LOCAL GOVERNMENT ACT 1995

SHIRE OF MINGENEW

STANDING ORDERS LOCAL LAW 2017

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Mingenew resolved on 20 September 2017 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

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

1.2 Commencement

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

1.3 Definitions

(1) In this local law unless the context requires otherwise—

Act means the *Local Government Act 1995*;

absolute majority means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;

CEO means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the Shire of Mingenew;

Committee means any Committee or Subcommittee appointed in accordance with the Act;

committee member means an Elected Member and/or any other person serving on a Committee;

Council means the Council of the Shire of Mingenew;

Criminal Code means the Western Australian *Criminal Code Act Compilation Act 1913* as amended from time to time;

District means the district of the Shire of Mingenew;

Elected Member means a person who holds the office of Shire President or Councillor on the Council;

meeting room means the room in which a Committee or Council meeting is being conducted;

officer means an employed member of the staff of the Shire of Mingenew;

Presiding Member means the person presiding at the meeting of the Council or a Committee, as prescribed by the Act;

quorum for a meeting of a council or committee means at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

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

simple majority is more than 50% of the members present and voting; and

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

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

1.4 Repeal

The *Shire of Mingenew Standing Orders Local Law 1965* published in the *Government Gazette* on 10 June 1965 is repealed.

1.5 Application

All meetings of the Council or a Committee and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and this local law.

1.6 Intent

This local law is intended to result in—

(a) better decision making by the Council;

(b) orderly conduct of meetings dealing with Council business;

(c) better community understanding of the process of conducting meetings dealing with Council business; and

(d) more efficient and effective use of time at meetings.

1.7 *Local Government (Rules of Conduct) Regulations 2007*

To the extent that this local law is inconsistent with the *Local Government (Rules of Conduct) Regulations 2007*, the *Local Government (Rules of Conduct) Regulations 2007* prevail to the extent of that inconsistency.

1.8 Reference to Time

Any reference to time in this local law means western standard time or western daylight time if western daylight time is enforced on that day in the State of Western Australia.

PART 2—CALLING MEETINGS

2.1 Calling Committee Meetings

A meeting of a Committee is to be held—

(a) if called for in a verbal or written request to the CEO by the Presiding Member of the Committee, setting out the date and purpose of the proposed meeting—

(b) if called for by at least 1/3 (one third) of the committee members in a notice to the CEO, setting out the date and purpose of the proposed meeting; or

(c) if so decided by the Committee or the Council.

2.2 Notice of Special Council Meetings

(1) Subject to subclause 2.2(2), the CEO is to convene a special meeting of the Council by giving each Elected Member at least 72 hours' notice of the date, time, place and purpose of the meeting.

(2) Where there is a need to meet urgently, in the opinion of the Shire President, the CEO may give a lesser period of notice of a special meeting than mentioned in subclause 2.2(1).

2.3 Notice of Ordinary and Special Committee Meetings

(1) The CEO is to convene an ordinary meeting of a Committee pursuant to clause 2.1 by giving each committee member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.

(2) The CEO is to convene a special meeting of a Committee by giving each committee member at least 72 hours' notice of the date, time, place and purpose of the meeting.

(3) The CEO is to give notice of meetings referred to in subclauses 2.3(1) and 2.3(2) to every Elected Member.

PART 3—BUSINESS OF THE MEETING

3.1 Business to be Specified on Notice Paper

(1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or a decision of the Council.

(2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.

(3) No business is to be transacted at a Committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting, without the approval of the Presiding Member or a decision of the Committee.

(4) No business is to be transacted at an adjourned meeting of the Council or a Committee other than that—

(a) specified in the notice of the meeting which had been adjourned; and

(b) which remains unresolved;

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

3.2 Order of Business

(1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows—

(a) Opening and announcement of visitors

(b) Attendance and apologies

(c) Answers to questions which were taken on notice

(d) Public question time

(e) Public statement time
(f) Leave of absence
(g) Petitions, Presentations and Deputations—
  (i) Petitions
  (ii) Presentations
  (iii) Deputations
(h) Confirmation of minutes
(i) Announcements by the Presiding Member without discussion
(j) Declarations of Interest (Financial, Proximity, Impartiality—both real and perceived)
(k) Elected Members' questions of which due notice has been given without discussion
(l) Elected Members' questions of which notice has not been given without discussion
(m) Any business left over from previous meeting
(n) Recommendations of committees
(o) Adoption of recommendations contained in items withdrawn
(p) Reports
(q) Motions of which previous notice has been given
(r) Notice of motions for consideration at the following meeting if given during the meeting
(s) Late and urgent business
(t) Confidential items
(u) Close of meeting

(2) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a Committee meeting is to be the order in which that business stands in the agenda of the meeting.

