

LOCAL GOVERNMENT ACT 1995

SHIRE OF BEVERLEY

STANDING ORDERS LOCAL LAW 2023

TABLE OF CONTENTS

PART 1—PRELIMINARY	4
1.1 Citation	4
1.2 Commencement	4
1.3 Application and intent.....	4
1.4 Repeal	4
1.5 Interpretation	4
PART 2—MEETINGS OF COUNCIL	5
2.1 Ordinary and special council meetings	5
2.2 Calling council meetings	5
2.3 Covering council meetings	5
2.4 Calling committee meetings	5
2.5 Public notice of meetings	5
2.6 Public access to agendas and supporting documentation	5
2.7 Public access to unconfirmed minutes of meetings.....	5
2.8 Presiding person.....	5
2.9 Quorum.....	6
2.10 Reduction of a quorum for council meetings.....	6
2.11 Reduction of a quorum for committee meetings.....	6
2.12 Procedure if quorum not present.....	6
2.13 Lapse of quorum.....	6
2.14 Names to be recorded.....	6
PART 3—BUSINESS AT MEETINGS	6
3.1 Business to be specified	6
3.2 Order of business	7
3.3 Grant of leave of absence	7
3.4 Public question time for the public at meetings	7
3.5 Question time for the public at certain meetings.....	7
3.6 Minimum question time for the public	7
3.7 Procedures for question time for the public	8
3.8 Other procedures for question time for the public	8

3.9	Confirmation of minutes	8
3.10	Announcements by presiding person without discussion	8
3.11	Questions from members.....	8
3.12	Petitions.....	9
3.13	Disclosure of financial and proximity interests	9
3.14	Disclosure of interest affecting impartiality	9
3.15	Reports.....	9
3.16	Motions of which previous notice has been given	9
3.17	Urgent business	10
3.18	Meeting closure	10
PART 4—CONDUCT OF MEETINGS		10
4.1	Official titles to be used	10
4.2	Seating.....	11
4.3	Distinguished visitor seating	11
4.4	Media attendance and seating.....	11
4.5	Members who wish to speak	11
4.6	Order of speakers	11
4.7	Members not to interrupt.....	11
4.8	No reopening of discussion.....	12
4.9	No member to cross the floor	12
4.10	Presiding person may participate in discussion	12
4.11	Relevance to debate.....	12
4.12	Personal explanation.....	12
4.13	Ruling on questions of personal explanation.....	12
4.14	Point of order	12
4.15	Preservation of order—council members.....	13
4.16	Prevention of disturbance	13
4.17	Preservation of order—members of the public.....	13
4.18	Serious disorder.....	13
PART 5—MOTIONS AND AMENDMENTS		14
5.1	Recommendations in report.....	14
5.2	Adoption by exception resolution	14
5.3	Motions	14
5.4	No opposition to motions.....	14
5.5	Motions to be seconded	15
5.6	Withdrawing motions	15
5.7	One motion at a time	15
5.8	Limitation on members speaking.....	15

5.9	Questions during debate.....	15
5.10	Amendments.....	15
PART 6—REVOCATION MOTIONS.....		16
6.1	Revocation motions.....	16
6.2	Voting.....	17
6.3	Method of taking vote.....	17
PART 7—PROCEDURAL MOTIONS AND MOTIONS CONCERNING BEHAVIOUR UNDER THE CODE OF CONDUCT.....		18
7.1	Permissible procedural motions.....	18
7.2	No debate on procedural motions.....	18
7.3	Procedural motions—closing debate—who may move.....	18
7.4	Procedural motions—right of reply on primary motion.....	18
7.5	The motion be deferred—effect of motion.....	18
7.6	The meeting do now adjourn—effect of motion.....	19
7.7	The motion be now put—effect of motion.....	19
7.8	Meeting be now closed—effect of motion.....	19
7.9	Council sit behind closed doors—effect of motion.....	19
7.10	Limitation on members speaking be suspended or be resumed—effect of motion.....	20
7.11	Ruling by the presiding person be disagreed with—effect of motion.....	20
7.12	Motions concerning behaviour under Division 3 of the Code of Conduct.....	20
PART 8—CONDUCT OF MEMBERS.....		20
8.1	Dealing with Proponents.....	20
8.2	No adverse reflection.....	21
8.3	Withdrawal of offensive language.....	21
8.4	No participation in public question or public statement time.....	22
PART 9—MISCELLANEOUS.....		22
9.1	Representation on public bodies.....	22
9.2	Improper use of information.....	22
9.3	Meetings of electors.....	22
9.4	Recording of Proceedings.....	22
9.5	Giving a document to a member.....	22
9.6	Cases not provided for in the standing orders.....	22
PART 10—ENFORCEMENT.....		22
10.1	Penalty for Breach.....	22
10.2	Who can prosecute.....	22
SCHEDULE 1—PETITION TO THE SHIRE OF BEVERLEY.....		23

LOCAL GOVERNMENT ACT 1995

SHIRE OF BEVERLEY

STANDING ORDERS LOCAL LAW 2023

PART 1—PRELIMINARY

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Beverley resolved on (Insert DATE) to make the following local law.

