



Shire of
Katanning

Standing Orders Policy

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PART 1 - PRELIMINARY

1.1 SHORT TITLE

The proceedings and business of the Council shall be conducted according to this Policy referred to as “the Standing Orders”

1.2 INTERPRETATION

In this Policy, unless the context otherwise requires –

“Act” means the Local Government Act 1995;

“Absolute Majority” means a majority comprising enough of the Members for the time being of the Council for their number to be more than 50% of the number of offices (whether vacant or not) of Member of the Council;

"CEO" means the Chief Executive Officer of the Council;

"Committee" means any Committee appointed in accordance with the provisions of Part 5 Division 2, Subdivision 2 of the Local Government Act 1995;

"Council delegate" means a Councillor or officer of the Council appointed as a delegate or representative of the Council on or to any external body, conference or meeting;

"Councillor" means a Councillor of the Council;

"President" unless the context otherwise requires, includes in the absence of the President the Deputy President or the Councillor chosen by the Council to preside at a meeting of the Council;

"Meeting" includes any Ordinary or Special meeting of the Council or of a Committee held pursuant to the Act;

"Member" means a Councillor, or in the case of a committee, a member of the committee;

"Minor amendment" in relation to a motion to amend another motion ("the primary motion") shall be one which does not alter the primary or basic intent of the primary motion as determined by the person presiding at the meeting;

“Negatived motion” means a motion which, having been voted upon, is declared as lost.

"Ordinary Meeting" has the meaning given to that term in Clause 2.2;

"Special Meeting" has the meaning given to that term in Clause 2.2; “Shire” means the Shire of Katanning;

"Urgent business" means business dealt with in accordance with the provisions of Clause 4.9;

"Without discussion" means without debate but does not preclude a Councillor from asking such questions as the person presiding at the meeting permits, with there being no discussion, debate or challenge on the ruling of the person presiding.

PART 2 - MEETINGS OF COUNCIL

2.1 PRESIDENT TO PRESIDE

Subject to the Act the President, or if the President is not available or is unable or unwilling the Deputy President, or if the Deputy President is not available or is unable or unwilling a Councillor chosen by the Councillors present, shall preside at any meeting of the Council **(sections 5.6, 5.34 and 5.35 of the Act)**.

2.2 KIND OF MEETING AND CALLING OF MEETING

(1) Meetings of the Council shall be of two kinds, "Ordinary" and "Special".

(a) Ordinary Meetings are those called under **subsection 5.5(1)** of the Act at such place and at such times as the Council, from time to time, appoints for the transaction of the ordinary business of the Council.

(b) Special Meetings are those called under **subsection 5.5(2)** of the Act to consider special business, the nature of which shall be specified in the notice convening the meeting. Subject to the provisions of the Act and these Standing Orders relating to the revocation or alteration of a resolution, no business shall be transacted at a Special Meeting other than that for which the Special Meeting has been called.

2.3 CALLING OF MEETING PROCEDURES

(1) An Ordinary or Special Meeting shall be held if so decided by the Council. **(S5.4(b))**

(2) An Ordinary or Special Meeting of the Council shall also be held if called for by either -

(i) the President; or

(ii) at least one third of the Councillors, in a notice to the CEO setting out the date and purpose of the proposed meeting. **(S5.4(a))**

2.4 NOTICE OF ORDINARY MEETING

(1) Notice of an Ordinary Meeting of the Council shall be given to Members in writing and shall be signed by the CEO, and shall state the date, time, and place of holding the meeting, and shall contain an Agenda. The notice shall be given to each of the Members together with a copy of the Business Papers (if any) at least 72 hours before the time of the commencement of the meeting. **(S5.5(1))**

(2) The Business Papers for an Ordinary Meeting of the Council shall be made available for inspection during office hours at the office of the Council from the time of service of the Agenda on Members. **(S5.25(J)) and Admin. Reg. 14**

2.5 CALLING OF SPECIAL MEETING

(1) The CEO is to convene a Special Meeting by giving each Member notice, before the meeting, of the date, time, place and purpose of the meeting. **(S5.5(2))**

(2) Notice of a Special Meeting may be given at any time prior to the time of the meeting given in the notice.