(3) Notwithstanding subclause (1), the CEO may include on the agenda of a Council or Committee meeting in an appropriate place within the order of business any matter which must be decided, or which the CEO considers is appropriately decided, by that meeting.

3.3 Public Question Time

(1) A member of the public who raises a question during question time is to state his or her name and address.

(2) A question may be taken on notice by the Council or Committee for later response.

(3) When a question is taken on notice under subclause (2) a response is to be given to the member of the public in writing by the CEO, and a copy is to be included in the agenda of the next meeting of the Council or Committee as the case requires.

(4) Questions asked by members of the public and answers—
(a) are to be brief and concise; and
(b) are not to be accompanied by—
  (i) any argument, expression of opinion or statement of facts, except so far as may be necessary to explain the question or answer; or
  (ii) any statement reflecting adversely on the integrity of any member, officer or other party; or
  (iii) any discussion.

(5) Public Question Time will be conducted in accordance with the Act and Regulations.

3.4 Public Statement Time

(1) Any person or group wishing to be received as a public statement by the Council at an ordinary meeting of the Council shall send to the CEO an application setting out the subject matter, which must be a matter concerning local government, for their statement in sufficient detail to enable a general understanding of the purpose of the statement.

(2) Where the CEO receives the request in terms of the preceding clause the CEO shall refer it to the Presiding Member.

(3) Public statements shall not—
(a) involve any language considered offensive by the Presiding Member;
(b) contain any statement reflecting adversely on the integrity of any elected member, officer or other; or
(c) exceed 2 minutes.

(4) The Presiding Member may determine that a statement is out of order where the Statement—
(a) is the same or similar in content to a statement made at a previous meeting;
(b) a response was provided or council action was taken; and
(c) the person is directed to the minutes of the meeting at which the response was provided or the action was determined.

3.5 Petitions

(1) A petition in the form prescribed by the Act and *Local Government (Constitution) Regulations 1998* for—

(a) a proposal to change the method of filling the office of Shire President;

(b) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward, in order to be effective, is to—

(i) be a formal written request;

(ii) be signed by not less than three people;

(iii) be addressed to the Shire President;

(iv) be made by electors of the district;

(v) state the request on each page of the petition;

(vi) contain the names, addresses and signatures of the electors of the Shire of Mingenew making the request, and the date each elector signed;

(vii) contain a summary of the reasons for the request; and

(viii) state the name of the person upon whom, and an address at which, notice to the petitioners can be given.

(2) Any other petition, in order to be effective, is to—

(a) be a formal written request;

(b) be signed by not less than three people;

(c) state the request on each page of the petition;

(d) contain the names, addresses and signatures of persons making the request, and the date each person signed;

(e) contain a summary of the reasons for the request; and

(f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given.

(3) The only question which shall be considered by the Council on the presentation of any petition shall be (a motion to the effect) that the petition be received and forwarded to officers for further action.

3.6 Presentations and Announcements

(1) At any meeting of Council or Committee the Presiding Member may announce or raise any matter of interest or relevance to the Council or the Committee as the case may be.

(2) The Presiding Member may allow in his or her absolute discretion a presentation or announcement to the Council or Committee by an Elected Member.

(3) Any external organisation wishing to make a presentation to the Council or a Committee meeting shall send to the CEO a written request, setting out the subject matter (which must be a matter concerning local government) in sufficient detail to enable a general understanding of the purpose and benefits of the presentation.

(4) Where the CEO receives the request in terms of the preceding clause, the CEO may refer it to the Presiding Member.

(5) Any presentation from an external organisation shall not exceed 15 minutes.

3.7 Deputations

(1) Any person or group wishing to be received as a deputation by the Council or a Committee shall send to the CEO an application—

(a) setting out the agenda item to which the deputation relates;

(b) whether the deputation is supporting or opposing the officer's or Committee's recommendation; and

(c) include sufficient detail to enable a general understanding of the purpose of the deputation.

(2) Where the CEO receives a request in terms of the preceding clause the CEO shall refer it to the presiding member of the Council or appropriate Committee who shall determine whether the deputation should be received.

(3) A deputation approved to attend a Council or Committee meeting is not to—

(a) exceed five persons, only two of whom may address the Council or Committee, although others may respond to questions from members; and

(b) address the Council or Committee for a period exceeding five minutes without the agreement of the Council or the Committee as the case requires.

(4) Where a deputation has been made at a Committee meeting, a further deputation will not be permitted at a successive Council meeting by the same person or persons, or a directly related party, on the same matter unless it is demonstrated there is new, relevant material which may impact upon the Council's understanding of the facts of the matter.

