

Local Government Act 1995

SHIRE OF AUGUSTA-MARGARET RIVER

STANDING ORDERS LOCAL LAW 2011

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Local Government Act 1995

Shire of Augusta-Margaret River

Standing Orders Local Law 2011

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Augusta-Margaret River resolved on 25 May 2011 to make the following local law.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *Shire of Augusta-Margaret River Standing Orders Local Law 2011*.

1.2 Commencement

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

1.3 Purpose and effect

- (1) The purpose of the local law is to provide the rules for the conduct of meetings of the Council, Committees and electors.
- (2) The effect of the local law is intended to result in -
 - (a) better decision-making at meetings;
 - (b) the orderly and efficient conduct of meetings; and
 - (c) greater community understanding of the business of the Council.

1.4 Application

All meetings of the Council, Committees and the electors are to be conducted in accordance with the Act, the Regulations and the local law.

1.5 Interpretation

- (1) In the local law, unless the contrary otherwise requires -

absolute majority has the meaning given to it in the Act;

s1.4 LGA

In this Act, unless the contrary intention appears —

absolute majority —

- (a) in relation to a council, 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;
- (b) in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body;

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer of the Shire;

Committee means a Committee of the Council established under the Act;

Council means the Council of the Shire;

Councillor has the same meaning as is given to it in the Act;

s1.4 LGA

councillor means a person who holds the office of councillor on a council (including a person who holds another office under section 2.17(2)(a) or (b) as well as the office of councillor);

deputation means a verbal submission at a Council or Committee meeting on an agenda item made by a person who has a direct interest in the agenda item;

employee means an employee of the Shire;

external body includes -

- (a) a Voluntary Organisation of Councils (VROC);
- (b) an incorporated or unincorporated association;
- (c) a trust;
- (d) a tribunal;
- (e) a government agency, instrumentality, board or committee; and
- (f) any other external body,

to which the Shire is entitled, or has been invited, to provide a representative;

implement, in relation to a decision, includes -

- (a) communicate notice of the decision to a person affected by, or

with an interest in, the decision; and

- (b) take other action to give effect to the decision;

member -

- (a) in relation to the Council, has the meaning given to it in the Act;
and

s1.4 LGA

member, in relation to the council of a local government, means —

- (a) an elector mayor or president of the local government; or
(b) a councillor on the council (including a councillor who holds another office under section 2.17(2)(a) or (b) as well as the office of councillor);

- (b) in relation to a Committee, means a member of the Committee;

Minister means the Minister responsible for administering the Act;

President means the President of the Shire;

Presiding Member means -

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

primary motion means an original motion or an original motion as amended, but does not include an amendment motion or a procedural motion;

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

revocation motion means a motion to revoke or change a decision made at a Council or Committee meeting;

Rules of Conduct Regulations means the *Local Government (Rules of Conduct) Regulations 2007*;

Shire means the Shire of Augusta-Margaret River;

simple majority means more than 50% of the members present and voting at meetings;

standing orders means the meeting procedures and/or rules on the conduct and behaviour of persons at a meeting of the Council, Committee or electors, as set out in this local law; and

urgent business means business dealt with in accordance with clause 4.12.

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

1.6 Repeal

The *Shire of Augusta-Margaret River Standing Orders Local Law 2007* published in the *Government Gazette* on 30 October 2007 is repealed.

Part 2 – Calling and Convening Meetings

2.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.

LGA

5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

- (2) An ordinary meeting of the Council, held twice a month or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.

- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

2.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

LGA

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- (a) if called for by either —
 - (i) the mayor or president; or
 - (ii) at least $\frac{1}{3}$ of the councillors,in a notice to the CEO setting out the date and purpose of the proposed meeting;
or
- (b) if so decided by the council.

2.3 Calling Committee meetings

A meeting of a Committee is to be held -

- (a) in the case of a special meeting, if called for in a written notice to the CEO by the Presiding Member, setting out the date and purpose of the proposed meeting;
- (b) in the case of a special meeting, if called for by at least two members of the Committee in a written notice to the CEO, setting out the date and purpose of the proposed meeting; or

- (c) in the case of an ordinary or special meeting, if so decided by the Council or the Committee.

2.4 Convening ordinary and special Council meetings

The convening of ordinary and special Council meetings is dealt with in the Act.

LGA

s5.5. Convening council meetings

- (1) The CEO is to convene an ordinary meeting by giving each council 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 by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.

2.5 Convening ordinary and special Committee meetings

- (1) The CEO is to convene an ordinary meeting of a Committee by giving each member at least 72 hours' notice of the date, time, place and an agenda for the meeting.
- (2) The CEO is to convene a special meeting of a Committee by giving each member notice, before the meeting, of the date, time, place and an agenda for the meeting.
- (3) The CEO is to give notice of meetings referred to in subclauses (1) and (2) to every member of the Council.

Part 3 - Presiding Member and Quorum

3.1 Who presides at Council meetings

Who presides at a Council meeting is dealt with in the Act.

s5.6(1) LGA

The mayor or president is to preside at all meetings of the council.

3.2 When Deputy President can preside

When the Deputy President can preside is dealt with in the Act.

s5.6(2) LGA

If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at a meeting of the council in accordance with that section.

s5.34 LGA

If —

- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

3.3 Who presides if no President or Deputy President

Who presides if the President or Deputy President is absent or unavailable is dealt with in the Act.

S5.6(3) LGA

If the circumstances mentioned in section 5.34(a) or (b) apply and —

- (a) the office of deputy mayor or deputy president is vacant; or
- (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,

then, the council is to choose one of the councillors present to preside at the meeting.

3.4 Election of Presiding Members and Deputy Presiding Members of Committees

The election of Presiding Members and Deputy Presiding Members is dealt with in the Act.

s5.12 LGA

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —

- (a) to “office” were references to “office of presiding member”;
 - (b) to “council” were references to “committee”; and
 - (c) to “councillors” were references to “committee members”.
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
- (a) to “office” were references to “office of deputy presiding member”;
 - (b) to “council” were references to “committee”;
 - (c) to “councillors” were references to “committee members”; and
 - (d) to “mayor or president” were references to “presiding member”.

Schedule 2.3 — Division 1 — Mayors and presidents

1. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

the office means the office of councillor mayor or president.

2. When council elects mayor or president

(1) The office is to be filled as the first matter dealt with —

(a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and

(b) at the first meeting of the council after an extraordinary vacancy occurs in the office.

(2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

(1) The council is to elect a councillor to fill the office.

(2) The election is to be conducted by the CEO in accordance with the procedure prescribed.