(3) Notice of a Special Meeting should be given in writing if the time available for giving notice and the circumstances permit.

2.6 NOTICE OF ADJOURNED MEETING

When a meeting of the Council is adjourned by Council to a day and hour other than the next Ordinary Meeting of the Council, notice of the adjourned meeting shall, if time permits, be sent in the manner provided by subsection 2.5(1) of these Local Laws, to each Councillor, specifying the nature of the business to be transacted.

2.7 NOTICES

Where the Standing Orders provide for a notice or any other paper or thing to be given or delivered to or served upon a Member, unless the context or the Act otherwise require, the notice, paper or thing may be:

- (a) delivered to the Member personally or to the Member's ordinary residence or other designated place in Western Australia within the minimum time stipulated; or
- (b) sent by facsimile or other means of electronic transmission as may be operable from time to time or posted to the ordinary residence or the usual place of business (if any) of the Member within the District.

Where the notice, paper or thing is sent:

- (a) by delivery to the ordinary residence or by facsimile or other electronic transmission, it shall be considered to have been given, delivered or served at the time of delivery or transmission;
- (b) by post, it shall be considered to have been given, delivered or served within the time stipulated if it is posted by prepaid post to the Member's ordinary residence in Western Australia not less than 2 Council working days before expiration of the minimum time stipulated.

PART 3 - QUORUM

3.1 NUMBER REQUIRED FOR QUORUM

(1) 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 a Committee. **(S.5.19).**

(2) The Minister may reduce the number of offices of Member required for a quorum at a Council meeting specified by the Minister if there would not otherwise be a quorum for the meeting. **(S.5.7(1)).**

(3) The Minister may reduce the number of offices of Member required at a Council meeting to make a decision specified by the Minister if the decision is one which would otherwise be required to be made by an absolute majority and a sufficient number of Members would not otherwise be present at the meeting. **(S.5.7(2)).**

(4) The Council may resolve by absolute majority to reduce the number of offices of Committee member required for a quorum at a Committee meeting specified by the local government if there would not otherwise be a quorum for the meeting. **(S.5.15).**

3.2 QUORUM MUST BE PRESENT

(1) The Council shall not transact business at a meeting unless a quorum is present.

(2) Subject to the provisions of Clause 3.2(3) every meeting shall proceed to business at the time appointed in the notice of meeting.

(3) If at the expiration of half an hour from the time fixed for the commencement of a meeting of the Council a quorum is not present, the President or in the President's absence, the Deputy President, or in the Deputy President's absence, the majority of Councillors present, or any Councillor present alone, or in the absence of the President and all the Councillors, the CEO or a person authorised by the CEO, may adjourn the meeting to some future time or date. Business which could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting or at the next Ordinary Meeting if that occurs first. If the business is transacted at the next Ordinary Meeting the adjourned meeting shall lapse.

3.3 LOSS OF QUORUM DURING MEETING

(1) Count Out

If at any time during a meeting of the Council a quorum is not present, the President upon becoming aware of that fact shall thereupon suspend the proceedings of the meeting for a period of ten (10) minutes and if a quorum is not present at the expiration of that period, the meeting shall be deemed to have been counted out, and the President shall adjourn it to some future time or date.

(2) Debate on Motion to be Resumed

Where the debate on any motion, is interrupted by the Council being counted out, that debate shall be resumed at the next meeting at the point where it was so interrupted. Where the interruption occurs at an Ordinary Meeting the resumption shall be at the next Ordinary Meeting unless a Special Meeting is called earlier for the purpose. Where the interruption is at a Special Meeting, the resumption shall 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.

3.4 NAMES TO BE RECORDED

At any meeting at which there is not a quorum of Councillors present, or at which the Council is counted out for want of a quorum, the names of the Councillors then present shall be recorded in the Minute Book.