(5) (a) deputations are to be presented in the order of which the item they relate to sits on the agenda;

(b) where there are deputations both for and against an agenda item the person wishing to make a deputation against the matter is to present first, followed by a deputation in favour; and

(c) deputations will then continue in alternating order until there are no persons wishing to speak to the opposite view of the last preceding speaker.

(6) Members of a Committee (or other Elected Members) to which the deputation is presented may ask a question or questions of persons of the deputation group and any person of the deputation group may respond to such questions.

(7) Deputations—

(a) shall not involve any language considered offensive by the Presiding Member; and

(b) shall not contain any statement knowingly incorrect, knowingly misleading or reflecting adversely on the integrity of any member, officer or other party.

3.8 Confirmation of Minutes

(1) When minutes of a meeting are submitted to an ordinary meeting of the Council or Committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to—

(a) state the item or items with which he or she is dissatisfied; and

(b) propose a motion clearly outlining the alternative wording to amend the minutes.

(2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

3.9 Questions from Members

(1) An Elected Member who wishes to ask a question with notice at a Committee meeting of the Council is to—

(a) give reasonable written notice of the question wherever possible to the CEO before the scheduled commencement of the meeting; and

(b) direct the question through the presiding member.

(2) An Elected Member may ask a question without notice at a Committee meeting provided that any such question is relevant to the purpose of the meeting.

(3) If the question referred to in clause 3.9(1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.

(4) An Elected Member who wishes to ask a question with notice at a Council meeting is to—

(a) give reasonable written notice of the question wherever possible to the CEO before the scheduled commencement of the meeting; and

(b) direct the question through the Presiding Member.

(5) An Elected Member may ask a question without notice at a Council Meeting.

(6) If the question referred to in subclause (4) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.

(7) Questions asked by Elected Members and answers—

(a) are to be brief and concise; and

(b) are not to be accompanied by—

(i) any argument, expression of opinion or statement of facts, except so far as may be necessary to explain the question or answer—

(ii) any statement reflecting adversely on the integrity of any Elected Member; or

(iii) any discussion.

3.10 Notices of Motion

(1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.

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

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

(4) The CEO—

(a) with the concurrence of the Shire President, may exclude from the notice paper any notice of motion deemed to be out of order; or

(b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and

(c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

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

(a) the Elected Member who gave notice thereof, or some other Elected Member authorised by him or her in writing moves the motion when called on; or

(b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

(6) If a notice of motion is given and lapses in the circumstances referred to in subclause (5) (a) above or is defeated, a notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse or defeat.

(7) Motions are to be dealt with in the order they are received.

3.11 Distribution of Reports to the Members

(1) Subject to clause 3.12 the CEO is to provide each member of the Council or Committee as the case may be with a copy of any report, which is to be presented to any Council or Committee meeting.

(2) The report is to be provided to each member at least 24 hours before the commencement of the meeting.

3.12 Late Reports

In cases of urgency or other special circumstances a report by the CEO may, with the consent of the presiding member, be read or otherwise given to members at the meeting if it has not previously been sent to members in accordance with clause 3.11.

3.13 Urgent Business Approved by the Presiding Member or by Decision

In cases of extreme urgency or other special circumstance, matters may, with the consent of the Presiding Member, or by decision of the members present, be raised without notice and decided by the meeting.

3.14 Reports or Advice by the CEO

(1) The CEO may prepare for presentation to any meeting a report dealing with any matter which in the opinion of the CEO should be drawn to the attention of the meeting.

(2) The CEO may advise the Council or Committee on any matter which he or she considers appropriate.

PART 4—PUBLIC ACCESS TO AGENDA MATERIAL

4.1 Confidentiality of Information Withheld

Information withheld by the CEO from members of the public under regulation 14.2 of the Regulations is to be—

(a) identified in the agenda of a Council or Committee meeting under the item "Confidential Items"; and

(b) marked "confidential" in the agenda.

PART 5—DISCLOSURE OF INTERESTS

5.1 Disclosure of Interest

Disclosure of interests is dealt with in the Act.

PART 6—QUORUM

6.1 Quorum to be Present

The Council or a Committee is not to transact business at a meeting unless a quorum is present.

6.2 Loss of Quorum During a Meeting

(1) If at any time during the course of a meeting of the Council or a Committee a quorum is not present—

(a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either—

(i) a quorum is present to decide the matter; or

(ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under the Act; or

(b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the presiding member is to suspend the proceedings of the meeting for a period of 5 minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the presiding member is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or this local law when calling a meeting of that type.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1)(b)—

(a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and

(b) in the case of a Council meeting—

(i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and

(ii) the provisions of clause 8.5 apply when the debate is resumed.