(3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.

(3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.

(4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.

(5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.

(6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.

(7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

5. Votes may be cast a second time

(1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.

(2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.

(3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.

(4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

Division 2 — Deputy mayors and deputy presidents

6. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

the office means the office of deputy mayor or deputy president.

7. When the council elects the deputy mayor or deputy president

(1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —

(a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and

(b) at the first meeting of the council after an extraordinary vacancy occurs in the office.

(2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —

(a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and

(b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.

(3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

8. How deputy mayor or deputy president is elected

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
 - (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
 - (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
 - (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
 - (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
 - (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
 - (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
 - (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.
9. Votes may be cast a second time
- (1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.
 - (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
 - (3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.
 - (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

3.5 Functions of Deputy Presiding Members

The functions of Deputy Presiding Members are dealt with in the Act.

LGA

s5.34. When deputy mayors and deputy presidents can act

If —

- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

3.6 Who acts if no Presiding Member

Who acts if there is no Presiding Member is dealt with in the Act.

LGA

5.34. When deputy mayors and deputy presidents can act

If —

- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

5.35. Who acts if no mayor, president or deputy

(1) If the circumstances mentioned in section 5.34(a) or (b) apply and —

- (a) the office of deputy mayor or deputy president is vacant; or
- (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,

and the mayor or president or deputy will not be able to perform the functions of the mayor or president for a time known to the council, then the council may appoint a councillor to perform during that time the functions of mayor or president, as the case requires.

(2) If the circumstances mentioned in section 5.34(a) or (b) apply and —

- (a) the office of deputy mayor or deputy president is vacant; or
- (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,

and a person has not been appointed under subsection (1), the CEO, after consultation with, and obtaining the agreement of, 2 councillors selected by the CEO, may perform the functions of mayor or president, as the case requires.

3.7 Quorum for meetings

The quorum for meetings is dealt with in the Act and Regulations.

LGA

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.

3.8 Quorum to be present

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

3.9 Procedure if quorum not present

The procedure if a quorum is not present to begin a meeting is dealt with in the Regulations.

r8 LG (Admin) Regulations

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 a 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; or
- (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; or
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of members present; or
- (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.

3.10 Loss of quorum during a meeting

- (1) If at any time during a meeting a quorum is not present, the Presiding Member upon becoming aware of that fact is to suspend the proceedings of the meeting for up to 15 minutes.
- (2) If a quorum is not present at the expiration of the period in subclause (1), the Presiding Member may suspend the proceedings of the meeting for a further period of up to 15 minutes or adjourn the meeting to a future time and date.
- (3) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

3.11 Debate on motion to be resumed

- (1) Where the debate on any motion is interrupted at a Council or Committee meeting which is adjourned under clause 3.10, that debate is to be resumed at the next meeting at the point where it was so interrupted.
- (2) Where the interruption in subclause (1) occurs at an ordinary meeting the resumption is to be at the next ordinary meeting unless a special meeting is called earlier for the purpose.
- (3) Where the interruption in subclause (1) is at a special meeting, the resumption is to be at the next special meeting called to consider the same business or at the next ordinary meeting if it occurs before a special meeting can be called.

3.12 Names to be recorded

At any meeting -

- (a) at which there is not a quorum of members present; or
- (b) which is adjourned under clause 3.10,

the names of the members then present are to be recorded in the minutes of the meeting.

Part 4 - Business of the Meeting

4.1 Business to be specified in agenda

- (1) No business is to be transacted at any ordinary meeting of the Council or Committee other than that specified in the agenda without the approval of the Presiding Member or a decision of the Council or Committee, except matters which the Act or this local law permits to be dealt with without notice.
- (2) No business is to be transacted at a special meeting of the Council or Committee other than that specified in the agenda, and to which notice as to the purpose of the meeting has been given.
- (3) No business is to be transacted at an adjourned meeting of the Council or a Committee other than that -
 - (a) specified in the agenda 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 be the first business to be considered at that ordinary meeting.

4.2 Meeting to proceed to business

A meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

4.3 Order of business

- (1) Unless otherwise decided by the Council the order of business at an ordinary meeting of the Council is to be as follows -
 - (a) declaration of opening;
 - (b) apologies;
 - (c) approved members' leave of absence;
 - (d) disclosure of members' interests;
 - (e) public question time;
 - (f) applications for members' leave of absence;
 - (g) confirmation of minutes;
 - (h) deputations;
 - (i) petitions;
 - (j) announcements by the President;
 - (k) questions by members of which due notice has been given;
 - (l) reports;
 - (m) motions of which previous notice has been given;
 - (n) motions for consideration at the next meeting;
 - (o) new business of an urgent nature;
 - (p) matters for which the meeting may be closed;
 - (q) closure.

- (2) Unless otherwise decided by the Committee, the order of business at any ordinary meeting of the Committee is to be as follows -
- (a) declaration of opening;
 - (b) apologies;
 - (c) question time for the public (subject to clause 5.7(5));
 - (d) disclosure of members' interests;
 - (e) confirmation of minutes;
 - (f) business arising from the minutes;
 - (g) reports;
 - (h) general business;
 - (i) matters for which the meeting may be closed;
 - (j) closure.
- (3) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or a Committee is to be the order in which that business stands in the agenda of the meeting.

4.4 Leave of absence

The grant of leave of absence is dealt with in the Act.

s2.25 LGA

- (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, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
 - (a) a meeting that has concluded; or
 - (b) the part of a meeting before the granting of leave.
- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.
- (5A) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council —
 - (a) if no meeting of the council at which a quorum is present is actually held on that day; or
 - (b) if the non-attendance occurs —

- (i) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or
- (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
- (iiia) while the member is suspended under section 5.117(1)(a)(iv); or
- (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.

(6) A member who before the commencement of the *Local Government Amendment Act 2009* section 5¹ was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting.

4.5 Confirmation of minutes

- (1) Confirmation of minutes is dealt with in the Act.

s5.22 LGA

- (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.

- (2) When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.

4.6 Petitions

- (1) A petition received by a member or the CEO is to be presented to the next ordinary Council meeting.
- (2) A petition to the Council is -
 - (a) as far as practicable to be prepared in the form prescribed in Schedule 1;
 - (b) to be addressed to the Council and forwarded to a member or the CEO;
 - (c) to state the name and address of the person to whom correspondence in respect of the petition may be served; and
 - (d) to be respectful and temperate in its language.
- (3) The presentation of a petition is to be confined to the reading of the petition.