PART 4 - BUSINESS OF THE MEETING

4.1 BUSINESS AT ORDINARY MEETING

No business shall be transacted at any meeting of the Council other than specified in the notice relating thereto, except -

(a) matters which the Act permits to be dealt with without notice; and

(b) matters which these Local Laws expressly permit to be dealt with without notice.

(c) the order of business at an Ordinary Meeting of the Council shall, unless for the greater convenience of the Council, altered by resolution to that effect, be nearly as practicable to the order, as detailed in Clause 4.2

4.2 ORDER OF BUSINESS

1. Declaration of Opening / Announcement of Visitors.
2. Record of Attendance.
3. Response to previous public questions taken on notice.
4. Disclosure of Financial/Impartiality Interests
5. Public question/statement time.
6. Applications for Leave of Absence
7. Petitions/Deputations/Presentations
8. Confirmation of Minutes of previous meetings.
9. Announcements by Presiding Member without discussion.
10. Reports of Committees and Officers.
11. Elected Members Motions of which previous notice has been given.
12. New business of an urgent nature introduced by decision of Meeting:
13. Confidential Business.
14. Closure of Meeting.

4.3 ORDER OF BUSINESS AT SPECIAL MEETING

The order of business at any Special Meeting of the Council shall be the order in which that business stands in the notice of the meeting.

4.4 BUSINESS AT ADJOURNED MEETING

At an adjourned meeting of the Council no business shall be transacted other than that specified in the notice of the meeting of which it is an adjournment, and which remains indisposed of, save and except in the case of an adjournment to the next Ordinary Meeting of the Council, when the business undisposed of at the adjourned meeting shall have the precedence at such Ordinary Meeting.

4.5 PUBLIC QUESTION / STATEMENT TIME

(1) Public Question / Statement Time

(1) A minimum of fifteen minutes shall be allocated for issues to be raised by members of the public and responded to at -

- (a) every Ordinary Meeting of the Council;
- (b) every Special Meeting of the Council; and
- (c) every meeting of a Committee to which the Council has delegated a power or duty;

(2) The Council or Committee may extend the time by resolution on a motion without notice, and in any event the time shall be extended without the necessity for a resolution to allow an equal opportunity of time to each member of the public who wishes to raise an issue.

(3) Once all the issues raised by members of the public have been presented and responded to at a meeting, any unused portion of the time period may be used for other matters.

(4) Each member of the public who wishes to raise an issue at a meeting referred to in paragraph (1) shall be given equal and fair opportunity to raise the issue and receive a response.

(5) Nothing in paragraph (4) requires -

- (a) the Council to answer a question that does not relate to a matter affecting the Shire;
- (b) the Council at a Special Meeting to answer a question that does not relate to the purpose of that meeting; or
- (c) a Committee to answer a question that does not relate to a function of that Committee.

(6) Subject to the procedural matters previously set out in this subsection, the procedures for the raising of and responding to issues raised by members of the public at a meeting referred to in paragraph (1) are to be determined by the person presiding at the meeting;

(7) Every reasonable effort should be made to provide a substantive response to an issue raised by a member of the public, but if the meeting is unable to provide an informative response to the whole of the issue, it may -

(a) respond to that part (if any) for which it has a substantive response;

(b) respond otherwise that the response or part to which no substantive response has been supplied will be responded to substantively in a manner and at a time indicated.

(8) If the written registration of interest in raising an issue is given to the CEO not less than two working days before the meeting at which the issue is to be raised, then the response to the issue at the meeting shall be a substantive response.

(2) Questions and Answers to be Brief

All questions and answers shall be given as briefly and concisely as possible, and no discussion shall be allowed thereon. Questions requiring a written response shall be taken on notice and responded to as soon as practicable thereafter. Action taken shall be noted on the Order of Business at the following Ordinary Meeting of the Council in relation to written responses.

4.6 DEPUTATIONS / PRESENTATIONS

(1) Any person or persons wishing to be received as a deputation by Council shall, in the first instance, send to the CEO a memorial, setting out the subject matter to be raised by the deputation in concise terms, but nevertheless in sufficient detail to enable the Council to have a general understanding of the purpose of the deputation.

