

**LOCAL GOVERNMENT ACT 1995**

SHIRE OF NORTHAM

**STANDING ORDERS LOCAL LAW 2008**

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**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF NORTHAM

**STANDING ORDERS LOCAL LAW 2008**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Northam resolved on the 23rd July 2008, to make the following local law.

**PART 1—PRELIMINARY****1.1 Citation**

- (1) This local law may be cited as the *Shire of Northam Standing Orders Local Law 2008*.
- (2) In the clauses to follow, this local law is referred to as “these Standing Orders”.

**1.2 Definitions**

In these Standing Orders unless the context otherwise requires—

- “**Act**” means the *Local Government Act 1995*;
- “**CEO**” means the Chief Executive Officer of the Shire of Northam;
- “**Clause**” means a clause of these Standing Orders;
- “**Council**” means the Council of the Shire of Northam;
- “**Local government**” means the Shire of Northam;
- “**Meeting**” includes any Ordinary or Special Meeting of the Council or any other meeting held in accordance with the Act and properly convened as the Act requires;
- “**Member**” means the President or a Councillor of the Council or in the case of Committees, a member of the Committee appointed in accordance with the Act;
- “**Officer**” is an employed member of the staff of the local government;
- “**President**” includes the Deputy President, in the absence of the President and any Member chosen to preside at any meeting of the Council in accordance with the Act;
- “**Regulations**” means the *Local Government (Administration) Regulations 1996*;
- “**Absolute majority**” has the meaning given to it in the Act;
- “**Simple majority**” is more than 50% of the members present and voting.

**1.3 Repeal**

The following local laws are repealed—

*Shire of Northam Draft Model By-law (Standing Orders) No. 4* published in the *Government Gazette* on 9 August 1974 and as amended and published in the *Government Gazette* on 15 October 1982 and 23 April 1993.

*Shire of Northam Local Laws Relating to Standing Orders* published in the *Government Gazette* on 1 May 1998.

*Town of Northam Local Laws Relating to Standing Orders* published in the *Government Gazette* on 16 January 1998.

**PART 2—APPLICATION OF STANDING ORDERS****2.1 Application**

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

**PART 3—MEETINGS—NOTICE OF BUSINESS****3.1 Notice of meetings—Members to Receive Notice**

Notice of meetings shall be given by the CEO in accordance with the Act.

### **3.2 Notices of Motion—Ordinary and Extraordinary Business**

(1) Members may bring forward business in the form of a written motion, notice of which shall be given in writing or electronically to the CEO, either at the meeting previous to the meeting at which it is intended to move the motion or at any time thereafter, at least two (2) working days before the publication of the Council/Committee Agenda paper.

(2) When a "Notice of Motion" is submitted to the Council/Committee meeting the Council/Committee will only vote on whether the 'Notice of Motion' should be progressed to either the next relevant Council or Committee Meeting.

(3) Other business

No other business will be conducted by Council, unless prior to the President opening the meeting, written notice has been given to each member present at the meeting or the meeting has approved, by absolute majority, the introduction of new business.

### **3.3 Motion to Lapse**

A motion shall lapse unless the member who gave notice is present, unless another member is willing to move the motion when it is called.

### **3.4 Objectionable Business**

If the President at any meeting of the Council is of the opinion that any motion or business proposed is of an objectionable nature, the President may, either before or at the time the matter is brought forward, declare that it shall not be considered.

### **3.5 Business to be Specified on Notice Paper**

Any member may move dissent from such a declaration made from the Chair. On the motion being seconded, the motion to dissent shall be put without debate, and in the event of the motion being carried by a simple majority of the members present, the business referred to shall then be considered immediately, but if the motion is lost, the ruling of the President shall stand.

## **PART 4—RECORDING AND CONFIRMATION OF MINUTES**

### **4.1 Minutes to be kept**

Minutes are to be kept of each meeting's proceedings, confirmed or amended at the next ordinary meeting of the Council or Committee, as the case requires and signed and certified by the person presiding.