1.1 Citation

This is the *Shire of Beverley Standing Orders Local Law 2023*.

1.2 Commencement

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

1.3 Application and intent

- (1) This local law provides rules that apply to the conduct of meetings of the council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and this local law.
- (3) This local law is intended to result in—
 - (a) better decision making by the council and its committees;
 - (b) the orderly conduct of meetings dealing with council business;
 - (c) better understanding of the process of conducting meetings;
 - (d) more efficient and effective use of time at meetings.

1.4 Repeal

This local law repeals the *Shire of Beverley Standing Orders 1997* as published in the *Government Gazette* on 28 November 1997.

1.5 Interpretation

- (1) In this local law, unless the context otherwise requires—
 - absolute majority** has the meaning given to it in the Act;
 - Act** means the *Local Government Act 1995*;
 - CEO** means the Chief Executive Officer of the local government;
 - Code of Conduct** means the Council Members, Committee Members and Candidates Code of Conduct;
 - Council** means the council of the local government;
 - Councillor** has the meaning given to it in the Act;
 - meeting** means a meeting of the council;
 - member** has the meaning given to it in the Act;
 - presiding person** means the person presiding under section 5.6 of the Act;
 - Regulations** means the *Local Government (Administration) Regulations 1996*;
 - resolution** means a decision of council made by the appropriate majority;
 - schedule** means the Schedule to this local law;

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

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

PART 2—MEETINGS OF COUNCIL

2.1 Ordinary and special council meetings

- (1) Ordinary and special council meetings are dealt with in the Act.
- (2) An ordinary meeting of the council held 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 meetings is dealt with in the Act.

2.3 Convening council meetings

The convening of a council meeting is dealt with in the Act.

2.4 Calling committee meetings

A meeting of a committee is to be held—

- (1) if called for in a verbal or written request to the CEO by the Shire President or the presiding person of the committee, advising the date and purpose of the proposed meeting;
- (2) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (3) in accordance with a decision of the council or the committee.

2.5 Public notice of meetings

- (1) Public notice of meetings is dealt with in the Regulations.
- (2) When a meeting is adjourned to a day and hour other than the next ordinary meeting, notice of the resumption of the adjourned meeting, if time permits, is to be given to each member specifying the nature of the business to be transacted.

2.6 Public access to agendas and supporting documentation

Public access to agendas and supporting information is dealt with in the Regulations.

2.7 Public access to unconfirmed minutes of meetings

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

2.8 Presiding person

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

2.9 Quorum

The quorum for meetings is dealt with in the Act.

2.10 Reduction of a quorum for council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

2.11 Reduction of a quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

2.12 Procedure if quorum not present

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

2.13 Lapse of quorum

- (1) If at any time during a meeting a quorum is not present—
 - (a) the presiding person is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
 - (b) a record is to be taken of all those who have spoken on the subject under consideration at the time of the suspension and is to be recorded in the minutes of the meeting;
 - (c) if a quorum is not present at the expiry of the suspension period under paragraph (a), the presiding person may either adjourn the meeting to some future time or date or may extend the extension period for a further period of up to 30 minutes; and
 - (d) if a quorum is not present at the expiry of the extended period of suspension under paragraph (c), the presiding person is to adjourn the meeting to a later time on the same day or to another day.
- (2) If the debate on a motion is interrupted at a meeting, which is suspended due to a quorum not being present—
 - (a) the debate is to be resumed at the resumption of the meeting at the point where it was interrupted; and
 - (b) the members who have spoken on the motion before the suspension must not speak again at the resumption of the meeting—except the mover who retains the right of reply.

2.14 Names to be recorded

At any meeting—

- (a) at which there is not a quorum present to begin the meeting; or
- (b) which is suspended or adjourned for want of a quorum, the names of the members then present are to be recorded in the minutes.

PART 3—BUSINESS AT MEETINGS

3.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the council other than that specified in the agenda, without the approval of the presiding person or the council.
- (2) No business is to be transacted at a special meeting of the council other than that given in the notice as the purpose of the meeting.

- (3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the council other than that—
 - (a) specified in the notice of the meeting which had been adjourned; and
 - (b) which remains unresolved.
- (4) Where a meeting is adjourned to the next ordinary meeting of the council then, unless the council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering the officer's reports at that ordinary meeting.