(2) Where the CEO receives a memorial in terms of the preceding subsection but not otherwise, the CEO shall refer it to the Presiding Member of the appropriate meeting, and

(a) give a precis of the memorial to that person;

(b) recommend, with an explanation, whether or not the deputation should be received; and

(c) request advice from the Presiding Member within a stated time whether or not he or she considers the deputation should be received.

(3) In the event that the Presiding Member indicates agreement, the person or persons wishing to be received as a deputation shall be invited to meet the Council at its next meeting.

(4) A deputation shall not exceed five in number and only two thereof shall be at liberty to address the Council except in reply to questions from Councillors and the matter shall not be further considered by the Council, until all other business of the meeting has been finalised.

(5) A Council shall not make a resolution arising from the subject of a deputation at the meeting at which the deputation is received unless the matter is the subject of an officer report contained in the Agenda

4.7 PETITIONS

(1) Every petition shall be respectful and temperate in its language and shall be presented to the CEO or Council by a Member who shall acquaint himself or herself with the contents thereof and ascertain that it does not contain language disrespectful to the Council.

In addition, any individual may present a petition in the form mentioned in Clause 4.7(2) direct to the CEO who shall inform the President of the content of the petition and any action taken in response to the subject matter contained in the petition.

(2) A petition must -

- (a) contain the name, address and signature of each petitioner; and
- (b) have the name of the person who lodged the petition with the Council shown at the top of each page thereof but need not otherwise be in any particular form.
- (c) On the presentation of a petition, the Councillor presenting it shall be confined to reading the petition, and the only motions that are in order are that the petition be received and if necessary that it be referred for officer report.

4.8 NOTICES OF MOTION

(1) Giving Notice of Motion

(1) Unless the Act or these Local Laws otherwise provide, a Member may only bring forward at a meeting such business as he or she considers advisable in the form of a motion of which notice has been given in writing to the CEO.

(2) Except in the case of a Special Meeting of the Council, notice of motion shall be given either -

- (a) at the last previous Council meeting; or
- (b) at least 7 clear working days before the meeting at which it is to be brought forward.

(3) Every notice of motion shall relate to some question affecting the constitution, administration or condition of the Shire or the Council, or as otherwise authorised by written law.

(2) Exclusion or Amendment of Notices

(1) The CEO, with the concurrence of the President, may exclude from the agenda paper of the Council any notice of motion which contravenes, or may potentially contravene, any provision of the standing orders or any provision of any legislation, or which may have the potential to expose Council, Councillors or staff to legal action.

The CEO may, on his or her own initiative, make such amendments to the form, but not the substance, of the notice of motion as will bring it into due form. If any notice of motion is excluded under this clause, the CEO is to provide the reason for so doing to all Members as soon as practicable.

(2) No notice of motion shall be deemed informal by reason of the question or issue involved being considered objectionable, or by reason of its having relation to a matter not within the scope of the ordinary work of the Council, so long as, in the opinion of the President, such matter is one of public interest, utility or importance.

(3) Motion to Lapse

Any motion of which notice has been given shall lapse unless -

- (a) the Member who gave notice thereof, or some other Member authorised by the Member in writing, is present to move the motion when called on; or
- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

(4) Dealing with Lapsed Motion

(1) If a notice of motion is given and lapses in the circumstances referred to in the preceding subsection, notice of motion in the same terms or to the same effect may be given for consideration at a subsequent meeting of the Council.

(2) If a motion lapses and is in the same terms or to the same effect as a motion which lapsed at a previous meeting of the Council, the Council shall not entertain a motion in the same terms or to the same effect at a subsequent meeting until at least three months have elapsed from the date of the meeting at which the motion last lapsed. This provision shall not apply to motions to revoke or alter a resolution.

(5) Amendments to Notice of Motion

(1) An amendment other than a minor amendment to a motion of which Notice of Motion has been given in accordance with subsection 4.8(1) shall not be considered at a meeting unless notice in writing of the amendment is received by the CEO no later than 12.00 noon on the last day preceding the day of the meeting at which the relevant motion is to be considered, excluding any day on which the Council's Administrative Office is not open for business, in which instance notice may be given no later than 12.00 noon on the day of the relevant meeting.