## **PART 5—ORDINARY MEETING—ORDER OF BUSINESS**

### **5.1 Order of Business**

The order of business of an ordinary meeting shall be as decided by the President or CEO, unless the Council resolves what the order of business shall be.

### **5.2 Late Business**

In cases of extreme urgency or other special circumstances, late business may, with the consent of the President or at the request of a simple majority of members present be dealt with.

### **5.3 Public Question Time**

In accordance with Section 5.24 of the Act a question time of up to thirty (30) minutes will be held as the first item of business at each ordinary meeting of Council.

### **5.4 Public Statements**

(1) In addition to clause 5.3 members of the public may apply to address the Council on issues listed on the agenda, provided they make application to the CEO, at least twenty-four (24) hours prior to the meeting.

(2) The CEO shall provide a list of members of the public who have applied to address Council, together with the relevant agenda item number, to the President who shall determine the order in which addresses shall take place.

(3) The President may allow or refuse the application by a member of the public to make a public statement.

(4) An address by a member of the public will be limited to five (5) minutes extension of time is permissible only with the agreement of a simple majority of members present.

## **PART 6—MEETINGS—PUBLIC CONDUCT**

### **6.1 Admission and Removal of the Public**

(1) The public is admitted to the Council Chamber on the basis that no expression of dissent or approval, conversation or interruption to the proceedings of the Council shall take place. In the event of any such interruption, the President may use discretion and without a vote of the Council, require those interrupting to withdraw. The person or persons concerned shall immediately withdraw from the Council Chamber. This direction by the President may not be challenged by moving dissent with the ruling and the President's ruling is final.

(2) Any person, not being a member of Council, who interrupts the orderly conduct of the Council who does not withdraw immediately upon being called by the President to withdraw from the Council Chamber, may, by order of the President, be removed from the Council Chamber.

**PART 7—ROLE OF THE PRESIDENT****7.1 Directions by the President**

(1) At any meeting of the Council, the President shall have the right to direct attention to any matter of interest or relevance to the business of the Council or propose a change to the order of business.

(2) Any member may move that a change in order of business proposed by the President not be accepted and if carried by a simple majority of members present, the proposed change in order will not take place.

**7.2 President to Take Part in Debates**

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

**7.3 Precedence of President**

When the President rises during the progress of a debate, any member then speaking, or offering to speak, shall immediately cease and every member shall preserve strict silence so that the President may be heard without interruption. This clause shall not be used by the President to exercise the right provided in Clause 7.2, but should be used to preserve order.

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

Except where expressly denied in these Standing Orders or the Act and Regulations, a member may move a procedural motion to disagree with a ruling given by the President. The President must immediately call for a seconder and put the motion without debate.

**PART 8—CONDUCT OF MEMBERS****8.1 Debate—Maintenance of Order—Imputations—Offensive Expressions**

(1) No member at a Council or committee meeting or other organised event and members of the public are present must not, either orally or in writing or by other means—

- (a) Make a statement that a local government employee is incompetent or dishonest; or
- (b) Use offensive or objectionable expressions in reference to a local government employee.

(2) No member may impute motives or use offensive or objectionable expressions in reference to any member or any other person.

**PART 9—CONDUCT OF MEMBERS DURING DEBATE****9.1 Members to rise**

A member or officer shall stand when speaking during a Council meeting (excluding Committee meetings). This provision will not apply where a member or officer has a disability which prevents that person standing.

**9.2 Relevance**

Every member shall restrict their remarks to the motion or amendment under discussions, or to an explanation or point of order.

**9.3 Limitation of Number of Speeches**

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

**9.4 Limitation of Duration of Speeches**

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

**9.5 Members Not to Interrupt**

No member is to interrupt another member whilst speaking unless—

- (a) To raise a point of order;
- (b) To call attention to the absence of a quorum; or
- (c) To make a personal explanation under clause 16.1.

**PART 10—PROCEDURES FOR DEBATE OF MOTIONS****10.1 Motions to be read**

A member who intends to submit a substantive motion or amendment to a substantive motion, shall read the text before speaking to it. If a recommendation has been presented in writing and not altered, then the substantive motion may be moved as printed.