- (4) The only motions in respect of a petition that are in order are that -
- (a) the petition be received;
 - (b) a report on the petition be prepared; or
 - (c) the petition be referred to a Committee.

4.7 Announcements by the President

- (1) At any meeting of the Council the President may -
- (a) announce or raise any matter of interest or relevance to the business of the Council, and
 - (b) inform the Council of official duties performed or functions attended.
- (2) Announcements by the Presiding Member are -
- (a) to be brief and concise;
 - (b) to be completed within 10 minutes; and
 - (c) not to be the subject of any discussion.

4.8 Questions by members of which due notice has been given

- (1) A member who wishes to ask a question at a meeting of the Council is to give to the CEO written notice of the text of the question at least 8 hours before the meeting of the Council, and the question is to, as far as practicable, be answered in writing at that meeting.
- (2) As far as practicable, the CEO is to ensure that a written answer to a question under subclause (1) is to be given at the meeting.
- (3) If the CEO considers that the question breaches or may breach this local law or any other law -
- (a) the CEO is to refer the question to the President;
 - (b) the President is to exclude the question if he or she concurs with the view of the CEO; and
 - (c) if the question is excluded, the CEO is to give all members, as soon as practicable but not later than the next ordinary meeting, the reasons for the exclusion.
- (4) Notice of a question that is not excluded is to be included, if practicable, in the agenda, or is otherwise to be tabled at the meeting.

- (5) Every question and answer is to be submitted as briefly and concisely as possible, and no discussion is to be allowed unless with the consent of the President.

4.9 Reports

- (1) The functions of the CEO, including providing advice to the Council and Committees and implementing decisions, are dealt with in the Act.

s5.41 LGA

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;
- (b) ensure that advice and information is available to the council so that informed decisions can be made;
- (c) cause council decisions to be implemented;
- (d) manage the day to day operations of the local government;
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
- (f) speak on behalf of the local government if the mayor or president agrees;
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

- (2) The CEO may prepare or cause to be prepared a report on an item that in the CEO's opinion requires consideration by the Council or the Committee, including any report of a late or urgent nature.
- (3) Where a report has been prepared in accordance with subclause (2), the CEO is to deliver the report to members of the Council or the Committee (as the case may be) or, in the case of urgency or other special circumstances, table the report at the meeting.
- (4) The CEO may, with the consent of the Presiding Member, withdraw an item or report listed in the agenda.

4.10 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or the 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 signed by the member and given to the CEO at least 5 clear working days before the meeting at which the motion is to be moved.
- (3) A notice of motion must relate to a matter for which the Council is responsible.
- (4) The CEO -
 - (a) may with the concurrence of the Presiding Member, exclude from the agenda any notice of motion that they consider to be out of order; or
 - (b) may after consultation with the member who gave notice of the motion, make such amendments to the form but not the substance to bring the notice of motion into due form; and
 - (c) must provide relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, financial and legal implications.
- (5) If a notice of motion is excluded under subclause (4)(a), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (6) A notice of motion is to be out of order because -
 - (a) the proposal involved is considered to be objectionable; or
 - (b) it raises a matter for which the Council is not responsible unless, in the opinion of the Presiding Member, the matter is one of significant public interest or importance.
- (7) A motion of which notice has been given is to lapse unless -
 - (a) the member who gave notice, or another member authorised by him or her in writing, moves the motion when called on; or
 - (b) the Council or Committee on a motion agrees to defer consideration of the motion to a later stage or date.
- (8) If a notice of motion is given and lapses, a notice of motion in the same terms or to the same effect may be given for consideration at a subsequent meeting of the Council or Committee, but if the motion again lapses, the Council or Committee is not to consider a motion in the same terms or to the same effect at a subsequent meeting until at least 3 months have elapsed from the date of the meeting at which the motion last lapsed.
- (9) For the purposes of clarification, where a notice of motion is moved and seconded at a meeting of the Council or Committee, it is to be treated as a primary motion.

4.11 Representation on external bodies

- (1) Correspondence inviting the Council to submit a nomination for appointment to an external body is to be referred by the CEO to the Council or an appropriate Committee.
- (2) When speaking or voting on any item or business at a meeting of an external body, a member appointed to that body is to have regard to the decisions, policies and practices of the Shire.

4.12 Urgent business

- (1) In cases of extreme urgency, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), ***cases of extreme urgency*** means matters that have arisen after the distribution of the agenda are considered by the meeting to be of such importance and urgency that -
 - (a) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or
 - (b) the delay in referring the business to the next meeting could have adverse legal or financial implications for the Shire.
- (3) Before debate begins on a matter under this clause that is not the subject of a written employee report to the meeting -
 - (a) the Presiding Member is to ask the CEO to give; and
 - (b) the CEO, or the CEO's nominee, is to give, a verbal report to the meeting.
- (4) The minutes of the meeting are to include -
 - (a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.

4.13 General business

- (1) A member may raise any item of general business at a Committee meeting that they consider requires the attention of the Committee within its role as established by the Council.
- (2) If a Committee wishes to take further action after discussing an item raised under subclause (1), it must first ask the CEO to prepare a report on the item and consider that report.

4.14 Closure

At the conclusion of all business or when otherwise determined by the meeting, the Presiding Member is to declare the meeting closed and the closing time is to be recorded in the minutes of the meeting.

Part 5 - Public Participation

5.1 Meetings generally open to the public

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

LGA

5.23. Meetings generally open to public

- (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.

5.2 Procedure to close meetings to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a Committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried -
 - (a) the Presiding Member is to direct everyone to leave the meeting except -
 - (i) the members;
 - (ii) the CEO; and
 - (iii) any officer specified by the Presiding Member; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the Committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3) may, by order of the Presiding Member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice of the relevant motion.
- (6) Unless the Council or Committee resolves otherwise, once the meeting is reopened to members of the public the Presiding Member is to ensure that any resolution of the Council or Committee made while the meeting was closed is to be read out including the details of any voting recorded.

5.3 Question time for the public

Question time for the public at meetings is dealt with in the Act.

LGA

5.24. Question time for public

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
 - (a) every ordinary meeting of a council; and
 - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

5.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

LG (Admin) Regulations

- 7 Question time for public, meetings that require prescribed (Act s. 5.24)
- For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —
- (a) every special meeting of a council;
 - (b) every meeting of a committee to which the local government has delegated a power or duty.

5.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

LG (Admin) Regulations

6. Question time for public, minimum time for (Act s. 5.24(2))
- (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.

5.6 Procedures for question time for the public

Procedures for question time for the public is dealt with in the Regulations.