(2) The President shall decide whether any amendment moved without notice given in accordance with the preceding paragraph of this subsection is a minor amendment but the Council may dissent from the President's ruling in accordance with the provisions of Clause 11.5.

4.9 URGENT BUSINESS

(1) When Introduced

A Member may move a motion that urgent business that is not included in the Agenda Paper for that meeting be dealt with by the Council provided that:

- (i) the urgency of the business is such that the business cannot await inclusion in the Agenda Paper for the next meeting of the Council; or
- (ii) if the business was to be deferred to the next meeting, such delay could result in legal or financial implications to the Shire;

(2) When Absolute Majority Required

If, at an Ordinary Meeting, a Councillor objects that a motion introduced as urgent business and moved without notice does not deal with urgent ordinary business within the meaning of that term in Clause 4.9(1)(i) or (ii) of these Local Laws, the motion shall be of no effect unless it is agreed to at the meeting by an absolute majority of the Councillors of the Council.

4.10 CONFIDENTIAL BUSINESS

(1) Obligation of Confidentiality

Every matter dealt with by, or brought before the Council sitting otherwise than with open doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the President, Councillors, or employees of the Council (and in the case of employees, only so far as may be necessary for the performance of their duties) prior to the discussion of that matter at a meeting of the Council held with open doors.

(2) CEO Restricting Documents

Any report, document or correspondence which is to be placed before the Council and which is in the opinion of the CEO of a confidential nature may at the CEO's discretion be marked as such and shall then be treated as strictly confidential and shall not without the authority of the Council be disclosed to any person other than the President, Councillors or officers of the Council.

PART 5 - PUBLIC ACCESS TO AGENDA MATERIAL

5.1 INSPECTION ENTITLEMENT

(1) 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 shall be 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 clause 5.1(1) entitles members of the public to inspect the information referred to in that clause if, in the opinion of the CEO, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public.

5.2 CONFIDENTIALITY OF INFORMATION WITHHELD

(1) Information withheld by the CEO from members of the public under Regulation 14.2, of the Regulations, is to be -

- (a) identified in the agenda of a Council or committee meeting under the item "Confidential Items"; and
- (b) marked "confidential" in the agenda.

(2) A Member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

Penalty of up to a maximum of \$5,000 (*Admin Reg 14*)

PART 6 - OPEN DOORS - EXCEPT AS PROVIDED

6.1 GENERAL OBLIGATION

Subject to the provisions of Clause 6.2 and 6.3 the business of the Council shall be conducted with open doors. **(S5.23(1))**

6.2 RESOLUTION TO CLOSE DOORS

The Council may by resolution decide to conduct behind closed doors any business of a meeting dealing with any of the matters referred to in **section 5.23(2)** of the Act.

6.3 PERSONS TO LEAVE CHAMBER

Upon the carrying of a resolution referred to in Clause 6.2 the President shall direct all persons other than Councillors, the CEO and any other person nominated in the resolution to leave the Council Chamber and every such person shall forthwith comply with the direction.

6.4 REMOVAL OF PERSON BY ORDER

Any person who fails to comply with the direction made pursuant to Clause 6.3 may, by order of the President be removed from the Council Chamber.

6.5 DURATION OF CLOSURE

(1) After the carrying of a resolution referred to in Clause 6.2 at a meeting, the business of that meeting of the Council shall proceed behind closed doors, until the Council, by resolution, decides to proceed with open doors.

(2) If the resolution was to conduct specified business behind closed doorsthe meeting shall revert to open doors upon the completion of the specified business unless the Council resolves to do so earlier.

6.6 NOTICE OF MOTION NOT REQUIRED

Any resolution mentioned in this section may be moved without notice.