**10.2 To be seconded**

No motion or amendment to a substantive motion shall be in order, or be open to debate until it has been seconded except in Council Committees where clause 17.12 applies.

**10.3 Only One Substantive Motion Considered**

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

**10.4 Order of Call in Debate**

The President will call speakers to a substantive motion in the following order—

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

**10.5 Limit of Debate**

The President may offer the right of reply and put the motion to the vote, if the President believes sufficient discussion has taken place even though all members may not have spoken.

**10.6 Secunder Requesting Right to Speak**

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

**PART 11—PROCEDURAL MOTIONS****11.1 Permissible Procedural Motions**

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

- (a) That the question be now put;
- (b) That the Council moves into a Committee of the whole;
- (c) That the ruling of the President (or person chairing the meeting) be disagreed with;
- (d) That the motion lie on the table;
- (e) That the Council meet behind closed doors.

**11.2 Reason for Closure to be Stated**

A member who moves a procedural motion under clause 11.1(e) shall state the reason for moving the motion and this must relate to a matter contained in Section 5.23(2) of the Act.

**11.3 Procedural Motions not Required in Writing**

Procedural motions are not required to be presented in writing.

**11.4 Procedural Motions—Recording in Minutes**

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

**11.5 Procedural Motions—Majority Required**

Any procedural motion shall be carried by the simple majority of members present voting in the affirmative.

**11.6 Procedural Motions—Closing Debate—Who May Move**

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

**11.7 Procedural Motions—Right of Reply**

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

**11.8 Procedural Motions—Right of Reply on Substantive Motion**

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

**PART 12—EFFECT OF PROCEDURAL MOTIONS****12.1 That the Question be Now Put—Effect of Motion**

- (1) This motion, having been carried during discussion on a substantive motion without amendment, will cause the President to offer the right of reply and then immediately put the question under consideration without further debate.
- (2) This motion, having been carried out during discussion on an amendment, will cause the President to put the amendment to the vote without further debate.
- (3) This motion, having been lost, will allow debate to continue.

**12.2 That the Council Move into a Committee of the Whole—Effect of Motion**

This motion, having been carried, will allow free and open discussion on the matter before the meeting. There will be no restriction on the number of times each member may speak, provided that normal courtesy and order is maintained. Any decisions made during the time that the Council sits in Committee of the whole must be formally agreed by a substantive motion when the Council moves out of Committee of the whole.

**12.3 That the Ruling of the President be Disagreed With—Effect of Motion**

- (1) This motion, having been carried, will cause the ruling of the President about which this motion was moved, to be reversed and for the meeting to proceed accordingly.
- (2) Where the President has given a ruling, in strict accordance with the Act and Regulations, this motion may not be moved.

**12.4 That the Motion Lie on the Table—Effect of Motion**

- (1) This motion having been carried, will cause debate on the substantive motion and any amendment to cease immediately and for the meeting to proceed to the next business.
- (2) Any member may raise the motion from the table, by giving appropriate notice of motion for any meeting in the future.
- (3) When a motion is raised from the table, the mover of the original substantive motion, or in the absence of the original mover, the person moving this procedural motion, is given the opportunity to reintroduce the matter, after which debate shall continue according to these Standing Orders.

**12.5 That the Council Meets Behind Closed Doors—Effect of Motion**

- (1) This motion, if carried, causes the general public and any officer or employee the Council or committee determines, to leave the room.
- (2) While a decision made under this clause is in force the operation of clause 9.3 limiting the number of speeches a member may make, is suspended unless the Council decides otherwise.
- (3) Upon the public again being admitted to the meeting the person presiding, unless the Council or committee decides otherwise, is to cause the motions passed by the Council or committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.

**PART 13—DECISION MAKING PROCEDURES****13.1 Order of Amendments**

Any number of amendments may be proposed to a motion, but whenever any amendment is made upon a substantive motion, no second or subsequent amendment shall be moved or considered until the first amendment has been disposed of.