LG (Admin) Regulations

7. Question time for public, procedure for (Act s. 5.24(2))
- (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), (3) and (5).
 - (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; or
 - (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.
- (5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.

[Regulation 7 amended in Gazette 28 Jun 2002 p. 3079.]

5.7 Other procedures for question time for the public

- (1) Questions asked by the public are to relate to the business of the Council and are not to be in the form of a statement or a personal opinion.
- (2) Unless determined otherwise under the Regulations, the procedure for the asking of and responding to questions raised by members of the public at a meeting shall be as follows -
 - (a) a member of the public who raises a question during question time is to state their name and address;
 - (b) it is preferred that questions be submitted in writing in which case they will be read out by the CEO but questions may be asked orally;
 - (c) questions are to be answered by the member or employee nominated by the Presiding Member;
 - (d) questions may be taken on notice, at the determination of the Presiding Member, and the Presiding Member may determine that any complex question requiring research be answered only in writing;
 - (e) no discussion of a question or answer is to take place; and
 - (f) when a question is taken on notice under subclause (d) a response is to be given to the member of the public in writing, and a copy is to be included in the agenda of the next meeting of the Council or Committee

as the case requires.

- (3) The Presiding Member may reject any question that may be deemed offensive towards, or reflect adversely upon the character and/or any actions, of any member of the Council or employee of the Shire.
- (4) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes of the meeting.
- (5) There is to be no public question time in meetings of Committees other than a Committee to which the Council has delegated a power or duty, or which is open to the public.

5.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council or a Committee, the Presiding Member may -

- (a) invite the person to sit beside the Presiding Member or at the meeting table;
- (b) acknowledge the presence of the distinguished visitor at an appropriate time during the meeting;
- (c) direct that the presence of the distinguished visitor be recorded in the minutes.

5.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council or Committee is to -
 - (a) apply in writing, at least 5 clear working days before the meeting, to the CEO for approval; and
 - (b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the deputation.
- (2) The CEO is to refer to the Presiding Member -
 - (a) a copy or a summary of the application; and
 - (b) the CEO's recommendation, with reasons, whether or not the application should be approved.
- (3) The Presiding Member may -
 - (a) grant or refuse the application, with or without conditions; or
 - (b) refer it to the Council or Committee (as the case may be) for determination.

- (4) If the Presiding Member refuses application, he or she is to report to the Council or Committee (as the case may be), at its next meeting, the details of the application and the reasons for its refusal.
- (5) Unless the Council or Committee resolves otherwise, a deputation invited to attend a Council or Committee meeting:
 - (a) is not to exceed 3 persons;
 - (b) may address the Council or Committee for up to 5 minutes each (or for up to 10 minutes if only one person speaks), unless the time is extended by the Council or Committee; and
 - (c) may also respond to questions from Members.
- (6) For the purpose of determining who may address the Council or Committee on an issue, all those people either in favour of or opposed to an item for consideration are deemed to comprise a single deputation.
- (7) A matter which is the subject of a deputation to a Committee is not to be decided by that Committee until the deputation has completed its presentation.

5.10 Attending Committee meetings as an observer

- (1) A Councillor may attend any meeting of a Committee as an observer, even if the Councillor is not a member of that Committee.
- (2) A deputy to a member of a Committee appointed under clause 14.4 may attend a meeting of that Committee as an observer, even if the deputy is not acting in the capacity of the member.
- (3) The Councillor in the case of subclause (1), or deputy to a member attending a Committee meeting as an observer in the case of subclause (2) -
 - (a) may, with the consent of the Presiding Member, speak, but cannot vote, on any motion before the Committee; and
 - (b) must sit in the area set aside for observers separated from the Committee members.

5.11 Public inspection of agenda materials

Public inspection of agenda materials is dealt with in the Regulations.

LG (Admin) Regulations

14. Notice papers, agenda etc., public inspection of (Act s. 5.25(1)(j))

- (1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —
 - (a) are to be tabled at the meeting; or

- (b) have been produced by the local government or a committee for presentation at the meeting,

and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.

- (2) Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2).

5.12 Public access to unconfirmed minutes of meetings

Public access to unconfirmed minutes of Council and Committee meetings is dealt with in the Regulations.

LG (Admin) Regulations

13. Unconfirmed minutes, public inspection of (Act s. 5.25(1)(i))

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.

5.13 Confidentiality of information withheld

- (1) Information withheld by the CEO from members of the public under the Regulations, is to be -

- (a) identified in the agenda of a Council or Committee meeting under the item "Matters for which the meeting may be closed"; and
(b) marked "confidential" in the agenda; and
(c) kept confidential by members and employees until the Council or Committee resolves otherwise.

- (2) A member or an employee who has -

- (a) confidential information under subclause (1); or
(b) information that is provided or disclosed for the purposes of or during a meeting, or part of a meeting, that is closed to the public,

is not to disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.

- (3) Subclause (2) does not prevent a member or employee from disclosing information -
- (a) at a closed meeting;
 - (b) to the extent specified by the Council and subject to such other conditions as the Council determines;
 - (c) that is already in the public domain;
 - (d) to an officer of the Department;
 - (e) to the Minister;
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

5.14 Media attendance

Media persons are to be permitted to attend meetings of the Council or Committees that are open to the public, in such part of the Council Chamber or meeting room as may be set aside for their accommodation, but must withdraw during any period when the meeting is closed to the public.

5.15 Recording of meeting prohibited

- (1) A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the Council or Committee unless the Presiding Member or CEO has given permission to do so.
- (2) If the Presiding Member or CEO gives permission under subclause (1), he or she is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

5.16 Prevention of disturbance

- (1) A reference in this clause to a "person" is to a person other than a member.
- (2) A person addressing the Council or a Committee must extend due courtesy and respect to the Council or Committee and the processes under which it operates and must comply with any direction from the Presiding Member.
- (3) A person must not interrupt or interfere with the proceedings of any meeting of the Council or a Committee, whether by expressing approval or dissent, by conversing or by any other means.
- (4) The Presiding Member may warn a person who fails to comply with this clause.
- (5) If -

- (a) after being warned, the person again acts contrary to this clause, or to the direction; or
- (b) a person refuses or fails to comply with a direction by the Presiding Member,

the Presiding Member may expel the person from the meeting by ordering him or her to leave the meeting room.

- (6) A person who is ordered to leave the meeting room and fails to do so may, by order of the Presiding Member be removed from the meeting room and, if the Presiding Member orders, from the premises.

Part 6 - Disclosure of Interests

6.1 Disclosure of members' financial and proximity interests

The disclosure of direct and indirect financial interests and proximity interests by members and employees is dealt with in the Act.