PART 7—CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

7.1 Official Titles to be Used

Elected Members are to speak of each other in the Council or Committee by their respective titles of Shire President or Councillor. Members, in speaking of or addressing officers, are to designate them by their respective official titles.

7.2 Members to Occupy Own Seats

When present in the meeting room, a member will occupy the seating position allocated to him or her for each specific Council or Committee meeting.

7.3 Leaving Meetings

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

7.4 Adverse Reflection

(1) No member is to reflect adversely upon a decision of the Council or Committee except on a motion that the decision be revoked or amended.

(2) No member is to—

(a) reflect adversely on the character or actions of another member or any other person; or

(b) impute any motive to another member or any other person;

the Council resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.

(3) No member is to use offensive or insulting expressions in reference to any member or any other person.

7.5 Withdrawal of Offensive Language

(1) A member who, in the opinion of the Presiding Member, uses an expression which—

(a) in the absence of a resolution under clause 7.4(2)—

(i) reflects adversely on the character or actions of another member; or

(ii) imputes any motive to a member; or

(b) is offensive or insulting, must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.

(2) If a member fails to comply with a direction of the Presiding Member under the above subclause (1), the Presiding Member may refuse to hear the member further on the matter then under discussion and call on the next speaker.

7.6 Disturbance by Members

While another person is addressing the Council or a Committee, a member is not—

(a) to make any noise or disturbance; or

(b) to converse aloud;

except to raise a point of order, to interrupt.

7.7 Continued Irrelevance

(1) The Presiding Member, at any time, may—

(a) call the attention of the meeting to—

(i) any irrelevant, repetitious, offensive or insulting language by an member; or

(ii) any breach of order by a member; and

(b) direct that member, if speaking, to discontinue his or her speech.

(2) A member is to comply with a direction of the Presiding Member under subclause (1) by immediately ceasing to speak and resuming his or her seat.

7.8 Recording of Proceedings

(1) A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Council.

(2) If the Council gives permission under subclause (1), the Presiding Member must advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

7.9 Prevention of Disturbance

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

(2) Members of the public are admitted to Council and Committee meetings upon the understanding that no expression of dissent or approval, conversational or interruption to the proceedings shall take place—

(a) For the purpose of this clause any expression of dissent or interruption to proceedings shall include a person who interrupts the proceedings of a meeting, whether by expressing approval or dissent, by conversing or by other means—

(i) enters or remains in any part of the room where the meeting is taking place reserved for members and officers;

(ii) misconducts himself or herself;

(iii) fails to withdraw when members of the public are directed to withdraw;

(iv) obstructs the approaches to the room where the meeting is taking place; or

(v) creates a disturbance within the precincts of the room where the meeting is taking place.

(b) In the event of any such interruption, the Presiding Member may exercise his or her discretion and require those interrupting to withdraw. The Presiding Member's ruling in this regard is final and cannot be challenged by moving dissent with the ruling or otherwise.

(c) Any person who does not withdraw when called upon by the Presiding Member to do so may by order of the Presiding Member be removed from the room.

(3) If an Elected Member or the CEO specifically requests, immediately after their use, that any particular words used by a person be recorded, the Presiding Member is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in a file note of the meeting, unless the presiding member in any case decides otherwise.

(4) If a person or persons have been ordered by the Presiding Member to desist from such behaviour, but fails to do so, the Presiding Member can immediately adjourn the meeting in accordance with clause 14.9.

(5) The CEO shall be the designated person in charge of the premises for the purposes of section 5.41(d) of the Act and is the "person in authority" in relation to section 70A of the Criminal Code and shall advise such person or persons during the period that the meeting is adjourned to behave in an appropriate manner or to immediately leave the premises.

(6) Where a person or persons have been required to leave the room where the meeting is taking place and have been advised in accordance with subclause 7.9(3) but continue to remain in the room where the meeting is taking place, the CEO may instigate legal action against such person or persons.

(7) If a person ordered by the CEO to leave the premises cannot be removed without the application of physical force then a member or members of the police force shall be called to the room where the meeting is taking place to effect the removal of the person and the meeting may be adjourned until the person has been removed.

7.10 Prevention of Disturbance Generally

No electronic or other device shall be used in a manner that creates a disturbance or leads to a disturbance at the meeting.

7.11 Distinguished Visitors

If a distinguished visitor is present at a meeting of the Council or a Committee, the presiding member may make special arrangement for the seating of the person.

PART 8—CONDUCT OF MEMBERS DURING DEBATE

8.1 Speaking at Council or Committee Meetings

(1) Every member wishing to speak is to indicate by show of hands or other method agreed upon by the Council or Committee.

