

SHIRE OF BROOKTON

STANDING ORDERS

REPORT

1. INTRODUCTION

This report is followed by –

- (a) A proforma gazettal by reference against the Model Local law (Standing Orders) 1998 published by the Governor in the Government Gazette on 3 April 1998; and
- (b) The draft Shire of Brookton Standing Orders Local Law 2000 as it would read if the gazettal notice in (a) were adopted.

The variations to the model contained in the proforma gazettal by reference are in the main influenced by the Department of Local Government Agenda and Minutes Project, eg. the Order of Business, dropping of a correspondence item and the clause 3.10 discouragement of late items or “general business”.

2. MANY CHANGES TO LAW

The Local Government Act 1995 and Regulations introduced many changes in the law relating to local government meetings and the appointment of committees. Accordingly there are now many inconsistencies between your Standing Orders and the Act.

We have not identified all these inconsistencies for purposes of this report, but offer these comments in relation to some of the major variances you will notice between your existing Standing Orders and the model local law –

- (a) The model does not apply to electors’ meetings. Frankly, we think it is asking too much to expect electors to be familiar with the Standing Orders, also Admin Reg says that the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting. We suggest you prepare a one-page set of procedures by agreement with the person presiding , which can be read at the start of an electors’ meeting and readily understood by those in attendance. WAMA will be printing such a document shortly in the Practice Notes.
- (b) We have omitted a general penalty clause from our draft. Many minor breaches occur during most meetings, eg. drifting into irrelevance, to which we do not believe a financial penalty should apply. In the case of those offences that could have serious consequences, the penalty is stated immediately following the clause in question.

- (c) Also, we have omitted an enforcement clause. Your existing clause 99 states – “The President is authorised and required to enforce the Standing Orders and to prosecute for any breach thereof.”

We believe this is far too limiting. Section 9.24 of the Act provides “Anyone can commence proceedings for an offence against this Act”, and this includes offences under a local law. In reality, any prosecution will most likely arise from a resolution of the council or by one councillor taking action against another.

3. HOW THE MODEL WAS DRAFTED

The model local laws which are adopted in the enclosed draft, were vetted initially, after wide industry consultation, by Minter Ellison Lawyers and prior to gazettal by the Governor, by Parliamentary Counsel. They are therefore a reliable base from which to work. The model local laws follow the drafting style and terminology of the Act in that provisions applying to Council and Committee meetings are stated separately, the “person presiding” is used instead of the term “chairman”, and applies in the case of both Council and Committee meetings, but note that “presiding member” is only ever used in the act in Reference to the chairman of a committee. This virtually is the new word for “committee chairman”.

Generally, where that Act or Regulations govern a particular matter, such provisions are not repeated as a local law so as not to create inconsistency. However, so that the full picture is available to the reader of the local law, relevant provisions of the Act and Regulation are included in text boxed. Note they should not be included in any gazettal as they are not part of the local law.

We expect you will want changes to the drafts submitted to satisfy particular local requirements, and we will be pleased to assist you in making appropriate changes to the draft to accommodate these requirements. We await your further instructions so that this can be done.

Recommendation

That Council give public notice under section 3.12 of the Local Government Act 1995 of intention to make the draft Shire of Brookton Standing Orders Local Law 2000.

Proforma Gazettal By Reference

Local Government Act 1995

SHIRE OF BROOKTON

STANDING ORDERS LOCAL LAW 2000

Under the powers conferred by the Local Government Act 1995, the Council of the Shire of Brookton hereby records having resolved on theday of 2000, to adopt the Standing Orders Local Law published in the Government Gazette on 3 April 1998 with such modifications as are here set out.