LGA

- 5.65. Members' interests in matters to be discussed at meetings to be disclosed
- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.Penalty: \$10 000 or imprisonment for 2 years.
 - (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
 - (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.
 - (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).
- 5.70. Employees to disclose interests relating to advice or reports
- (1) In this section —
employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
 - (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
 - (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.
Penalty: \$10 000 or imprisonment for 2 years.

6.2 Meeting to be informed of financial and proximity interests

Procedures for informing the meeting of disclosures in clause 6.1 are dealt with in the Act.

LGA

- 5.66. Meeting to be informed of disclosures
- If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

6.3 Disclosing member not to participate

The participation at meetings of a member that has disclosed an interest in clause 6.1 is dealt with in the Act.

LGA

5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

Penalty: \$10 000 or imprisonment for 2 years.

6.4 When disclosing members can participate

The procedures for allowing participation in meetings of members disclosing an interest in clause 6.1 are dealt with in the Act.

LGA

5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
 - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest —
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.

- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

6.5 Invitation to return to provide information

- (1) Where a member has disclosed an interest in clause 6.1, and has departed from the Council Chamber or meeting room, the meeting may invite the member to return to provide information in respect of the matter or in respect of the member's interest in the matter.
- (2) A member invited to return under subclause (1) must withdraw after providing the information.

6.6 Substitution of deputy at Committee meetings

Where a member discloses an interest on an item under clause 6.1 and withdraws from a meeting of a Committee, the Presiding Member may invite the disclosing member's deputy, if present, to participate as a member of the Committee in place of the disclosing member during the consideration of that item only.

6.7 Disclosure by members who are observers at Committee meetings

The obligation to disclose an interest in clause 6.1 is to apply to all members present at Committee meetings including a member attending a Committee meeting in the capacity of an observer.

6.8 Disclosure of impartiality interests

The disclosure of impartiality interests at meetings by Councillors is dealt with in the Rules of Conduct Regulations.

LG (Rules of Conduct) Regulations

11. Disclosure of interest

- (1) In this regulation —

interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

- (2) A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest —
- (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subregulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subregulation (2) does not apply if —

- (a) a person who is a council member fails to disclose an interest because the person did not know he or she had an interest in the matter; or
 - (b) a person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5) If, under subregulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then —
- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.
- (6) If —
- (a) under subregulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b) under subregulation (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,
- the nature of the interest is to be recorded in the minutes of the meeting.

6.9 Other persons to disclose impartiality interests

- (1) In this clause, a reference to -
- (a) **interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association; and
 - (b) **person** means an employee and a member of a Committee that is not either the President or a Councillor.
- (2) A person who has an interest in any matter to be discussed at a meeting attended by the person must disclose the nature of the interest -
- (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if -
- (a) a person fails to disclose an interest because the person did not know he or she had an interest in the matter; or
 - (b) a person fails to disclose an interest because the person did not know

the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.

- (5) If, under subclause (2)(a), a person discloses an interest in a written notice given to the CEO before a meeting then -
- (a) before the meeting the CEO is to cause the notice to be given to the Presiding Member of the meeting; and
 - (b) at the meeting the Presiding Member is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.
- (6) If -
- (a) under subclause (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minutes of the meeting.

6.10 On-going disclosure required

The obligation to disclose an interest under this Part applies in regard to each meeting at which the matter the subject of the interest arises.

6.11 Approval by Minister to be recorded

If the Minister approves of the participation in a meeting of a disclosing member, the conditions of the approval are to be recorded in the minutes of the meeting and the register of financial interests.

Part 7 - Conduct of Members

7.1 Official titles to be used

A speaker, when speaking or referring to the President or Deputy President, or to a Councillor or employee, must use the title of that person's office.

7.2 Members to occupy own seats

- (1) At meetings of the Council each member is to occupy the place assigned to that member within the Council Chamber.
- (2) At the first meeting held after each ordinary elections day, the CEO is to allot a position at the Council table to each Councillor by alphabetical order by ward and surname of each Member from the right hand side of the Presiding Member 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.

7.3 Members not to interrupt

A member must not interrupt another member while speaking unless -

- (a) to raise a point of order under clause 8.3;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 10.4; or
- (d) to move a procedural motion that the member be no longer heard (under clause 12.1(i) and 13.9).

7.4 No adverse reflection on decision

- (1) A member must not reflect adversely on a decision of the Council or a Committee except on a motion that the decision be revoked or changed.
- (2) A member must not -
 - (a) reflect adversely on the character or actions of another member or employee; or
 - (b) impute any motive to a member or employee,

unless the Council or Committee resolves, without debate, that the motion then before the Council or Committee cannot otherwise be adequately considered.

7.5 Offensive language

- (1) A member must not use offensive or objectionable expressions in reference to any member, employee, or other person.
- (2) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the Presiding Member is to cause the words used to be taken down and read to the meeting for verification and then to be recorded in the minutes.

7.6 Direction to withdraw

A member who, in the opinion of the Presiding Member and in the absence of a resolution under clause 7.4(2) -

- (a) reflects adversely on the character or actions of another member or employee;
- (b) imputes any motive to a member or employee; or
- (c) uses an expression that is offensive or objectionable,

must, when directed by the Presiding Member, withdraw the reflection, imputation or expression and make a satisfactory apology.

7.7 Members who wish to speak

A member who wishes to speak -

- (a) is to indicate his or her intention to speak by raising his or her hand; and
- (b) when invited by the Presiding Member to speak, must address the meeting through the Presiding Member.

7.8 Priority of speaking

If two or more members of the Council or a Committee indicate, at the same time, their intention to speak, the Presiding Member is to decide which member is to be heard first.

7.9 The Presiding Member may take part in debates

The Presiding Member may take part in a discussion of any matter before the Council or Committee as the case may be.

7.10 Relevance

- (1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Presiding Member, at any time, may -
 - (a) call the attention of the meeting to any irrelevant or repetitious remarks by a member; or
 - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member must comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

7.11 Limitation on members speaking

- (1) Only the mover of a motion or an amendment may speak twice on the same motion or the same amendment, unless permitted by the meeting (on a majority vote).
- (2) The mover of a motion or an amendment-
 - (a) is to speak to that motion or amendment first, after it has been seconded; and
 - (b) has the right of reply and in exercising that right must confine the reply to previous speakers' comments and not introduce any new matters.
- (3) A member must not speak on any motion or an amendment after the mover has replied and the motion or amendment is to be immediately put to the vote by the Presiding Member.
- (4) A member may speak on a motion or an amendment, or reply, for a period of only 5 minutes, unless an extension of time is granted by the Council without debate, but a member's total speaking time must not exceed 10 minutes.