6.7 CONDUCT OF BUSINESS BEHIND CLOSED DOORS

(1) The following business shall be conducted behind closed doors unless the Council in any particular case resolves otherwise:

- (a) matters of a personal nature dealing with the conduct in employment of an employee of the Council or the relationship or contract with the Council of an employee;
- (b) consideration of legal advice;
- (c) any matter which in the opinion of the person presiding at the meeting requires consideration of the personal private affairs of a person in circumstances likely to cause unreasonable embarrassment to that person if the consideration did not occur behind closed doors; and
- (d) 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.

(2) The Council may in any case resolve to conduct behind closed doors any other matter referred to in section **55.23(2)** of the Act.

6.8 RECORDING DECISION IN MINUTE

A decision to close a meeting or part of a meeting and the reason for the decision shall be recorded in the minutes of the meeting.

PART 7 - CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

7.1 OFFICIAL TITLES TO BE USED

Members and employees of the Council are to speak of each other at Council meetings by their respective titles.

7.2 MEMBERS TO OCCUPY OWN SEATS

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

7.3 LEAVING MEETINGS

During the course of a meeting of the Council or a committee no member is to enter or leave the meeting without first an acknowledgment to the person presiding, in order to facilitate the recording in the minutes of the time, and at the specific place of the Agenda of entry or departure.

7.4 ADVERSE REFLECTION

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

(2) No member of the Council is to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.

(3) If a member of the Council specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the person presiding is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.

7.5 PREVENTION OF DISTURBANCE

(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 person presiding whenever called upon to do so.

Penalty of up to a maximum of \$1,000

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

Penalty of up to a maximum of \$1,000

7.6 DISTINGUISHED VISITORS

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

7.7 OBJECTIONABLE BUSINESS

(1) If the President at any meeting of the Council is of the opinion, or a Councillor draws to the President's attention, that any motion or business proposed to be made or transacted thereat is of an objectionable character, the President either before or after the same is brought forward may declare that the same shall not be entertained.

(2) Any Member of the Council may move dissent from the declaration made from the Chair, whereupon the motion to dissent shall forthwith be put without debate.

(3) In the event of the dissent being carried by a majority of the Members present, the business referred to shall thereupon be entertained but not otherwise.

PART 8 - CONDUCT OF MEMBERS DURING DEBATE

8.1 MEMBERS TO INDICATE

(1) Any Member wishing to speak shall indicate by raising a hand. When invited by the President to speak, the Member shall stand and address the Council through the President. It shall not be a requirement for the President to rise to address the Council.

(2) Any Member unable to stand conveniently because of sickness or disability shall be permitted to sit while speaking.

8.2 PRIORITY

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

8.3 THE PERSON PRESIDING TO TAKE PART IN DEBATES

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

8.4 RELEVANCE

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

8.5 LIMITATION OF NUMBER OF SPEECHES

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

8.6 LIMITATION OF DURATION OF SPEECHES

All addresses are to be limited to a maximum of five (5) minutes. One five minute extension of time is permissible only with the agreement of a simple majority of members present.

8.7 MEMBERS NOT TO SPEAK AFTER CONCLUSION OF DEBATE

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

8.8 MEMBERS NOT TO INTERRUPT

No member of the Council is to interrupt another member of the Council whilst speaking unless -

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 9.16; or
- (d) to move a motion under Clause 10(1).

PART 9 - PROCEDURES FOR DEBATE OF MOTIONS

9.1 MOTIONS TO BE SUPPORTED

No motion or amendment to a substantive motion is open to debate until it has been seconded, or, in the case of a motion to revoke or change the decision made at a Council meeting, unless the motion has the support required under Regulation 10 of the Local Government (Administration) Regulations 1996, as detailed in Clause 16(4) of these Standing Orders.

9.2 UNOPPOSED BUSINESS

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

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

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

(4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part (Part 9).

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

9.3 ONLY ONE SUBSTANTIVE MOTION CONSIDERED

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

9.4 BREAKING DOWN OF COMPLEX QUESTIONS

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

9.5 ORDER OF CALL IN DEBATE

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

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

9.6 LIMIT OF DEBATE

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

9.7 MEMBERS MAY REQUIRE QUESTIONS TO BE READ

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

9.8 CONSENT OF SECONDER REQUIRED TO ACCEPT ALTERATION OF WORDING

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder. Minor changes to the wording of a motion, as agreed by the mover and seconder, may be accepted by the person presiding if the changes do not alter the intent of the motion and there is no dissent from the members present.