(2) When a member or officer has been chosen to speak by the presiding member the member or officer must address the Council or Committee through the Presiding Member.

(3) Any member moving a motion or amendment, or taking part in the discussion thereon, shall address the presiding member and may rise if the member so desires, or shall do so when requested by the presiding member except when prevented from doing so by sickness or physical disability.

(4) When invited by the Presiding Member to speak, such member or officer may remain seated whilst speaking unless the Presiding Member rises, upon which such member or officer will cease speaking immediately so the presiding member can be heard.

8.2 Priority

In the event of two or more members wishing to speak at the same time, the Presiding Member is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

8.3 The Presiding Member May Take Part in Debates

Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in this local law, the Presiding Member may take part in a discussion of any matter before the Council or Committee as the case may be.

8.4 Relevance

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

8.5 Limitation of Number of Speeches

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

8.6 Limitation of Duration of Speeches

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

8.7 Questions During Debate or Points of Clarification

With the approval of the Presiding Member, a member may ask a question or seek clarification of any matter relevant to a motion at any time during the debate on the motion before it is put, but no discussion thereon is permitted.

8.8 Members Not to Speak After Conclusion of Debate

No member is to speak to any motion after the mover has concluded his or her right of reply and/or after it has been put by the Presiding Member.

8.9 Members Not to Interrupt

No member is to interrupt another member or an officer whilst speaking unless—

(a) to raise a point of order;

(b) to call attention to the absence of a quorum; or

(c) to move a motion under clause 10.1(1)(c).

8.10 Re-Opening Discussion on Decisions

No member is to re-open discussion on any decision of the Council or Committee, except for the purpose of moving that the decision be revoked or amended.

PART 9—GENERAL CONDUCT OF DEBATE

9.1 Motions to be Stated

Any member who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion and obtain a seconder before speaking to it.

9.2 Motions to be Supported

(1) No motion or amendment to a substantive motion is open to debate until it has been seconded, or, in the case of a motion to revoke or amend the decision made at a Council or a Committee meeting, unless the motion has the support required under Regulation 10 of the Regulations.

(2) Subject to clause 9.13 the seconder cannot subsequently withdraw his or her seconding of the motion.

9.3 Unopposed Business

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

(2) If no member signifies opposition to the motion the Presiding Member may declare the motion in subclause (1) carried without debate and without taking a vote on it.

(3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or Committee.

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

(5) This clause does not apply to any motion or decision to revoke or amend a decision which has been made at a Council or Committee meeting.

9.4 Only One Substantive Motion Considered

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

9.5 Breaking Down of Complex Motions

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

9.6 Order of Call in Debate

Unless dealt with in accordance with clause 9.3, the Presiding Member is to call speakers to a substantive motion in the following order—

(a) The mover to state the motion;

(b) A seconder to the motion;

(c) The mover to speak to the motion;

(d) The seconder to speak to the motion;

(e) A speaker against the motion;

(f) A speaker for the motion;

(g) Other speakers against and for the motion in alternating order until there is no member (excluding the mover) wishing to speak who is of the opposite view than the last preceding speaker; and

(h) The mover has the right of reply which closes debate.

9.7 Limit of Debate

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

9.8 Member May Require Motion to be Read

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

9.9 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.

9.10 Order of Amendments

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

9.11 Amendments Must Not Negate Original Motion

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

9.12 Substantive Motion

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

9.13 Withdrawal of Motion and Amendments

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

9.14 Limitation of Withdrawal

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

9.15 Foreshadowed Motion

(1) In speaking upon a motion a member—

(a) may give notice to the meeting of the member's intention to move a different motion on the same subject matter, being a motion which cannot practically be moved by an amendment to the motion under consideration; and

(b) shall provide to the Presiding Member the terms of the foreshadowed motion.

(2) If two or more members pursuant to subclause (1) foreshadow motions on the same subject, then the Presiding Member shall take note of the order in which the foreshadowed motions are raised and the terms of each foreshadowed motion.

(3) If the motion under consideration is lost, then the foreshadowed motions may be brought forward without delay.

(4) The foreshadowed motions shall be considered by the Council in succession, until one of the motions is passed, whereupon there shall be no further consideration of any other foreshadowed motion on that subject.

9.16 Personal Explanation

(1) No member is to speak at any meeting of the Council or a Committee, except upon the matter before the Council or Committee, unless it is to make a personal explanation.

(2) A member wishing to make a personal explanation may do so at the conclusion of that speech.

(3) Any member or an officer who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood.