3.2 Order of business

- (1) Unless the council decides otherwise, the order of business at an ordinary meeting of the council is to be as follows—
 - (a) Opening.
 - (b) Attendances, apologies and leave of absence.
 - (c) Public question time.
 - (d) Confirmation of minutes.
 - (e) Announcements by the presiding person without discussion.
 - (f) Questions from members.
 - (g) Petitions.
 - (h) Declarations of Interest.
 - (i) Reports.
 - (j) Motions of which previous notice has been given.
 - (k) Urgent business.
 - (l) Matters for which the meeting may be closed.
 - (m) Date and location of the next meeting.
 - (n) Closure.
- (2) Unless otherwise decided by the council or committee, the items of business for a meeting of the council or committee are to be considered in the sequence that they are listed in the agenda.
- (3) The council or a committee may pass an adoption by exception resolution under clause 5.2.
- (4) At the resumption of an adjourned meeting the only business to be transacted is that which remains outstanding on the agenda of the adjourned meeting.

3.3 Grant of leave of absence

- (1) The grant of leave of absence is dealt with in the Act.
- (2) A member who requests a leave of absence need not put the request in writing but must state the period of leave and the reasons for the request.

3.4 Public question time for the public at meetings

Public question time at meetings is dealt with in the Act and Regulations.

3.5 Question time for the public at certain meetings

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

3.6 Minimum question time for the public

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

3.7 Procedures for question time for the public

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

3.8 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must—
 - (a) first state their name and address.
 - (b) direct the questions to the presiding person.
 - (c) ask the question briefly and concisely.
 - (d) limit any preamble to matters directly relevant to the question; and
 - (e) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except so far as may be necessary to explain the question.
- (2) A question may be taken on notice by the council or committee for later response.

3.9 Confirmation of minutes

- (1) The requirements for keeping minutes of meetings and the content of minutes are dealt with in the Act and the Regulations.
- (2) When minutes are confirmed, the only discussion permitted is that relating to the accuracy of the minutes as a record of the proceedings.

3.10 Announcements by presiding person without discussion.

At any meeting of the council the presiding person may announce or raise any matter of interest or affecting the local government and there is not to be any discussion on the matter.

3.11 Questions from members

- (1) The item of business "Questions from Members" is to provide members with an opportunity to raise questions with the Shire President and the council.
- (2) Questions are to relate only to the business of the council.
- (3) A member asking questions may address the council for a maximum of 3 minutes.
- (4) A minimum of 15 minutes is to be allowed to the item "Questions from Members".
- (5) If there are insufficient questions to fill the allocated time, then the presiding person is to move on to the next item.
- (6) Whenever possible, questions are to be submitted in writing at least 30 hours prior to the start of the meeting.
- (7) Questions submitted in writing are to be dealt with first.
- (8) At an ordinary meeting, only questions relating to matters affecting the council are to be answered.
- (9) At a special meeting, only questions relating to the purpose of the meeting are to be answered.
- (10) Questions may be taken on notice and responded to after the meeting.
- (11) The presiding person is to control the item "Questions from Members" and is to ensure that any member writing to ask a question is given a fair and equal opportunity to do so.
- (12) If a question is directed to a member or an employee who has an interest in the subject matter of the question, then the member or employee is to

declare the interest and allow another member or employee to respond to the question.

3.12 Petitions

- (1) A petition received by a member, or the CEO is to be presented to the next ordinary council meeting.
- (2) Any petition to the council is—
 - (a) as far as practicable to be prepared in the form prescribed in the Schedule 1;
 - (b) to be addressed to the council and forwarded to a member or the CEO; and
 - (c) to state the name and address of the person to whom correspondence in respect of the petition may be served.
- (3) Once a petition is presented to the council, a motion may be moved to receive the petition and refer it to the CEO for action.

3.13 Disclosure of financial and proximity interests

The requirements for disclosure of any interest as defined in section 5.60 of the Act are dealt with in Part 5 of the Act.

3.14 Disclosure of interest affecting impartiality

The disclosure of interests affecting impartiality is dealt with by the *Local Government (Model Code of Conduct) Regulations 2021*.

3.15 Reports

- (1) The functions of the CEO including to advise the council and implement decisions are dealt with in the Act.
- (2) The CEO may prepare or cause to be prepared any report that in the CEO's opinion requires consideration by the council, including any report of a late or urgent nature.

