion as amended is immediately put to the vote.

## **16.13 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, added or altered.

## **16.14 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.

## **16.15 Mover of Motion Not to Speak on Amendment**

On an amendment being moved, any Councillor 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.

## **16.16 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 to the Council and, if so desired by any Councillor shall again state it.

## **16.17 Method of Taking Vote**

16.17.1 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.

16.17.2 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.

16.17.3 If the votes of members present at a Council meeting are equally divided, the person presiding may cast a second vote.

## **16.18 Votes to be Recorded**

If a Councillor at a meeting asks that his or her vote, or the vote of all members present, be recorded in the Minutes, this shall be done.



## **16.19 Revoking or Changing Decisions Made at Council or Committee Meetings**

16.19.1 A substantive motion may be revoked at any time provided that no action in relation to the resolution being rescinded has already occurred,

16.19.2 If a decision has been made at a Council 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 had been made within the previous three (3) 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 Councillors of the Council or mover, inclusive of the mover.

16.19.3 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.

## **16.20 Unopposed Business**

16.20.1 Upon a motion being moved and seconded, the President shall enquire if any Councillor opposes that motion. If no one indicates an intention to oppose the motion, the President may proceed to put the motion to the vote without debate.

16.20.2 If a Councillor signifies opposition to a motion the motion shall be dealt with according to this local law generally.

## **16.21 All Councillors to Vote**

Save where the Act otherwise provides, at every meeting of the Council every member shall vote, and if any member who is entitled to vote fails to vote, the President shall call upon the member to vote.

## **PART 17 - POINTS OF ORDER**

### **17.1 Points of Order - When to Raise - Procedure**

Upon a matter of order arising during the progress of a meeting, any Councillor may raise a point of order including interrupting the speaker. Any Councillor who is speaking when a point of order is raised, shall immediately cease while the President 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.
- (c) Drawing attention to the violation of any local law or standing order of the Council, providing that the Councillor raising the point of order shall state the local law or standing order believed to be breached.

## **17.3 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.

## **17.4 Points of Order - Ruling Conclusive, Unless Dissent Motion is Moved**

The ruling of the President upon any point of order shall be final, unless a majority of the Councillors support a motion of dissent with the President's ruling.

## **17.5 Points of Order - Motion Against Ruling Procedure**

An objection having been taken to the ruling of the President, the Councillor 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 of the Council.

## **17.6 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 matter.

# **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 (7) days from the date of 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 Councillor in the manner provided in clause 2 of this local law.

## **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 Councillor shall be allowed to move or second more than one motion of adjournment during the same sitting of the Council.

**18.5 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.

**18.6 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 Councillor objects to the withdrawal the motion must continue to be debated.

**PART 19 - PERSONAL EXPLANATION**

**19.1 Personal Explanation**

No Councillor shall speak, except upon the question before the Council, unless it is to make a personal explanation. Any Councillor who is permitted to speak under these circumstances must confine the personal explanation to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a Councillor gives an explanation, that Councillor shall make no reference to matters not strictly necessary for that purpose, nor endeavour to strengthen the former position by introducing new argument or matter, nor reply to other Councillors of the Council.

**19.2 Personal Explanation - When Heard**

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

**19.3 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.

**PART 20 - COMMITTEES OF COUNCIL**

**20.1 Committees**

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

**20.2 Standing Orders to Apply to Committees**

This local law shall apply generally to the proceedings of Committees of the Council except that the requirement for Councillors to speak only once shall not be applied in meetings of committees and at meetings of Committees of the Council only, with the petitions, memorials and deputations segment of the meeting agenda, there shall be a community forum segment as set out in clause 9.2 of this local law

**20.3 Attendance by Councillors as Observers**

Councillors have the right to attend meetings of Committees that they are not appointed to as observers and may be permitted by the Presiding Member to speak on any matter under consideration by the Committee but shall not be entitled to vote.

**PART 21 - ADMINISTRATIVE MATTERS**

**21.1 Copies of Act and Standing Orders and Papers to Councillors of the Council**

The Chief Executive Officer shall provide to each Councillor as soon as convenient after being elected to office, a copy of the Act and local laws regulating and governing the administration of the local government.

**21.2 Custody and Use of Common Seal**

The Chief Executive Officer shall have charge of the common seal of the Council and shall be responsible for the safe custody and proper use of it.

**21.3 Seal Not to be Improperly Used**

Except as required by law, or in the exercise of the express authority of the Council, the Chief Executive Officer shall not use the common seal of the Council.

**21.4 Suspension of Standing Orders**

The mover of a motion to suspend any Standing Order shall state the clause or subclause of this local law to be suspended.

**21.5 Cases not provided for in the Standing Orders**

The Presiding member shall decide all questions of order, procedure, debate or otherwise where no provision or insufficient provision is made in this local law.

**21.6 Decisions of the Presiding member**

All decisions of the Presiding member shall be final unless a majority of the Councillors then present, by resolution made forthwith and without discussion, dissent therefrom.

**21.7 Penalty for Breach of Standing Orders**

Any person guilty of any breach of this local law or any of the provisions hereof, shall be liable upon conviction to a penalty not exceeding \$1,000.00.

**21.8 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 this local law even if it requires interrupting any person speaking, including the President.

**21.9 Enforcement**

21.9.1 The Presiding member of any Council or Committee meeting is authorised to enforce this local law during the course of the meeting.

21.9.2 No action shall be taken by the Shire of Pingelly to institute legal proceedings for an alleged breach of this local law unless by resolution of the Council.

Dated this 20<sup>th</sup> day of April in the year of 2017.

THE COMMON SEAL of the Shire of Pingelly is hereunto affixed by authority of a resolution of Council in the presence of

\_\_\_\_\_  
President *[Signature]*



\_\_\_\_\_  
Chief Executive Officer *[Signature]*