(4) When a member or an officer proceeds to explain, no reference is to be made to matters unnecessary for that purpose.

9.17 Ruling on Questions of Personal Explanation

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

9.18 Right of Reply

(1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the motion.

(2) The right of reply is to be confined to matters raised by previous speakers and no new matter is to be introduced or expansion on the substantive motion is to take place.

9.19 Right of Reply Provisions

(1) The right of reply is governed by the following provisions—

(a) If no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;

(b) If an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;

(c) The mover of any amendment does not have a right of reply; and

(d) Once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

PART 10—PROCEDURAL MOTIONS

10.1 Permissible Procedural Motions

(1) In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member (at any time) to move the following procedural motions—

(a) the Council (or Committee) meeting now adjourn;

(b) the debate be adjourned;

(c) the motion now be put;

(d) the motion not now be put;

(e) the motion (or communication) lie on the table;

(f) the meeting proceed to the next item of business;

(g) that the ruling of the Presiding Member be disagreed by a motion of dissent; or

(h) the Council (or Committee) meet behind closed doors as the matter to be discussed is of a confidential nature in respect of which the meeting may be closed to members of the public under the Act.

(2) Subject to subclause (1), when a recommendation of a Committee is being debated by the Council, the only motions which may be considered by the Council are that—

(a) the recommendation be adopted;

(b) the recommendation not be adopted;

(c) the recommendation be referred back to the responsible Committee for further consideration; or

(d) the recommendation be amended.

(3) A permissible procedural motion pursuant to subclause (1) can only be brought forward by a person who has not already spoken on the matter.

(4) A member may request that the names of some or all of those who voted in the negative be recorded in the minutes.

10.2 No Debate on Procedural Motions

(1) The mover of a motion stated in each of paragraphs (a), (b), (e), (g) and (h) of clause 10.1(1) may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion stated in each of paragraphs (c), (d) and (f) of clause 10.1(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.

10.3 Procedural Motions—Closing Debate—Who May Move

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

10.4 Procedural Motions—Right of Reply on Substantive Motion

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

PART 11—EFFECT OF PROCEDURAL MOTIONS

11.1 Motion be Amended—Effect of Motion

(1) An amendment to a motion must be relevant to that motion.

(2) An amendment to a motion must be read or stated before being moved.

(3) Only one amendment is to be discussed at a time, but as often as an amendment is lost, another amendment may be moved, before the original motion is put to the vote.

(4) In speaking to an amendment, a member may give notice of his or her intention to move a further amendment or another motion.

(5) Where an amendment is carried—

(a) the original motion as amended becomes the substantive motion;

(b) it must be relevant to the motion and not be of such a nature that the original motion loses its identity; and

(c) for all purposes subsequent debate, is only to be on the substantive motion.

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

(1) The motion "that the Council (or Committee) now adjourn", if carried, shall result in the meeting being adjourned until it is re-opened at which time the meeting will continue from the point at which it was adjourned, unless the Presiding Member or a simple majority or members determine otherwise, by vote.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1)—

(a) The debate is to be resumed at the next meeting at the point where it was so interrupted; and

(b) In the case of the Council meeting—

(i) The names of Elected Member(s) who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and

(ii) The provisions of clause 8.5 apply when the debate is resumed.

11.3 The Motion be Adjourned—Effect of Motion

(1) The motion "that the motion be adjourned", if carried, shall result in all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.

(2) If the motion is carried at a meeting of the Council—

(a) the names of Elected Member(s) who have spoken on the matter are to be recorded in the minutes; and

(b) the provisions of clause 8.5 apply when the debate is resumed.

11.4 The Motion be Now Put—Effect of Motion

(1) The motion "that the motion be now put", if carried during discussion of a substantive motion without amendment, shall result in the Presiding Member offering the right of reply and then immediately put the matter under consideration without further debate.

(2) This motion, if carried during discussion of an amendment, shall result in the Presiding Member putting the amendment to the vote without further debate.

(3) This motion, if lost, shall result in the continuation of the debate.

11.5 Ruling of the Presiding Member Disagreed with—Effect of Motion

The motion "that the ruling of the Presiding Member be disagreed with", if carried, shall result in the ruling of the presiding member about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

11.6 The Motion (or Communication) Lie on the Table—Effect of Motion

(1) If moved in respect of a motion or an amendment to a motion, this motion takes the form "that the motion lie on the table".

(2) If moved in respect of a letter, report or other document, its form is "that the communication lie on the table".

(3) A motion that "the motion lie on the table" or that "a communication lie on the table"—

(a) may be moved by a member to adjourn the debate if further information is needed from the Council's records;

(b) cannot be moved by a member who has moved, seconded or spoken to the question then before the meeting;

(c) cannot be amended; and

(d) does not give the mover a right of reply.