3.16 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting any business that the member considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) Subject to sub clause (3) a notice of motion under subclause (1) is to be signed by the member and given to the CEO at least 7 clear days before the meeting at which it is to be moved.
- (3) A notice of motion must relate to a matter for which the council is responsible.
- (4) The requirement to give notice of a motion under subclause (1) does not apply where the proposed motion is relevant to—
 - (a) a recommendation made by or contained in a report on the agenda; or
 - (b) a notice of motion that appears on the agenda and is moved after the motion has been dealt with.
- (5) A notice of motion lapses unless the member who gave the notice or some other member authorised in writing by the member who gave the notice, moves the motion at the meeting at which it is to be considered.

- (6) Where a notice of motion is given and lapses in circumstances referred to under sub clause (5), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of the lapse.
- (7) A notice of motion of which the subject matter does not relate to a matter affecting the local government, may be ruled out of order by the presiding person.
- (8) Where a notice of motion under subclause (1) contains any word or words which—
 - (a) reflect adversely on the character or actions of a member, officer or other person; or
 - (b) impute any motive to any member or officer; or
 - (c) are offensive or insulting,
 then the CEO—
 - (d) after consultation with the Shire President, may reject the motion; or
 - (e) after consultation with the member who submitted the motion, may amend the form but not the substance of the motion so as to delete the offensive or insulting word or words.
- (9) If a notice of motion is rejected under subclause (8), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (10) Where, prior to a meeting, a member has given notice of motion in accordance with this clause, or a member has given notice of a revocation motion in accordance with clause 6.1 and—
 - (a) the member is present at the meeting, the member must read the motion or revocation motion to the meeting; or
 - (b) the member is not present at the meeting, the CEO must read the motion or revocation motion to the meeting.

3.17 Urgent business

- (1) In a case of extreme urgency or other special circumstances, a matter may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In sub clause (1), a case of extreme urgency or other special circumstance means a matter—
 - (a) that could not reasonably be dealt with at the next ordinary meeting of the council; and
 - (b) it was not reasonable for the notice to be given.

3.18 Meeting closure

At the conclusion of all business or when otherwise determined by the meeting, the presiding person is to declare the meeting closed and state the closing time.

PART 4—CONDUCT OF MEETINGS

4.1 Official titles to be used

Members, when referring to others, must refer to them by their titles of shire president, deputy shire president, councillor, or in the case of an employee by the employee's title.

4.2 Seating

- (1) At the first meeting following each ordinary election, the CEO is to allocate a seat in the council chamber to each member.
- (2) Each member must occupy his/her/their allocated position when present at a meeting of the council.
- (3) The council may, at any time, reallocate a seat in the council chamber to each member.

4.3 Distinguished visitor seating

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

4.4 Media attendance and seating

Media representatives are permitted to attend meetings of the council and be seated in that part of the Council Chamber or meeting room that may be set aside for their use but must leave the meeting during any period when the meeting is closed to the public.

4.5 Members who wish to speak

A member who wishes to speak at a council or committee meeting—

- (a) must indicate his/her/their intention to speak by raising his/her/their hand, or by any other method determined by the council or committee; and
- (b) when invited by the presiding person to speak, and unless otherwise determined by the council or committee, must address the meeting through the presiding person.

4.6 Order of speakers

- (1) At a council meeting, where 2 or more members of the council indicate, at the same time, their intention to speak, the presiding person is to decide which member is entitled to be heard first.
- (2) At a committee meeting, the presiding person is first to invite committee members to speak followed, at the discretion of the presiding person, by other members and attendees.
- (3) A decision of the presiding person under this clause is not open to discussion or dissent.

4.7 Members not to interrupt

A member must not—

- (a) make any noise or disturbance or converse in a loud manner whilst any other member is addressing a meeting;
- (b) interrupt another member who is speaking other than to—
 - (i) raise a point of order;
 - (ii) to call attention to the absence of a quorum;
 - (iii) to make a personal explanation under clause 4.12; or
 - (iv) to move a procedural motion.

4.8 No reopening of discussion

A member must not reopen a discussion on any council or committee decision, except to move that the decision be revoked or changed.

4.9 No member to cross the floor

When the presiding person is putting any motion, a member must not cross the floor, and whilst any other member is speaking, must not pass between the speaker and the presiding person or pass behind the presiding person.

4.10 Presiding person may participate in discussion

The presiding person may participate in the discussion of any motion before the meeting provided that the presiding person addresses the meeting before the right of reply is exercised.

4.11 Relevance to debate

When addressing a meeting on any motion or other business, members must confine their remarks to the motion or other business and not digress.

4.12 Personal explanation

- (1) A member must not speak at any meeting, except on the matter then before the council, unless it is to make a personal explanation.
- (2) A member wishing to make a personal explanation of matters referred to by any other member then speaking, is entitled to be heard—
 - (a) immediately if the member then speaking consents at the time; or
 - (b) at the conclusion of the speech if the member then speaking declines to give way.
- (3) A member of the council permitted to make a personal explanation must confine comments to a succinct statement relating to a specific part of the former speech that may have been misunderstood and the member is not to refer to matters not strictly necessary for that purpose and is not to seek to strengthen his/her/their former argument by adding new matters or by replying to other members.