PART 1

1. in clause 1.4, after “of the” insert “ Shire of Brookton” and after “on” insert “29 August 1963”;

PART 2

2. delete the whole of Part 2;

PART 3

3. in subclause 3.2(1), delete paragraphs (a) to (m) and substitute –
 - (a) Declaration of opening/Announcement of visitors
 - (b) Record of attendance/Apologies/Leave of absence (previously approved)
 - (c) Response to previous public questions taken on notice
 - (d) Public question time
 - (e) Applications for leave of absence
 - (f) Petitions
 - (g) Confirmation of minutes
 - (h) Announcements by the person presiding without discussion
 - (i) Matters for which meeting may be closed
 - (j) Reports
 - (k) Motions of which previous notice have been given
 - (l) Questions by members of which due notice has been given
 - (m) Urgent business approved by the person presiding or by decision
 - (n) Matters behind closed doors
 - (o) Closure.
4. delete clause 3.8;
5. in subclause 3.9(2), delete “four (4)” and substitute “seven (7)”;
6. in subclause 3.10(1), delete “four (4)” and substitute “seven (7)”.

PART 5

7. delete the whole of Part 5.

PART 9

8. in clause 9.1 – delete the heading “9.1 Members to Rise” and substitute “9.1 Members Wishing to Speak”; and delete the whole of the second sentence;

PART 10

9. in clause 10.16, in the last sentence, delete “rises to explain” and substitute “makes a personal explanation”;

PART 14

10. delete the whole of Part 14;

PART 15

11. in clause 15.3, delete “and be seated”;

12. delete clause 15.8;

PART 17

13. in clause 17.6, delete paragraph (b);

PART 19

14. delete subclause 19.1(4);

15. renumber –
Parts 3 and 4 to 2 and 3 respectively;
clauses 3.1 to 3.7 to 2.1 to 2.7 respectively;
clauses 3.9 to 3.12 to 2.8 to 2.11 respectively; and
clauses 4.1 and 4.2 to 3.1 and 3.2 respectively.

16. renumber –
Parts 6 to 13 to 4 to 11 respectively;
clauses 6.1 and 6.2 to 4.1 and 4.2 respectively;
clauses 7.1 and 7.2 to 5.1 and 5.2 respectively;
clauses 8.1 to 8.7 to 6.1 to 6.7 respectively;
clauses 9.1 to 9.9 to 7.1 to 7.9 respectively;
clauses 10.1 to 10.20 to 8.1 to 8.20 respectively;
clauses 11.1 to 11.4 to 9.1 to 9.4 respectively;
clauses 12.1 to 12.7 to 10.1 to 10.7 respectively; and
clauses 13.1 to 13.2 to 11.1 to 11.2 respectively.

17. renumber –
Parts 15 to 19 to 12 to 16 respectively;
clauses 15.1 and 15.7 to 12.1 and 12.7 respectively;
clause 15.9 to 12.8;
clauses 16.1 to 16.5 to 13.1 to 13.5 respectively;
clauses 17.1 to 17.6 to 14.1 to 14.6 respectively;
clause 14.6(c) to 14.6(b);

clauses 18.1 and 18.2 to 15.1 and 15.2 respectively;
clause 19.1 to 16.1; and
clause 19.1(5) to 16.1(4).

Dated thisday of2000.

The Common Seal of the)
Shire of Brookton was)
affixed in the presence of:)

.....
R L COPPING, PRESIDENT

.....
I N CURLEY, CEO

WESTERN AUSTRALIA

Shire of Brookton
Standing Orders Local Law 2000

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LOCAL GOVERNMENT ACT 1995

Shire of Brookton

Standing Orders Local Law 1999

PART 1 - PRELIMINARY

1.1 Citation

- (1) This Local Law may be cited as the Shire of Brookton Standing Orders Local Law 2000.
- (2) In the clauses to follow, this Local Law is referred to as “the Standing Orders.”

1.2 Application

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

1.3 Interpretation

- (1) In these Standing Orders unless the context otherwise requires:
 - “CEO” means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the Shire of Brookton;
 - “committee” means a committee of the Council;
 - “Council” means the Council of the Shire of Brookton;
 - “presiding member” means the presiding member of a committee or the deputy presiding member, or a member of the committee when performing a function of the presiding member in accordance with the Act.
 - “Regulations” means the *Local Government (Administration) Regulations 1996*.
 - “simple majority” is more than 50% of the members present and voting.
 - “substantive motion” means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.
- (2) Unless otherwise defined herein the terms and expressions used in the Standing Orders are to have the meaning given to them in the Act and Regulations.