7.12 Questions during debate

- (1) A member may ask a question at any time during the debate on a motion or an amendment before the mover of the motion or amendment has replied.
- (2) A member who asks one or more questions will not be taken to have spoken on the matter.

7.13 Re-opening discussion on decisions

A member must not re-open discussion on any decision of the Council or Committee, except for the purpose of moving a revocation motion under clause 11.2.

Part 8 - Preserving Order

8.1 Presiding Member to preserve order

- (1) The Presiding Member is to preserve order and, whenever he or she considers it necessary, may call any member or other person to order.
- (2) When the Presiding Member, during the progress of a debate, is to raise or rule on a point of order, any member or person then speaking, or offering to speak, is to be silent so that the Presiding Member may be heard without interruption.

8.2 Points of order

Without limitation, the following acts are to be taken as being out of order -

- (a) discussion of a matter not before the meeting;
- (b) the use of offensive or objectionable language; or
- (c) the violation of any written law, including this local law, provided that the member making the point of order states the written law believed to be breached.

8.3 Procedures on a point of order

- (1) Upon a matter of order arising during the progress of a debate, any member may raise a point of order with the Presiding Member including interrupting the speaker.
- (2) Any member who is speaking when a point of order is raised in subclause (1) is to immediately stop speaking while the Presiding Member listens to the point of order.
- (3) A member raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.
- (4) A member who is expressing a difference of opinion or contradicting a speaker is not to be taken as raising a point of order.

8.4 Continued breach of order

If a member –

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or
- (b) fails or refuses to comply with a direction from the Presiding Member,

the Presiding Member may direct the member to refrain from taking any further part in the debate of the item, other than by voting, and the member must comply with that direction.

8.5 Presiding Member may adjourn meeting

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.
- (4) If there is an adjournment under this clause, the names of the members who have spoken on the matter before the adjournment are to be recorded.

Part 9 - Motions and Amendments

9.1 Recommendations in reports

- (1) Where the Council or a Committee adopts a recommendation contained in a report, either with or without amendment, the recommendation so adopted is taken to be a decision of the Council or the Committee (as the case may be).
- (2) Where a motion, if carried, would be significantly different from the relevant written recommendation of an employee or Committee, the reason for the decision is to be recorded in the minutes of the meeting in accordance with the Regulations.
- (3) A Committee may make a recommendation to the Council which -
 - (a) is relevant to the purpose for which the Committee is established by the Council; and
 - (b) the Committee considers requires consideration by the Council.
- (4) Where a Committee makes a recommendation for consideration by the Council, the CEO must prepare or cause to be prepared a report to the Council with respect to the recommendation.

9.2 Adoption of recommendations en bloc

A member may move a motion to adopt by one resolution, all the recommendations or a group of recommendations from a Committee or several reports, without amendment or qualification after having first identified those recommendations, if any -

- (a) which require adoption by an absolute or special majority vote;
- (b) in which an interest has been disclosed;
- (c) that has been subject of a petition or deputation;
- (d) which any member has indicated the wish to debate; and
- (e) in which any member has indicated the wish to ask a question or to raise a point of clarification,

and, each of those recommendations referred to in paragraphs (a), (b), (c), (d) and (e) must be considered separately.

9.3 Motions

- (1) A member who wishes to move a primary motion, or an amendment to a primary motion -
 - (a) is to state the substance of the motion before speaking to it; and
 - (b) is to put the motion or amendment in writing if –
 - (i) in the opinion of the Presiding Member, the motion or amendment is significantly different to the relevant written recommendation of a Committee or an employee (including a person who, under a contract for services with the Shire, provides advice or a report on the matter); or
 - (ii) the member is otherwise required to do so by the Presiding Member.
- (2) The written terms of the motion or amendment are to be given to the CEO who is to ensure that they are recorded in the minutes.
- (3) The Presiding Member may require that a complex primary motion, or a complex amendment to a primary motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

9.4 Motions to be seconded

- (1) A motion, or an amendment to a motion, is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council or Committee meeting is not open to debate unless the motion has the support required under the Regulations.
- (3) A member seconding a motion has the right to speak on the motion later in the debate.
- (4) A motion is not to be amended by the mover without the consent of the seconder.

9.5 Unopposed motions

- (1) Immediately after a motion has been moved and seconded, the Presiding Member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.
- (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 opposes a motion, the motion is to be dealt with under this Part.

9.6 Withdrawing motions

- (1) A motion or amendment may be withdrawn by the mover, with the consent of the seconder, and no member is to speak on it after it has been withdrawn.
- (2) If an amendment has been proposed to a primary motion, the primary motion cannot be withdrawn, except by consent of the majority of members, until the amendment proposed has been withdrawn or lost.

9.7 One motion at a time

The Council or a Committee –

- (a) is not to accept a primary motion while another primary motion is being debated; and
- (b) is not to consider more than one primary motion at any time.

9.8 Permissible motions on recommendation from Committee

A recommendation made by a Committee may be –

- (a) adopted by the Council without amendment;
- (b) rejected by the Council and replaced by an alternative decision;
- (c) subject to clause 9.9(2), amended, and adopted as amended by the Council; or
- (d) referred back to the Committee for further consideration.

9.9 Amendments

- (1) A member may move an amendment to a primary motion at any time during debate on the motion, except -
- (a) if the mover has been called by the Presiding Member to exercise the right of reply; or
- (b) if the member has already spoken to the primary motion;
- (c) if another amendment is being debated, or has not been withdrawn, carried or lost; or
- (d) during debate on a procedural motion.
- (2) An amendment must be relevant to the primary motion to which it is moved and must not have the effect of negating the primary motion.
- (3) An amendment to a primary motion is to take only one of the following forms -

- (a) that certain words be omitted;
 - (b) that certain parts be omitted and others substituted or added; or
 - (c) that certain words be added.
- (4) Only one amendment is to be debated at a time, but as often as an amendment is withdrawn, carried or lost, another amendment may be moved before the primary motion is put to the vote.
- (5) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate, to be treated as a primary motion.
- (6) An amendment must be read by the mover before being seconded.

Part 10 - Debate of Motions

10.1 Order of call in debate

The Presiding Member is to call speakers to a motion or amendment 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) other speakers against and for the motion, alternating in view, if any;
and
- (f) the mover takes right of reply which closes debate.

10.2 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.

10.3 Member may require motion to be read

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

10.4 Personal explanation

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must indicate to the Presiding Member his or her intention to make a personal explanation.
- (2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.