4.13 Ruling on questions of personal explanation

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

4.14 Point of order

- (1) A member may direct the presiding person's attention to a breach of this local law by any other member and is to specify the grounds of the breach.
- (2) A member expressing a difference of opinion with, or contradicting, a speaker is not to be recognised as raising a point of order.
- (3) The presiding person is to decide all points of order and the decision of the presiding person is final unless in any particular case, the council then resolves that a different ruling is to be substituted for the ruling given by the presiding person.
- (4) A motion, amendment or other business ruled to be out of order, is to be no longer discussed and requires no resolution.

- (5) Where anything said or done by a member is ruled out of order, the presiding person may require the member to make an explanation, retraction or apology as the case may be.

4.15 Preservation of order—council members

- (1) The presiding person is to preserve order at all times and may call any member to order whenever in the presiding person's opinion, there is cause to do so.
- (2) Any member who acts in breach of this clause may be ruled by the presiding person to be out of order.
- (3) Where a member persists in any conduct which the presiding person deems is out of order, or refuses to make any explanation, retraction or apology required by the presiding person, then the presiding person may direct the member to refrain from taking any further part in the debate of the item, other than by recording the member's vote and the member must comply with that direction.

4.16 Prevention of disturbance

A member or an employee—

- (a) must ensure that handheld mobile devices are turned to silent during meetings of council and committees of council;
- (b) must only use handheld mobile devices sparingly and discreetly during meetings; and
- (c) must not, during a confidential session, use handheld mobile devices other than to refer to council meeting papers.

4.17 Preservation of order—members of the public

- (1) Any member of the public addressing the council is to extend due courtesy and respect to the council and the processes under which they operate and must take direction from the presiding person whenever called upon to do so.
- (2) A person observing a meeting, must not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (3) Where a person is considered by the presiding person or the council to be in breach of sub clauses (1) or (2) the presiding person or the council may direct the offending person to leave the meeting room and the person must immediately comply with that direction.
- (4) A person failing to comply with a direction given under subclauses (1) or (3) may, by order of the presiding person, be removed by the police from the meeting room.

4.18 Serious disorder

- (1) If the presiding person is of the opinion that by reason of serious disorder or otherwise, the business of the meeting cannot effectively be continued, the presiding person may adjourn the meeting for a period of not less than 5 minutes but no more than 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.

- (3) If, having once adjourned the meeting, the presiding person is again of the opinion that the business of the meeting cannot effectively be continued the presiding person may adjourn the meeting to another date.

PART 5—MOTIONS AND AMENDMENTS

5.1 Recommendations in report

- (1) Where a motion, if carried, would be significantly different from the relevant written recommendation of an employee (but not a motion to only note the matter or to return the recommendation for further consideration), the written reasons are to be recorded in the minutes for that meeting.
- (2) A recommendation made by or contained in a report may, but need not be, moved.
- (3) A motion may be moved that a recommendation made by or contained in a report be referred back for further consideration.

5.2 Adoption by exception resolution

- (1) In this clause adoption by exception resolution means—
 - (a) a resolution of the council that has the effect of adopting, for each of a number of specifically identified reports, the committee or employee recommendation as the council resolution; and
 - (b) a resolution of a committee that has the effect of adopting, for each of a number of specifically identified reports, the employee recommendation as the committee resolution.
- (2) The council or a committee may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter—
 - (a) that requires an absolute majority.
 - (b) in which an interest has been disclosed.
 - (c) that is a matter on which a member wishes to make a statement; or
 - (d) that is a matter on which a member wishes to move a motion that is different to the recommendation.

5.3 Motions

- (1) A member proposing a primary motion or amendment must state its substance before addressing the meeting and if so required by the presiding person, must put the motion or amendment in writing.
- (2) The presiding person or the meeting by resolution, may require a complicated motion to be divided into 2 or more motions.

5.4 No opposition to motions

- (1) On a motion being moved and seconded, the presiding person may then ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the presiding person may then take the vote without debate.
- (3) If a member signifies opposition to a motion, the motion shall be dealt with according to this local law.

5.5 Motions to be seconded

- (1) Subject to subclause (2) a motion or amendment is not to be discussed or put to the vote unless seconded.
- (2) A nomination to any position is not required to be seconded.
- (3) A member seconding a motion is to be taken to have reserved the right to speak on the motion later in the debate.