**13.2 Substantive Motion**

If an amendment to a substantive motion is carried, the motion as amended, shall be submitted as the substantive motion and shall become the question before the Council upon which any member may speak and any further amendment may be moved.

**13.3 Repetition of Motions**

No motion or amendment shall be proposed which is the same in substance as a motion or amendment which has been resolved during the same sitting of Council.

**13.4 Consent of Secunder Required to Accept Alteration of Wording**

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

**13.5 Withdrawal of Motion and Amendments**

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

**13.6 Limitation of Withdrawal**

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

**13.7 Authority for Withdrawal**

A motion or amendment to a motion shall not be withdrawn in the absence of any member who proposed it, except with that member's written authority.

**13.8 Right of Reply**

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

**13.9 Right of Reply Provisions**

The right of reply shall be governed by the following provisions—

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

**13.10 Amendments Must not Negate Original Motion**

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

**13.11 Mover of Motion not to Speak on Amendment**

On an amendment being moved, any member may speak to the amendment, except the person who moved the substantive motion who is only entitled to a right of reply except, that if the member who moved the substantive motion does choose to speak to the amendment, their right of reply is forfeited.

**13.12 Question—When Put**

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

**13.13 Question—Method of Putting**

If a decision is not clear or in doubt, the President shall put the question as often as necessary to determine the decision from a show of hands before declaring the question.

**PART 14—POINTS OF ORDER****14.1 Points of Order—When to Raise—Procedure**

Upon a matter or order arising during the progress of debate, any member may raise a point of order including interrupting the speaker. A member who is speaking when a point of order is raised, shall immediately cease while the President listens to the point of order.

**14.2 Points of Order—Definitions**

A difference of opinion or a contradiction of a speaker, shall not be recognised as a point of order, but the following shall be recognised as valid points of order—

- (a) That the discussion is of a question not before the Council;
- (b) The offensive or insulting language is being used; or
- (c) Drawing attention to the violation of any local law or Standing Order of the Council, providing that the member raising the point of order shall state the local law or Standing Order believed to be breached.

**14.3 Points of Order—Ruling**

The President shall give a decision on any point of order, after the point has been raised by either upholding or rejecting the point of order.

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

The ruling of the President upon any question of order shall be final, unless a simple majority of the members present support a motion of dissent with the ruling.

**14.5 Points of Order—Motion Against Ruling Procedure**

An objection having been taken to the ruling of the President, the member so objecting may immediately move dissent with the ruling. Should the motion be seconded it shall be put to the vote immediately and the result of the vote, whether in support of the ruling or otherwise, shall determine the action of the Council.

**14.6 Points of Order Take Precedence**

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

**PART 15—ADJOURNMENT OF MEETING****15.1 Meeting may be Adjourned**

The Council may, upon a motion moved and seconded, adjourn any meeting to a later hour of the same day or to any time not more than seven (7) days from the date of adjournment.

**15.2 Notice of Adjourned Meeting**

When a meeting is adjourned, if time permits, notice of the adjourned meeting shall be forwarded to each member in accordance with the Act.



**15.3 Business at Adjourned Meeting**

At an adjourned meeting, no additional business shall be discussed except that which was on the original notice paper for that meeting.

**15.4 Limit to Moving Adjournment of Council**

No member shall be allowed to move or second more than one motion of adjournment during the same sitting of the Council.

**15.5 Unopposed Business—Motion for Adjournment of Council**

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

**15.6 Withdrawal of Motion for Adjournment of Council**

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

**PART 16—PERSONAL EXPLANATION****16.1 Personal Explanation**

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

**16.2 Personal Explanation—When Heard**

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

**16.3 Ruling on Questions of Personal Explanation**

The ruling of the President on the admissibility of a personal explanation shall be final, unless a motion of dissent with the ruling is moved before any other business proceeds.

**PART 17—COMMITTEES OF COUNCIL****17.1 Establishment and Appointment of Committees**

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

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

**17.2 Appointment of Deputy Committee Members**

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

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

**17.3 Reports of Committees to be Taken as Read**

(1) The reports and recommendations of every Committee shall, when presented to the Council, be taken as read.