Provisions of the Act and Marginal Notes

Provisions of the Act and Regulations have been included in this document, in appropriate places, boxed and hachured. Also marginal notes are located against the right hand margin and contain references to equivalent or related provisions in the Act and Regulations or within the standing orders.

These insertions are not an official part of the standing orders but are included to give a fuller picture of the written law governing proceedings, or as an aid to interpretation.

In the hachured boxes and in the marginal notes: -

“S” denotes a section of the Act;

“R” denotes a regulation of the (Administration) Regulations; and

a number without a prefix is a reference to a clause of the standing orders.

1.4 Repeal

The Standing Orders of the Shire of Brookton published in the Government Gazette on 29 August 1963, are repealed.

PART 2 - BUSINESS OF THE MEETING

2.1 Business to be Specified on Notice Paper

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the person presiding or a decision of the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting, without the approval of the Presiding Member or a decision of the committee.
- (4) No business is to be transacted at an adjourned meeting of the Council or a committee other than that -
 - (a) specified in the notice of the meeting which had been adjourned; and 6.2, 12.3,
 - (b) which remains unresolved; 15.9,16.1
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.

2.2 Order of Business

- (1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows -
 - (a) Declaration of opening/Announcement of visitors
 - (b) Record of attendance/Apologies/Leave of absence (previously approved)
 - (c) Response to previous public questions taken on notice
 - (d) Public question time
 - (e) Applications for leave of absence
 - (f) Petitions
 - (g) Confirmation of minutes
 - (h) Announcements by the person presiding without discussion
 - (i) Matters for which meeting may be closed
 - (j) Reports
 - (k) Motions of which previous notice has been given
 - (l) Questions by members of which due notice has been given
 - (m) Urgent business approved by the person presiding or by decision
 - (n) Matters behind closed doors
 - (o) Closure.

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

- (3) Notwithstanding subclauses (1) and (2) in the order of business for any meeting of the Council or a committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

- (4) Notwithstanding 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 he or she considers is appropriately decided, by that meeting.

2.3 Public Question Time

- S.5.24 Time is to be allocated for questions to be raised by members of the public and & R5 responded to at -
- (a) every ordinary meeting of a Council;
 - (b) every special meeting of a Council;
 - (c) every meeting of a committee to which the local government has delegated a power or duty.
- R 6 (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of Councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.
- R 7 (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined -
- (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the Council or committee present at the meeting disagree with the person presiding, by the majority of those members, having regard to the requirements of subregulations (2) and (3).
- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the Council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in subregulation (3) requires -
- (a) a Council to answer a question that does not relate to a matter affecting the local government
 - (b) a Council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) a committee to answer a question that does not relate to a function of the committee.

- (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 sub-clause (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.

Disqualification for failure to attend meetings

- S 2.25 (1) A Council may, by resolution, grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the Council without the approval of the Minister.
 - (3) The granting of the leave is to be recorded in the minutes of the meeting.
 - (4) A member who is absent, without first obtaining leave of the Council, throughout 3 consecutive ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.
 - (5)

2.4 Petitions

A petition, in order to be effective, is to -

- (a) be addressed to the President;
- (b) be made by electors of the district;
- (c) state the request on each page of the petition;
- (d) contain the names, addresses and signatures of the electors making the request, and the date each elector signed;
- (e) contain a summary of the reasons for the request;
- (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
- (g) be in the form prescribed by the Act and Local Government (Constitution) Regulations 1996 if it is -
 - (i) a proposal to change the method of filling the office of President;
 - (ii) a proposal to create a new district or the boundaries of the Local Government;
 - (iii) a request for a poll on a recommended amalgamation;
 - (iv) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.

2.5 Confirmation of Minutes

- S.5.22 (1) The person presiding at a meeting of a Council or a committee is to cause minutes to be kept of the meeting's proceedings.
- (2) The minutes of a meeting of a Council or a committee are to be submitted to the next ordinary meeting of the Council or the committee, as the case requires, for confirmation.
- (3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

- (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.