5.6 Withdrawing motions

A motion or amendment may be withdrawn by the mover, with the consent of the council, and no member is to speak on it after it has been withdrawn.

5.7 One motion at a time

Only one motion is to be debated at any one time.

5.8 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.
- (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 is to 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.
- (4) A member may only speak on a motion or an amendment, or reply, for a period of 5 minutes, unless an extension of time is granted by the council by simple majority without debate, but is not to exceed 10 minutes in total.
- (5) The council may suspend the operation of this clause during debate on a motion.

5.9 Questions during debate

- (1) Subject to clause 5.8, 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.

5.10 Amendments

- (1) A member may move an amendment to a primary motion, at any time during debate on the motion, except—
 - (a) when the mover has been called by the presiding person to exercise the right of reply; or
 - (b) during debate on a procedural motion.
- (2) A member who wishes to move an amendment—
 - (a) is to state the substance of the motion before speaking to it; and
 - (b) is to put the amendment in writing; if—
 - (i) in the opinion of the presiding person, the 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 local government, provides advice or a report on the matter); or
- (ii) he or she is otherwise required to do so by the presiding person.
- (3) 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.
 - (4) Every amendment is to be relevant and not negate the motion in respect of which it is moved.
 - (5) An amendment to a motion is to take only one of the following forms—
 - (a) that certain words be omitted;
 - (b) that certain words be omitted and others substituted or added; or
 - (c) that certain words be added.
 - (6) Only one amendment is to be discussed at a time, but as often as an amendment is lost, another amendment may be moved before the primary motion is put to the vote.
 - (7) Where an amendment is carried, one further successful amendment to the primary motion, as amended, and no more, may be carried.
 - (8) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate and subject only to sub clause (4), to be treated as a primary motion.

PART 6—REVOCATION MOTIONS

6.1 Revocation motions

- (1) The requirements for support of a motion for revocation or change of a council decision are dealt with in the Act and Regulations.
- (2) In this clause—
 - (a) **relevant meeting**, where used in relation to a revocation motion, means—
 - (i) the ordinary or special meeting specified in the notice of the revocation motion; or
 - (ii) if that meeting is adjourned before the motion is announced by the presiding person, then at the resumption of the adjourned meeting; or
 - (iii) if that meeting is closed before the motion is announced by the presiding person, then at the next ordinary meeting or a special meeting convened to consider those matters not considered prior to the closure of the meeting; or
 - (iv) if the motion is deferred by the council to another meeting of the council, then at that other meeting, as the case may be;
 - (b) **revocation motion** means a motion to revoke or change a decision made at a council meeting.
- (3) This clause does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.
- (4) A member wishing to move a revocation motion at a meeting of the council 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 signed by the number of members required by law to support the motion to revoke or change the decision referred to in the revocation motion;
 - (e) specify the date of the ordinary or special meeting of the council, as the case may be, which next follows the expiry of 7 clear days after the notice is given to the CEO;
 - (f) be given to the CEO not less than 7 clear days prior to the date of the ordinary or special meeting specified in the notice.
- (5)
- (a) If, at the relevant meeting, the member who gave the notice of the revocation motion, is present, then the presiding person is to call on that member to move the revocation motion.
 - (b) If that member is not present or, being present, does not move the revocation motion when called upon to do so by the presiding person, then notwithstanding clause 3.16 any member of the council may move the revocation motion.
- (6) Where notice of a revocation motion is given in accordance with the requirements of this clause, then the CEO must not implement or continue to implement, the decision the subject of the revocation motion until—
- (a) the revocation motion is not supported by the number of members of the council required by law to support the motion;
 - (b) no member of the council moves the revocation motion;
 - (c) the motion is moved but not seconded; or
 - (d) the motion is moved and seconded but is not made by the kind of majority required by law, at the relevant meeting.
- (7) A notice of revocation motion given in accordance with the requirements of this clause is to lapse when—
- (a) the revocation motion is not supported by the number of members of the council required by law to support the motion;
 - (b) no member of the council moves the revocation motion;
 - (c) the motion is moved but not seconded; or
 - (d) the motion is moved and seconded but is not made by the kind of majority required by law, at the relevant meeting.
- (8) Subclauses (1), (2), (3), (4) and (5) of clause 3.16 do not apply where the motion is a revocation motion.
- (9) For the avoidance of doubt subclauses (6), (7), (8) and (9) of clause 3.16 are to apply where the motion is a revocation motion.
- (10) A motion that a revocation motion be deferred is only to be carried by the decision of an absolute majority.