10.5 Crossing Council chambers or meeting room

- (1) When the Presiding Member is putting any motion to the vote, a member must not leave or cross the Council Chamber or meeting room.
- (2) A member must not, while any other member is speaking, pass between the speaker and the chair.

10.6 Voting

Voting at meetings is dealt with in the Act and Regulations.

10.7 Motion - when put

Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member -

- (a) is to put the motion to the meeting; and
- (b) if requested by a member, is again to state the terms of the motion.

10.8 Method of taking vote

- (1) The Presiding Member, in taking the vote on any motion, is to -
 - (a) put the motion, first in the affirmative and then in the negative;
 - (b) determine whether the affirmative or the negative has the majority of votes; and
 - (c) declare the result of the vote.
- (2) The motion put under subclause (1) may be put as often as is necessary to enable the Presiding Member to determine whether the affirmative or the negative has the majority of votes.
- (3) The result of voting is to be determined on the count of raised hands but it may be determined on the voices unless a member calls for a show of hands.
- (4) The names of members voting in the negative at a Council meeting or at a Committee Meeting where the Committee has delegated powers are to be recorded in the minutes of the meeting.

Part 11 - Revocation Motions

11.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in the Regulations.

LG (Administration) Regulations

10. Revoking or changing decisions (Act s. 5.25(1)(e))
- (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 $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,
inclusive of the mover.
 - (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ 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.

11.2 Revocation motion at the same meeting - procedures

- (1) A member who moves a revocation motion at the same meeting where the decision is made must -
 - (a) clearly identify the decision to be revoked or changed; and
 - (b) clearly state the reason for the decision to be revoked or changed.
- (2) If the CEO receives a notice of a revocation motion to revoke a decision made at a meeting before the close of that meeting, the CEO must immediately advise the Presiding Member of the substance of the revocation motion and raise it as an item of urgent business under clause 4.12.
- (3) Where the Presiding Member is advised of a revocation motion under subclause

(2), he or she is to -

- (a) advise the meeting of the notice;
- (b) state the substance of the revocation motion;
- (c) determine whether there is sufficient support under clause 11.1; and
- (d) if there is sufficient support, deal with the revocation motion.

11.3 Revocation motion after meeting - procedures

(1) A member wishing to move a revocation motion at a future meeting of the Council or a Committee must give to the CEO notice of the revocation motion, which is to -

- (a) be in writing;
- (b) specify the decision proposed to be revoked or changed;
- (c) include a reason or reasons for the revocation motion;
- (d) be supported by the number of members required under the Regulations;
- (e) specify the date of the ordinary or special meeting of the Council or the Committee where it is to be presented, as the case may be; and
- (f) be given to the CEO in accordance with the notice of motion provisions in clause 4.12.

(2) Any notice of revocation motion given to the CEO must be dealt with in accordance with 4.12.

11.4 Implementation of a decision

No steps are to be taken to implement or give effect to a decision if -

- (a) there is a valid notice of revocation motion that has the support of members required by the Regulations; and
- (b) the notice of revocation motion was received before any action was taken to implement the decision.

Part 12 - Procedural Motions

12.1 Permissible procedural motions

In addition to the right to move an amendment to a primary motion, a member may move any of the following procedural motions -

- (a) that the motion be deferred;
- (b) that the meeting now adjourn;
- (c) that the debate be adjourned;
- (d) that the motion be now put;
- (e) that the motion lie on the table;
- (f) that the meeting proceed to the next item of business;
- (g) that the meeting be closed to members of the public;
- (h) that the ruling of the Presiding Member be overruled;
- (i) that the member be no longer heard; or
- (j) that the item be referred back to the (appropriate) Committee.

12.2 No debate on procedural motions

- (1) The mover of a motion stated in each of paragraphs (a), (b), (c), (e), (f), (g), (i) and (j) of clause 12.1 may speak to the motion for not more than 5 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 (h) of clause 12.1 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.

12.3 Who may move

With the exception of subclause 12.1(h), a member who has moved, seconded, or spoken for or against the primary motion, or any amendment to the primary motion, cannot move any procedural motion which, if carried, would close the debate on the primary motion or amendment.

12.4 Procedural motions - right of reply on primary motion

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

Part 13 - Effect of Procedural Motions

13.1 The motion be deferred - effect of motion

- (1) If a motion “that the motion be deferred”, is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.
- (2) A motion “that the motion be deferred” must not be moved in respect of the election of a Presiding Member or the Deputy President.
- (3) A member must not, at the same meeting, move or second more than one motion “that the motion be deferred” in respect of the same item.

13.2 The meeting now adjourn - effect of motion

- (1) If a motion “that the meeting now adjourn”, is carried then the meeting is to be adjourned to a time and date specified in the motion, or where no time and date is specified, to such time and date as the Presiding Member declares, or to the next ordinary meeting.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) -
 - (a) the debate is to be resumed at the date and time specified as required in subclause (1) and at the point where it was so interrupted; and
 - (b) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (c) the provisions of clause 7.11 apply when the debate is resumed.
- (3) If a motion “that the meeting now adjourn” is lost, no similar motion is to be moved until -
 - (a) after the conclusion of the business under discussion at the time the motion was moved; or
 - (b) if the motion was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
 - (c) after the conclusion of any other business allowed precedence by the meeting.
- (4) A member must not, at the same meeting, move or second more than one motion for the adjournment of the meeting.

13.3 The debate be adjourned - effect of motion

- (1) If a motion “that the debate be adjourned”, is carried –

- (a) all debate on the primary motion or amendment is to cease and is to continue at a time and date specified in the motion;
 - (b) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (c) the provisions of clause 7.11 apply when the debate is resumed.
- (2) A motion “that the debate be adjourned” must not be moved in respect of the election of a Presiding Member or the Deputy President.
- (3) A member must not, at the same meeting, move or second more than one motion “that the debate be adjourned” in respect of the same item.

13.4 The motion be now put - effect of motion

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

13.5 The motion lie on the table - effect of motion

- (1) If a motion “that the motion lie on the table”, is carried, debate on the primary motion and any amendment must cease and the meeting is to proceed to the next item of business.
- (2) Debate on the motion laid on the table is to be adjourned until such time (if any) as the meeting resolves to take the motion from the table.
- (3) Where debate on a motion is interrupted by laying a motion on the table under subclause (1) -
- (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 7.11 apply when the debate is resumed.
- (4) A motion “that the motion lie on the table” must not be moved in respect of the election of a Presiding Member or the Deputy President.
- (5) A member moving the taking of the motion from the table is entitled to speak first on the resumption of the debate.