2.6 Announcements by the Person Presiding Without Discussion

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

2.7 Matters for which Meeting May be Closed

For the convenience of members of the public, the Council or committee may identify by decision, early in the meeting, any matter on the agenda of the meeting to be discussed behind closed doors, and that matter is to be deferred for consideration as the last item of the meeting. S.5.23(2), 4.2

- S 5.23 (1) Subject to subsection (2), the following are to be open to members of the public-
- (a) all Council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -
- (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal -
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to -
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

2.8 Motions of which Previous Notice has been Given

- (1) Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be given at least seven (7) clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) The CEO -
 - (a) with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be out of order; or
 - (b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
 - (c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) No notice of motion is to be out of order because the policy involved is considered to be objectionable.
- (6) A motion of which notice has been given is to lapse unless -
 - (a) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or
 - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (7) If a notice of motion is given and lapses in the circumstances referred to in subclause (6)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.

2.9 Questions by Members of which Due Notice has been given.

- (1) A question on notice is to be given by a member in writing to the CEO at least seven (7) clear working days before the meeting at which it is raised.
- (2) If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.
- (3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the person presiding.

2.10 Urgent Business Approved By the Person Presiding or by Decision

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

2.11 Deputations

- (1) A deputation wishing to be received by the Council or a committee is to apply in writing to the CEO who is to forward the written request to the President, or the Presiding Member as the case may be.
- (2) The President if the request is to attend a Council meeting, or the Presiding Member of the committee, if the request is to attend a meeting of a committee, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be, or may instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.
- (3) A deputation invited to attend a Council or committee meeting -
 - (a) is not to exceed five persons, only two of whom may address the Council or committee, although others may respond to specific questions from the members; and
 - (b) is not to address the Council or committee for a period exceeding 15 minutes without the agreement of the Council or the committee as the case requires.
- (4) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.

PART 3 - PUBLIC ACCESS TO AGENDA MATERIAL

3.1 Inspection Entitlement

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

3.2 Confidentiality of Information Withheld

- (1) 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 “Matters for which meeting may be closed”; and
 - (b) marked “confidential” in the agenda.
- (2) A member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

3.7

Penalty \$5,000

PART 4 - QUORUM

S 5.19 Quorum for meetings

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

Procedure If No Quorum

- R8 If a quorum has not been established within the 30 minutes after a Council or committee meeting is due to begin then the meeting can be adjourned -
- (a) in the case of the Council, by the mayor or president, or if the mayor or president is not present at the meeting, by the deputy mayor or deputy president;
 - (b) in the case of a committee by the presiding member of the committee or if the presiding member is not present at the meeting, by the deputy presiding member;
 - (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by the majority of members present;
 - (d) if only one member is present, by that member; or
 - (e) if no member is present or if no member other than the CEO is present, by the CEO or a person authorised by the CEO.

4.1 Quorum to be Present

- (1) The Council or a committee is not to transact business at a meeting unless a quorum is present.

4.2 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 - 3.1(4), 16.5
- (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 section 5.69 of the Act; or
 - (c) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the person presiding is to suspend the proceedings of the meeting for a period of five minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the person presiding 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 the Standing Orders 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 3.1(4), 16.5
 - (b) in the case of a Council meeting
 - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 9.5 apply when the debate is resumed.

PART 5 - KEEPING OF MINUTES

5.1 Content of Minutes

In addition to the matters contained in Regulation 11 of the Regulations, the content of minutes of a meeting of the Council or a committee is to include, where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled, the reasons for the decision.

S.5.25(f)
, R11,
3.5

5.2 Preservation of Minutes

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

Public inspection of unconfirmed minutes of Council or committee meetings

R 13 A local government is to ensure that unconfirmed minutes of each Council and committee meeting are available 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 5 business days after the meeting.

PART 6 - CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

6.1 Official Titles to be Used

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

6.2 Members to Occupy Own Seats

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

6.3 Leaving Meetings

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

6.4 Adverse Reflection

- (1) No member of the Council or a committee is to reflect adversely upon a decision of the Council or committee except on a motion that the decision be revoked or changed. 15.2
- (2) No member of the Council or a committee is to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.
Penalty \$1,000
- (3) If a member of the Council or committee specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the person presiding is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.