6.2 Voting

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

6.3 Method of taking vote

In taking the vote on any motion, the presiding person—

- (1) Is to put the motion, first in the affirmative, and then in the negative;
- (2) May put the motion in this way as often as may be necessary to enable him/her/them to determine whether the affirmative or the negative has the majority of votes;

- (3) Is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member's vote; and
- (4) Subject to this clause, is to declare the result.

PART 7—PROCEDURAL MOTIONS AND MOTIONS CONCERNING BEHAVIOUR UNDER THE CODE OF CONDUCT

7.1 Permissible procedural motions

In addition to proposing a properly worded amendment to a primary motion, a member may, at the conclusion of a speech of any other member or on the conclusion of any business, move any of the following procedural motions without notice, and if seconded, the procedural motion is to be dealt with immediately—

- (a) that the motion be deferred;
- (b) that the meeting do now adjourn;
- (c) that the motion be now put;
- (d) that the meeting be now closed;
- (e) that the council sit behind closed doors;
- (f) that the limitation on members speaking be suspended or that the limitation be resumed;
- (g) that the ruling by the presiding person be disagreed with.

7.2 No debate on procedural motions

- (1) The mover of a motion referred to in each of paragraphs (a), (b), (d) and (f) of clause 7.1 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 referred to in paragraph (c) of clause 7.1 must not speak to the motion, the seconder must not speak other than to formally second the motion, and there is to be no debate on the motion.

7.3 Procedural motions—closing debate—who may move

- (1) No person who has moved, seconded, or spoken for or against the primary motion, or any amendment may move any procedural motion which, if carried, would close the debate on the primary motion or amendment.
- (2) At the same meeting, a member must not move more than one procedural motion, except a motion referred to in paragraph (a), (e) or (f) of clause 7.1.

7.4 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 or amendment.

7.5 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 member who moves “that the motion be deferred” must briefly state the reasons for the deferral when moving.
- (3) A motion that the motion be deferred is not to be moved in respect of the election of a presiding person or the shire president.

7.6 The meeting do now adjourn—effect of motion

- (1) If a motion “that the meeting do now adjourn” is carried then the meeting is to stand 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 person declares.
- (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 5.8 apply when the debate is resumed.

7.7 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 or amendment then the presiding person is to immediately put the matter under consideration without further debate (subject to clause 7.4).
- (2) If the motion “that the motion be now put” is lost then debate is to continue.

7.8 Meeting be now closed—effect of motion

- (1) If a motion “that the meeting be now closed”, is carried, then—
 - (a) the presiding person is to forthwith close the meeting, and no further business may be transacted; and
 - (b) any business outstanding on the agenda for that meeting is to be carried forward to the agenda for the next ordinary meeting of the council.
- (2) If the motion “that the meeting be now closed” is carried at a meeting of the council—
 - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 5.8 apply when the outstanding business is resumed.

7.9 Council sit behind closed doors—effect of motion

- (1) The requirements for meetings to be open to the public and the reason that meetings may be closed are dealt with in the Act.
- (2) The council, in one or more of the circumstances dealt with in the Act or the Regulations, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.
- (3) If a resolution under sub clause (2) is carried, the presiding person, in consultation with the CEO, will determine who of the CEO or any employee of the local government present at the meeting, is to leave meeting.
- (4) Subject to subclause (3), the meeting is to be closed to the public until the council resolves to open the meeting to members of the public.

- (5) Upon the public again being admitted to the meeting the presiding person is to cause the motions passed by the council whilst it was proceeding behind closed doors to be read out including the details of any voting recorded.
- (6) A person failing to comply with a direction made under subclause (3) may, by order of the presiding person, be removed by the police from the meeting room.

7.10 Limitation on members speaking be suspended or be resumed—effect of motion

- (1) If a motion “that the limitation on members speaking be suspended” is carried then the operation of clause 5.8 is suspended.
- (2) If a motion “that the limitation on members speaking be resumed” is carried then the operation of clause 5.8 is no longer suspended.

7.11 Ruling by the presiding person be disagreed with—effect of motion

If a motion “that the ruling by the presiding person be disagreed”, is carried then the ruling of the presiding person about which this motion was moved, is to have no effect and the meeting is to proceed accordingly.

7.12 Motions concerning behaviour under Division 3 of the Code of Conduct

- (1) A motion concerning a complaint about a breach of Division 3 of the Code of Conduct shall—
 - (a) be moved by the member who made the complaint; or
 - (b) if the complaint was made by a person who is not a member, moved by any member.
- (2) If a motion moved under subclause (1) lapses for want of a mover or seconder, the complaint is taken to have been dismissed.
- (3) There is to be no debate on a motion moved and seconded under subclause (1).
- (4) A motion moved and seconded under subclause (1) cannot be amended.
- (5) If a motion under subclause (1) is moved and seconded then lost, the complaint is taken to have been dismissed.
- (6) If the motion moved and seconded under subclause (1) is carried, the person who moved the motion shall then move a motion in relation to whether further action is warranted.
- (7) If a motion moved under subclause (6) lapses for want of a seconder, council is taken to have determined that no further action is warranted in respect of the breach and no further motion may be moved.
- (8) If a motion moved under subclause (6) is seconded there is to be no debate on the motion.
- (9) A motion moved and seconded under subclause (6) cannot be amended.