9.9 ORDER OF AMENDMENTS

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

9.10 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.

9.11 MOVER OF MOTION MAY SPEAK ON AMENDMENT

If the mover of an original motion (mover) speaks to an amendment to it, this does not serve to close the debate or to bar the subsequent right of reply to the debate on the motion. This is provided that the mover indicates that he or she intends speaking only to the amendment and that the mover's remarks are confined to the amendment.

9.12 SUBSTANTIVE MOTION

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

9.13 WITHDRAWAL OF MOTION AND AMENDMENTS

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

9.14 LIMITATION OF WITHDRAWAL

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

9.15 PERSONAL EXPLANATIONS

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

9.16 PERSONAL EXPLANATIONS - WHEN HEARD

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

9.17 RULING ON QUESTIONS OF PERSONAL EXPLANATION

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

9.18 RIGHT OF REPLY

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

(2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

9.19 RIGHT OF REPLY PROVISIONS

The right of reply is governed by the following provisions-

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

9.20 FORESHADOWED MOTIONS

During the course of debate on an amendment to a motion, a member may give notice of intention to move a motion or amendment when the question before the meeting is decided.

The foreshadowed motion or amendment shall not be considered unless it is accepted as a minor amendment to the original motion or notice in writing is received by the CEO no later than 12.00 noon on the last day preceding the day of the meeting at which the relevant motion is to be considered, excluding any day on which the Council's Administrative Office is not open for business, in which instance notice may be given no later than 12.00 noon on the day of the relevant meeting.

The President shall decide whether any foreshadowed motion without notice given in accordance with the preceding paragraph of this subsection is a minor amendment but the Council may dissent from the President's ruling in accordance with the provisions of Clause 11.5.

PART 10 - PROCEDURAL MATTERS

10.1 PERMISSIBLE PROCEDURAL MOTIONS

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

- (a) that the question be adjourned;
- (b) that the Council now adjourn;
- (c) that the question now be put;
- (d) that the Council meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under section 5.23 of the Act;
- (e) that the ruling of the presiding person be disagreed with.

10.2 NO DEBATE ON PROCEDURAL MOTIONS

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

(2) The mover of a motion stated in paragraph (c) of Clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion and there is to be no debate on the motion.

10.3 PROCEDURAL MOTIONS - CLOSING DEBATE - WHO MAY MOVE

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

10.4 PROCEDURAL MOTIONS - RIGHT OF REPLY ON SUBSTANTIVE MOTION

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

PART 11 - EFFECT OF PROCEDURAL MOTIONS

11.1 QUESTION TO BE ADJOURNED - EFFECT OF MOTION

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

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

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

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

11.2 COUNCIL TO NOW ADJOURN - EFFECT OF MOTION

(1) The motion "that the Council now adjourn", if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the person presiding or a simple majority of members upon vote, determine otherwise.

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

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

(ii) the provisions of Clause 9.6 to apply when the debate is resumed.

11.3 QUESTION TO BE PUT - EFFECT OF MOTION

(1) The motion "that the question now be put", if carried during discussion of a substantive motion without amendment, causes the person presiding to offer the right of reply and then immediately put the matter under consideration without further debate.

(2) This motion, if carried during discussion of an amendment, causes the person presiding to put the amendment to the vote without further debate.

(3) This motion, if lost, causes debate to continue.

11.4 COUNCIL TO MEET BEHIND CLOSED DOORS - EFFECT OF MOTION

(1) Subject to any decision under Clause 6.7 or other decision of the Council, this motion, if carried, causes persons to leave the room pursuant to Clause 6.3.

(2) A person who is a Council member, or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

Penalty of up to a maximum of \$5,000.