(2) The confirmation and adoption of recommendations of the Committee shall be moved by—

- (a) The Presiding Member of each Committee;
- (b) or if absent, another member of the Committee;
- (c) or if no member of the Committee is present, a member of the Council nominated by the President.

(3) It shall not be necessary to second the motion for adoption.

**17.4 Procedure of Report of Committees**

(1) Upon the consideration by the Council of any report or recommendations of a Committee, the President shall, without further motion, put the recommendations, in their numerical order, unless the Council shall otherwise determine.

(2) Each item adopted by the Council shall become a resolution of the Council.

**17.5 Withdrawal, Correction and Amendments of Committees**

(1) In moving, the adoption of a recommendation of any Committee, the mover may not propose any amendment to any recommendation, except for the correction of a verbal or clerical error.

(2) The Presiding Member of a Committee, may be excused from moving the adoption if the Presiding Member wishes to move an amendment to it. In that case, another member may move the confirmation and adoption of the recommendation.

(3) The Presiding Member or other members of a Committee bringing up a recommendation may move the confirmation and adoption of the recommendation.

#### **17.6 Reports of Committees—Questions**

When a recommendation of any Committee of the Council is submitted for confirmation and adoption, any member may direct questions directly relating to the recommendation through the President, to the Presiding Member or any member of the Committee bringing up the recommendation. No argument or speeches are permitted.

#### **17.7 Procedure on Amendments on Reports of the Committees**

When an amendment is proposed with reference to the adoption or otherwise of any recommendation of any Committee, the amendment shall be disposed of before the other proceedings of the Committee are considered.

#### **17.8 Non-Related Motions on Reports of Committees**

A member may not move any motion on any report or recommendation of any Committee which does not relate to the recommendations presented by the Committee.

#### **17.9 Recommendations of Committees—Inspection of Plans**

All plans referred to in the recommendations of the Committee that may require the consideration of the Council, shall lay on the table of the Council Chamber for the inspection of members at the meeting at which the matter is being considered.

#### **17.10 Committee Procedure**

Each Committee may, subject to the Act and Regulations, these Standing Orders and any resolution made by the Council, regulate its own procedure.

#### **17.11 Rights and Responsibilities of Members who are not Committee Members**

Members who are not members of a Committee may participate in the meeting, only at the invitation of the Presiding Member but they are not entitled to vote.

#### **17.12 Standing Orders to Apply to Committees**

These Standing Orders shall apply generally to the proceedings of Committees of the Council except that—

- (a) The requirement for members to speak only once shall not be applied in meetings of Committees;
- (b) The requirement for motions and amendments to be seconded shall not be applied in meetings of Committees;
- (c) The requirement to stand whilst speaking to a motion shall not apply, unless directed to do so by the Presiding Member.

### **PART 18—ADMINISTRATIVE MATTERS**

#### **18.1 Suspension of Standing Orders**

- (a) The mover of a motion to suspend any Standing Order or Orders, shall state the Standing Order or Orders to be suspended and the purpose of the suspension;
- (b) A motion to suspend, temporarily, any one or more of the Standing Orders regulating the proceedings and business of the Council, must be seconded, but the motion need not be presented in writing.

#### **18.2 Cases Not Provided for in Standing Orders**

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

#### **18.4 Duty of Chief Executive Officer**

It is the duty of the CEO to draw the attention of the Council to any breach or likely breach of these Standing Orders, even if it requires interrupting any person speaking, including the President.

### **PART 19—OFFENCES AND PENALTIES**

#### **19.1 Offences and Penalties**

Any contravention of this Local Law is an offence punishable in conviction by a penalty not exceeding \$5,000.00.

Dated this 23rd July 2008.

The Common Seal of the Shire of Northam is hereunto affixed by authority of a resolution of Council in the presence of—

Cr S. B. POLLARD, Shire President.

GARY P. BRENNAN, Acting Chief Executive Officer.