6.5 Recording of Proceedings

- (1) No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council.
- (2) Subclause (1) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee.

6.6 Prevention of Disturbance

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

Penalty \$1,000

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

Penalty \$1,000

6.7 Distinguished Visitors

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

PART 7 - CONDUCT OF MEMBERS DURING DEBATE

7.1 Members Wishing to Speak

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

7.2 Priority

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

7.3 The Person Presiding to Take Part in Debates

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

7.4 Relevance

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

7.5 Limitation of Number of Speeches

No member of the Council is to address the Council more than once on any motion or amendment before the Council except the mover of a substantive motion, in reply, or to a point of order, or in explanation. 10.16
12.7(2
)
15.4

7.6 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.

7.7 Members Not to Speak After Conclusion of Debate

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

7.8 Members Not to Interrupt

No member of the Council or a committee is to interrupt another member of the Council or committee whilst speaking unless: 6.1,
15.3
15.4

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 10.16; or
- (d) to move a motion under clause 11(1)(e).

7.9 Re-Opening Discussion on Decisions

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

PART 8 - PROCEDURES FOR DEBATE OF MOTIONS

8.1 Motions To be Stated

Any member of the Council or a committee who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it.

8.2 Motions to be Supported

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

8.3 Unopposed Business

- (1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the person presiding may 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 change a decision which has been made at a Council or committee meeting.

8.4 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.

8.5 Breaking Down of Complex Questions

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

8.6 Order of Call in Debate

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

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

8.7 Limit of Debate

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

8.8 Member May Require Questions to be Read

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

8.9 Consent of Secunder Required to Accept Alteration of Wording

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

8.10 Order of Amendments

Any number of amendments may be proposed to a motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn or lost. 10.13

8.11 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.

8.12 Mover of Motion Not to Speak on Amendment

On an amendment being moved, any member may speak to the amendment, provided that if the person who moved the substantive motion does choose to speak to the amendment, the right of reply is forfeited by that person.

8.13 Substantive Motion

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

8.14 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.

8.15 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.

8.16 Personal Explanation

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

8.17 Personal Explanation - When Heard

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

8.18 Ruling on Questions of Personal Explanation

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

8.19 Right of Reply

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

8.20 Right of Reply Provisions

The right of reply is governed by the following provisions:

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

PART 9 - PROCEDURAL MOTIONS

9.1 Permissible Procedural Motions

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

- (a) that the Council (or committee) proceed to the next business;
- (b) that the question be adjourned;
- (c) that the Council (or committee) now adjourn;
- (d) that the question be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the person presiding be disagreed with;
- (g) that the Council (or committee) meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under section 5.23 of the Act.

9.2 No Debate on Procedural Motions

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

9.3 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.

9.4 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 10 - EFFECT OF PROCEDURAL MOTIONS

10.1 Council (or Committee) to Proceed to the Next Business - Effect of Motion

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

10.2 Question to be Adjourned - Effect of Motion

- (1) The motion “that the question be adjourned”, if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.
- (2) If the motion is carried at a meeting of the Council -
 - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 9.5 apply when the debate is resumed.

10.3 Council (or Committee) to Now Adjourn - Effect of Motion

- (1) The motion “that the Council (or committee) now adjourn”, if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the person presiding or a simple majority of members upon vote, determine otherwise. 3.1(4)
16.1,
16.2,
16.3,
16.4,
16.5
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) -
 - (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) in the case of a Council meeting
 - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 9.5 apply when the debate is resumed.