(4) If a motion that "the motion lie on the table" or "the communication lie on the table" is carried then—

(a) in respect of a document or a motion, further debate on the matter is adjourned until the meeting resolves to take the document or motion from the table; and

(b) in respect of an amendment, both the amendment and the substantive motion to which it relates are adjourned until the meeting resolves to take the motion from the table.

(5) If a motion that "the motion be taken from the table" or "the communication be taken from the table" is carried then—

(a) in respect to a document or a motion, debate resumes until the matter is determined;

(b) in respect to an amendment, debate resumes on the amendment until the matter is determined.

11.7 The Meeting Proceed to the Next Item of Business—Effect of Motion

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

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

(1) Subject to any decision of the Council or Committee, this motion, if carried, shall result in the general public and any officer the Council or Committee determines, to leave the room.

(2) While a decision made under this clause is in force the operation of clause 8.5 limiting the number of speeches continues to apply unless the Council decides otherwise.

(3) Upon the public again being admitted to the meeting the Presiding Member, unless the Council or Committee decides otherwise, is to cause the resolution of the Council or Committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.

PART 12—REVOKING OR CHANGING DECISIONS

12.1 Motion—When Put

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

12.2 Motion—Method of Putting

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

12.3 Revocation Motion at the Same Meeting—Procedures

(1) If the CEO receives a notice of motion, which complies with the requirements of this local law, to revoke a decision made at a meeting before the close of that meeting, then the CEO is to immediately advise the Presiding Member of the notice of motion.

(2) Where the Presiding Member is advised of a notice of motion under subclause (1), he or she at the first available opportunity and before the end of the meeting is to—

(a) advise the meeting of the notice;

(b) bring on the revocation motion;

(c) determine whether there is sufficient support (under Regulation 10) for the motion; and

(d) deal with the motion, if there is sufficient support.

PART 13—IMPLEMENTING DECISIONS

13.1 Implementation of a Decision

(1) Neither the CEO nor an officer or an Elected Member shall take any step to implement or otherwise give effect to a resolution until 2pm on the following Council office working day after the close of the meeting at which the resolution was passed.

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

(a) If a notice of motion to revoke or change a decision of the Council or a Committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under the Regulations indicate their support for the notice of motion at that meeting; and

(b) If a notice of motion to revoke or change a decision of the Council or Committee is received after the closure of the meeting at which the decision was made implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of members required to support the motion under the Regulations.

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

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

(a) action has been taken to implement the decision; or

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

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

PART 14—PRESERVING ORDER

14.1 The Presiding Member to Preserve Order

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

14.2 Demand for Withdrawal

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

14.3 Points of Order—When to Raise—Procedure

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

14.4 Points of Order—When Valid

Expressing a difference of opinion or the contradiction of a speaker shall not be recognised as a valid point of order.

The following will be recognised as the only valid points of order—

(a) that the discussion is of a matter not before the Council or Committee;

(b) that offensive or insulting language is being used;

(c) drawing attention to the violation of any written law, the relevant provisions of this local law or policy of the Council, provided that the member making the point of order states the written law or policy believed to be breached; and

(d) that insinuations have been made as to the character, morality, honesty or motives of a member or an officer.

14.5 Points of Order—Ruling

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

14.6 Points of Order—Ruling Conclusive, Unless Dissent Motion is Moved

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

14.7 Points of Order Take Precedence

Notwithstanding anything contained in this local law 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.

14.8 Precedence of Presiding Member

(1) When the Presiding Member rises during the progress of a debate, any member then speaking, or offering to speak, is to immediately sit down and every member of the Council or Committee present shall be silent so that the Presiding Member may be heard without interruption.

(2) Subclause (1) is not to be used by the presiding member to exercise the right provided in clause 8.3, but to preserve order.

14.9 Right of the Presiding Member 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. Upon resumption, debate is to continue at the point at which the meeting was adjourned.

If, at any one meeting, the Presiding Member has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

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

(a) the names of Elected Member(s) who have spoken in the matter prior to the adjournment are to be recorded; and

(b) the provisions of clause 8.5 apply when the debate is resumed.

PART 15—ADJOURNMENT OF MEETING

15.1 Meeting May be Adjourned

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

15.2 Limit to Moving Adjournment

No member is to move or second more than one motion of adjournment during the same sitting of the Council or Committee.

15.3 Unopposed Business—Motion for Adjournment

On a motion for the adjournment of the Council or Committee, the Presiding Member, before putting the motion, may seek leave of the Council or Committee to proceed to the transaction of unopposed business.