13.6 Meeting to proceed to the next business - effect of motion

- (1) The motion “that the meeting proceed to the next item of business”, if carried

has the effect that –

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

- (2) A motion that “the meeting proceed to the next item of business” must not be moved in respect of the election of a Presiding Member or the Deputy President.

13.7 Meeting be closed to members of the public - effect of motion

If a motion “that the meeting be closed to members of the public” is carried then the Presiding Member is to close the meeting in accordance with clause 5.2.

13.8 Ruling by the Presiding Member be overruled - effect of motion

If a motion “that the ruling of the Presiding Member be overruled” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

13.9 Member be no longer heard - effect of motion

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

13.10 Item be referred back to Committee - effect of motion

- (1) If a motion “that the item be referred back to Committee” is carried, debate on the primary motion and any amendment is to cease and the primary motion, excluding any amendment, is to be referred back to the appropriate Committee for further consideration.
- (2) If the motion in subclause (1) is lost, debate on the primary motion or amendment is to continue.

Part 14 - Committees of the Council

14.1 Establishment, types and membership of Committees

The establishment, types and membership of Committees is dealt with in the Act.

LGA

5.8. Establishment of committees

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.

** Absolute majority required.*

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

5.10. Committee members, appointment of

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
- (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

14.2 Tenure of Committee membership

The tenure of Committee membership is dealt with in the Act.

LGA

5.11. Committee membership, tenure of

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
 - (b) the person resigns from membership of the committee; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the term of the person's appointment as a committee member expires; or
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.

14.3 Delegation of power to Committees

Delegation of powers and duties to Committees is dealt with in the Act.

LGA

5.16. Delegation of some powers and duties to certain committees

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

* *Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
- (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

5.17. Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —
- (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
 - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
 - (ii) any other power or duty that is prescribed;and
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

[Section 5.17 amended by No. 49 of 2004 s. 16(2).]

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

14.4 Appointment of deputy members

The appointment of a deputy to a member of a Committee is dealt with in the

Act.

LGA

5.11A. Deputy committee members

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

** Absolute majority required.*

- (2) A person who is appointed as a deputy of a member of a committee is to be —
 - (a) if the member of the committee is a council member — a council member; or
 - (b) if the member of the committee is an employee — an employee; or
 - (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or
 - (d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

14.5 Standing Orders apply to Committees

Unless otherwise specifically provided, the Standing Orders apply generally to the proceedings of Committees, except for -

- (a) clause 7.2 (relating to seating);
- (b) clause 7.11(1) (relating to the limit on the number of speeches).

14.6 Communications by Committees

A Committee must not communicate with any person or authority except through the CEO.

Part 15 - Procedural Matters

15.1 Presiding Member to ensure compliance

The Presiding Member of a meeting is to ensure compliance with the Standing Orders.

15.2 Suspension of Standing Orders

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

15.3 Cases not provided for in Standing Orders

- (1) In situations where –
 - (a) one or more Standing Orders have been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or this local law,the Presiding Member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 12.1(h).

15.4 Electors' meetings

The requirements for meeting of the electors are dealt with in the Act and Regulations.

LGA

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

5.28. Electors' special meetings

- (1) A special meeting of the electors of a district is to be held on the request of not less than —
 - (a) 100 electors or 5% of the number of electors —whichever is the lesser number; or
 - (b) $\frac{1}{3}$ of the number of council members.
- (2) The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations.
- (3) The request is to be sent to the mayor or president.
- (4) A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.

5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice,of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

5.30. Who presides at electors' meetings

- (1) The mayor or president is to preside at electors' meetings.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and —
 - (a) the office of deputy mayor or deputy president is vacant; or
 - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,

then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

5.31. Procedure for electors' meetings

The procedure to be followed at, and in respect of, electors' meetings and the methods of voting at electors' meetings are to be in accordance with regulations.

5.32. Minutes of electors' meetings

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and

- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose,whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

LG (Admin) Regulations

15 Matters to be discussed at general meeting (Act s. 5.27(3))

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

16. Request for special meeting, form of (Act s. 5.28(2))

A request for a special meeting of the electors of a district is to be in the form of Form 1.

15.5 Electors' meetings - Standing Orders apply

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

15.6 Restriction on voting and speaking at electors' meetings

The restriction on voting and speaking at electors' meetings is dealt with in the Regulations.

LG (Admin) Regulations

17. Voting at meeting (Act s. 5.31)

- (1) Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.
- (2) All decisions at a general or special meeting of electors are to be made by a simple majority of votes.

- (3) Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.

18. Procedure at meeting (Act s. 5.31)

Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

15.7 Penalty for contravention of the Standing Orders

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

Penalty: \$1,000, and a daily penalty of \$100

15.8 Who can prosecute

Who can prosecute is dealt with in the Act.

LGA

9.15. Terms used

In this Subdivision —

authorised person in section 9.16, 9.17, 9.19 or 9.20 means a person appointed under section 9.10(1) by the local government to be an authorised person for the purposes of the section in which the term is used;

local government means the local government that could, or an employee of which could, prosecute for the offence concerned;

owner in relation to a vehicle means the person who holds the licence for the vehicle that is required under the *Road Traffic Act 1974* or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession;

prescribed means prescribed by a local law or, if the alleged offence is against a regulation, prescribed by regulations or by a local law.

9.16. Giving a notice

- (1) An authorised person who has reason to believe that a person has committed a prescribed offence against a regulation or local law made under this Act may, within 28 days after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.

Part 16 - Common Seal

16.1 Custody of the Common Seal

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

16.2 Use of Common Seal

The use of the Common Seal is dealt with in the Act.

LGA

9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer,each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

Schedule 1 – Petition to the Shire of Augusta-Margaret River

To the President and Councillors of the Shire of Augusta-Margaret River

We, the undersigned, do respectfully request that the Council-

(Here set out a concise statement of facts and the action sought)

Correspondence in respect of this petition should be addressed to -

(Here set out the name and address of the person)

The names and addresses of your petitioners are as follows

DATE	FULL NAME	ADDRESS AGREE/DISAGREE/NO OPINION	SIGNATURE
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Note: Petitioners may contact the CEO of the Shire of Augusta-Margaret River if they wish to withdraw from this petition or change their comment.

Dated the 6th day of July 2011.

The Common Seal of the Shire of Augusta-Margaret River was affixed by authority of a resolution of the Council in the presence of -

MR RAY COLYER
Shire President

MR GEOFF BROAD
Acting Chief Executive Officer