10.4 Question to be Put - Effect of Motion

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

10.5 Member to be No Longer Heard - Effect of Motion

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

10.6 Ruling of the Person Presiding Disagreed With - Effect of Motion

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

10.7 Council (or Committee) to Meet Behind Closed Doors - Effect of Motion

- (1) Subject to any deferral under clause 3.7 or other decision of the Council or committee, this motion, if carried, causes the general public and any officer or employee the Council or committee determines, to leave the room.
- (2) While a decision made under this clause is in force the operation of clause 9.5 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.
- (3) Upon the public again being admitted to the meeting the person presiding, unless the Council or committee decides otherwise, is to cause the motions passed by the Council or committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.
- (4) A person who is a Council member, a committee member, or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

Penalty \$5,000

PART 11 - MAKING DECISIONS

Decisions of Council and committees

- S 5.20 (1) A decision of a Council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (2) A decision of a committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (3)

Voting

- S 5.21 (1) Each Council member and each member of a committee who is present at a meeting of the Council or committee is entitled to one vote.
- (2) Subject to section 5.67, each Council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the Council or committee is to vote.
- (3) If the votes of members present at a Council or a committee meeting are equally divided, the person presiding may cast a second vote.
- (4) If a member of a Council or a committee specifically requests that there be recorded -
- (a) his or her vote; or
 - (b) the vote of all members present,
- on a matter voted on at a meeting of the Council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.

R9 Voting at a Council or committee meeting is to be conducted so that no voter's vote is secret.

Revoking or changing decisions made at council or committee meetings.

- R10 (1) If a decision has been made at a Council or a committee meeting then any motion to revoke or change the decision must be supported -
- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the Council or committee,

inclusive of the mover.

- (2) If a decision has been made at a Council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made -
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation 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.

11.1 Question - When Put

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

11.2 Question - Method of Putting

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

PART 12 - PRESERVING ORDER

12.1 The Person Presiding to Preserve Order

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

8.6

12.2 Demand for Withdrawal

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

8.4

12.3 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 while the person presiding listens to the point of order.

9.8

12.4 Points of Order - When Valid

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

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

12.5 Points Of Order - Ruling

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

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

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

12.7 Points of Order Take Precedence

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

12.8 Right of the Person Presiding to Adjourn Without Explanation to Regain Order

- (1) If a meeting ceases to operate in an orderly manner, the person presiding may use discretion to adjourn the meeting for a period of up to fifteen 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 person presiding has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.
- (2) Where debate of a motion is interrupted by an adjournment under sub-clause (1), in the case of a Council meeting -
 - (a) the names of members who have spoken in the matter prior to the adjournment are to be recorded; and

3.1(
4)
16.5

- (b) the provisions of clause 9.5 apply when the debate is resumed.

PART 13 - ADJOURNMENT OF MEETING

13.1 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. 3.1(4)
12.3

13.2 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. 12.3

13.3 Unopposed Business - Motion for Adjournment

On a motion for the adjournment of the Council or committee, the person presiding, before putting the motion, may seek leave of the Council or committee to proceed to the transaction of unopposed business. 12.3

13.4 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. 12.3

13.5 Time To Which Adjourned

The time to which a meeting is adjourned for want of a quorum, by the person presiding to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day. 3.1(4)
6.2, 12.3,
15.9,
16.1

PART 14 - COMMITTEES OF THE COUNCIL

S.5.8 A local government may establish committees of 3 or more persons to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

14.1 Establishment and Appointment of Committees

A committee is not to be established except on a motion setting out the proposed functions of the committee and either -

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

S.5.8
S.5.9
S.5.10

14.2 Appointment of Deputy Committee Members

- (1) The Council may appoint one or more persons to be the deputy or deputies, as the case may be, to act on behalf of a member of a committee whenever that member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council.
- (2) Where a member of a committee does not attend a meeting thereof a deputy of that member, selected according to seniority, is entitled to attend that meeting in place of the member and act for the member, and while so acting has all the powers of that member.

S.5.12 (1) The members of a committee are to elect a presiding member from amongst themselves

(2) The members of a committee may elect a deputy presiding member from amongst themselves

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

14.4 Reports of Committees - Questions

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

14.5 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.

14.6 Standing Orders Apply to Committees

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

- (a) Clause 8.2, in regard to seating;
- (b) Clause 9.5, limitation on the number of speeches.

PART 15 - ADMINISTRATIVE MATTERS

15.1 Suspension of Standing Orders

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

15.2 Cases not Provided for in Standing Orders

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

PART 16 - COMMON SEAL

16.1 The Council's Common Seal

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

Penalty \$1,000