15.4 Withdrawal of Motion for Adjournment

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

15.5 Time to Which Adjourned

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

PART 16—COMMITTEES OF THE COUNCIL

16.1 Establishment and Appointment of Committees

A Committee is to be established on a motion setting out the proposed purpose and functions of the Committee and either—

(a) the names of the Elected Members, officers and other persons to be appointed to the Committee; or

(b) the number of Elected Members, officers and other persons to be appointed to the Committee and a provision that they be appointed by a separate motion.

16.2 Appointment of Deputy Committee Members

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

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

(3) If a deputy has commenced to act in place of a committee member at a Committee meeting and the committee member attends the meeting, the committee member will not assume the seat and the deputy will continue to act as the committee member for the duration of that meeting

(4) Once a committee meeting has commenced a deputy member cannot assume the seat of a committee member who leaves the meeting.

(5) A deputy who is one of two or more deputies of a committee member is not entitled to attend a meeting of the Committee in place of that committee member if the meeting is attended by another deputy of that committee member who has precedence over that deputy in the order of seniority determined under subclause (1).

(6) A person who is a committee member is not eligible to be appointed a deputy for another committee member.

16.3 Presentation of Committee Reports

When the report or recommendations of a Committee are placed before the Council, the adoption of recommendations of the Committee is to be moved by—

(a) the Presiding Member of the Committee if the presiding member is an Elected Member and is in attendance;

(b) an Elected Member who is a member of the Committee, if the Presiding Member of the Committee is not an elected member, or is absent; or

(c) otherwise, by an Elected Member who is not a committee member.

16.4 Reports of Committees—Questions

When a recommendation of any Committee is submitted for adoption by the Council, any Elected Member may direct questions specifically relating to the recommendation through the Presiding Member to the Presiding Member, any committee member or the CEO.

16.5 Permissible Motions on Recommendation from Committee

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

(a) rejected by the Council and replaced by an alternative decision; or

(b) amended or modified and adopted with such amendment or modification; or

(c) referred back to the Committee for further consideration.

16.6 Standing Orders Apply to Committees

Where not otherwise specifically provided, this local law applies generally to the proceedings of Committees, except clause 8.1, in respect of the requirement to rise.

16.7 Observers at Committee Meetings

(1) For the purposes of this part an observer is an Elected Member attending a committee meeting of which they are not a member and choosing to sit in their allocated seat in the meeting room.

(2) Observers may occupy their allocated seat in the meeting room. Should an observer choose to sit in their allocated seat in the meeting room they are subject to the obligations on all Elected Members under the Act and all associated regulations including the *Local Government (Rules of Conduct) Regulations 2007*.

(3) Observers choosing to sit in their allocated seat in the meeting room may not participate in debate. Questions and discussion of committee members take priority over questions from observers.

PART 17—GENERAL ADMINISTRATIVE MATTERS

17.1 Suspension of Standing Orders

(1) The Council or a Committee may decide, by simple majority vote, to suspend temporarily one or more clause(s) of this local law.

(2) The mover of a motion to suspend temporarily any one or more clause(s) of this local law shall either—

(a) State the specific clause or clauses of this local law to be suspended; or

(b) State clearly and concisely the reason for or purpose of the proposed suspension in a motion prefaced by the words "I move that such clause(s) of the Shire of Mingenew Standing Orders be suspended as will allow...".

(3) Only the operation of the clauses so nominated or otherwise affected by any resolution to suspend this local law shall be suspended.

17.2 Cases not Provided for in Standing Orders

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where this local law and the Act and Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion referred to in clause 14.6 is moved and carried.

17.3 Enforcement

(1) The provisions of this local law shall be enforced by the Presiding Member of any Council or Committee but only following the specific direction of the Council or Committee by resolution by a simple majority.

(2) A breach of a provision of this local law by an Elected Member is dealt with in the Act and *Local Government (Rules of Conduct) Regulations 2007*.

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

Penalty—$1,000.00 and a daily penalty of $100.00.

PART 18—COMMON SEAL

18.1 The Council's Common Seal

(1) The CEO is to have charge of the Common Seal of the Council, and is responsible for the safe custody and proper use of it.

(2) The Common Seal of the Council may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Shire President and the CEO or a senior officer authorised by him or her.

(3) The Common Seal of the Council is to be affixed to any local law which is made by the Council.

(4) The CEO is to record in a register each date on which the Common Seal of the Council was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.

(5) Any person who uses the Common Seal of the Council or a replica thereof without authority commits an offence.

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

Mrs MICHELLE BAGLEY, Shire President.
Mr MARTIN WHITELY, Chief Executive Officer.

Dated: 4 October 2017.