PART 8—CONDUCT OF MEMBERS

8.1 Dealing with Proponents

- (1) In this Part—

Proponent means a proponent of a Proposal and includes a person who represents the interests of a Proponent;

Proposal means—

- (a) a proposed subdivision of land;
- (b) a proposed development of land;

- (c) a proposal involving the exercise of discretion under a planning scheme or under a planning policy or structure plan adopted under a planning scheme;
 - (d) a proposed change to a planning scheme including a proposed change to the zoning of land; or
 - (e) a proposed change to a planning policy or structure plan adopted under a planning scheme.
- (2) This clause applies where a Proposal is, or is likely, to be considered by the council.
- (3) A member must—
- (a) not make any statements or express any views to a Proponent or a person interested in a Proposal which purports to be on behalf of the council or the local government;
 - (b) be alert to the motives and interests of a Proponent;
 - (c) be aware of which person, organisation or company that the Proponent is representing;
 - (d) not give any undertaking to a Proponent or any person interested in the Proposal;
 - (e) not do or say anything which could be viewed as giving a Proponent preferential treatment;
 - (f) ensure that persons interested in a Proposal are treated fairly and consistently;
 - (g) be alert to attempts by Proponents and parties interested in a Proposal to encourage members to consider matters which are extraneous or irrelevant to the merits of the decision under consideration; and
 - (h) be careful in dealings with a Proponent or a person interested in a Proposal who is a former councillor or former employee of the local government and make sure that the person is not given or appear to be given favourable or preferential treatment.

8.2 No adverse reflection

- (1) A member must not reflect adversely upon a decision of the council except on a motion that the decision be revoked or changed.
- (2) A member must not use an objectionable expression in reference to any other member.
- (3) A member may request that any words used by a member, be recorded in the minutes immediately after their use.

8.3 Withdrawal of offensive language

- (1) A member who uses an expression which, in the opinion of the presiding person—
 - (a) reflects adversely on the character or actions of another member; or
 - (b) imputes any motive to any other member; or
 - (c) is offensive or insulting, must, when directed by the presiding person, unreservedly withdraw the expression and make an unconditional apology.
- (2) Where a member fails to comply with a direction of the presiding person under subclause (1), the presiding person may refuse to hear the member further on the matter then under discussion and call on the next speaker.

8.4 No participation in public question or public statement time

- (1) A member must not ask a question or make a statement during public question time.
- (2) A member must not sit in the public gallery during a meeting.

PART 9—MISCELLANEOUS

9.1 Representation on public bodies

When the council is required to appoint or nominate a member/person to a public body, written notice of the vacancy or need for the appointment or nomination is to be given to all members and the council is by resolution to determine the appointment or nomination.

9.2 Improper use of information

The improper use of information is dealt with in the Act.

9.3 Meetings of electors

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

9.4 Recording of Proceedings

Unless otherwise decided by the meeting—

- (a) The CEO is to ensure that an audio recording is taken of the proceedings of each meeting; and
- (b) Unless with the written authorisation of the presiding person, a person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting.

9.5 Giving a document to a member

A person, other than a member or an employee, must not give to a member, during a council or committee meeting or within 30 minutes before the commencement of the meeting, any correspondence or other document relating to a matter to be considered by the meeting.

9.6 Cases not provided for in the standing orders

Where there is no provision or insufficient provision is made in this local law, the presiding person is to determine the procedure to be observed.

PART 10—ENFORCEMENT

10.1 Penalty for Breach

A person who breaches a provision of these Standing Orders commits an offence.

Penalty: \$1,000

10.2 Who can prosecute

Who can prosecute is dealt with in the Act.

SCHEDULE 1—PETITION TO THE SHIRE OF BEVERLEY

PETITION TO THE SHIRE OF BEVERLEY

To the Shire President and/or CEO of the Shire of Beverley.

We the undersigned, do formally request Council's consideration (insert details)—

Name, address and contact details of the person to which correspondence in respect of this petition should be address (the Submitter)—

Name: _____

Address: _____

Email: _____

Phone: _____

The names and addresses of the petitioners are as follows—

	FULL NAME	ADDRESS	SIGNATURE	DATE
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

Dated this (Insert Date)

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

Shire President

Chief Executive Officer