11.5 THAT THE RULING OF THE PRESIDING MEMBER BE DISAGREED WITH – EFFECT OF MOTION

- (1) This motion, having been carried, will cause the ruling of the person presiding about which this motion was moved, to be reversed and for the meeting to proceed accordingly.
- (2) Where the presiding person has given a ruling in strict accordance with the Act, this motion may not be moved.
- (3) Where the person presiding has adjourned the meeting in accordance with clause 13.9 of these Standing Orders, this motion may not be moved.

PART 12 - VOTING

12.1 PROCEDURE

- (1) If the votes of members present at a Council or Committee meeting are equally divided, the person presiding may cast a second vote. **(S.5.21(3))**.
- (2) Each Councillor and each member of a Committee to which a local government power or duty has been delegated who is present at a meeting of the Council or Committee is to vote. **(S.5.21)**.
- (3) Voting at a Council or Committee meeting is to be conducted so that no voter's vote is secret. **(Admin.Reg.9)**.

12.2 METHOD OF TAKING VOTE

- (1) The President shall, in taking the vote on any motion or amendment, put the question, first in the affirmative, and then in the negative, and the President may do so as often as is necessary to enable the President to form and declare his or her opinion as to whether the affirmative or the negative has the majority by a show of hands or other method agreed upon by the Council.
- (2) The result of voting openly is determined on the count of raised hands.
- (3) Upon a vote on a show of hands being taken, a Member may call for;
 - (a) his or her vote; or
 - (b) the vote of all Members present to be recorded in the Minutes, whereupon the President shall cause the vote or votes to be so recorded. **(S5.21(4))**
- (4) The dissenting vote of the President and each Councillor is on each occasion to be recorded in the minutes of that particular meeting.

PART 13 - PRESERVING ORDER

13.1 THE PERSON PRESIDING TO PRESERVE ORDER

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

13.2 DEMAND FOR WITHDRAWAL

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

13.3 POINTS OF ORDER - WHEN TO RAISE - PROCEDURE

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

13.4 POINTS OF ORDER - WHEN VALID

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

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

13.5 POINTS OF ORDER - RULING

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

13.6 POINTS OF ORDER - RULING CONCLUSIVE, UNLESS DISSENT MOTION IS MOVED

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

13.7 POINTS OF ORDER TAKE PRECEDENCE

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

13.8 PRECEDENCE OF PERSON PRESIDING

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

Penalty \$500

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

13.9 RIGHT OF THE PERSON PRESIDING TO ADJOURN WITHOUT EXPLANATION TO REGAIN ORDER

(1) If a meeting ceases to operate in an orderly manner, the person presiding may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If, at any one meeting, the person presiding has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to a ny other day.

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

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

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

PART 14 - MOTION FOR REVOCATION

14.1 "SUBSTANTIVE RESOLUTION" DEFINED

In this section the term "substantive resolution" refers to a resolution which is the subject of a motion of revocation or change.

14.2 REVOCATION OR CHANGE

(1) The Council may, at the same meeting at which it is passed, revoke or change a resolution if all Councillors who were present in the Council Chamber at the time the resolution was passed are also present in the Council Chamber at the time the revocation or change is proposed and that number of persons who are, in accordance with Clause 14.4 required to support the motion, indicate their support by a show of hands.

(2) If a revocation or change is to be moved at a subsequent meeting, notice of the motion to revoke or change must be given to the CEO at least 7 clear working days before the meeting, and must be signed by the number of persons who are by the next succeeding subsection required to support the motion.

(3) This subsection does not apply to the change of a substantive resolution unless the effect of the change would be that the substantive resolution would be revoked or would become substantially different.

14.3 SUPPORT FOR REVOCATION OR CHANGE

(1) If a substantive resolution has been passed at a meeting then any motion to revoke or change the substantive resolution must be supported -

(a) in the case where an attempt to revoke or change the substantive resolution has been made within the previous three (3) months but has failed, by an absolute majority; or

(b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of Councillor inclusive of the mover. Otherwise the motion shall not be entertained.

(2) If a substantive resolution has been passed at a meeting then any resolution to revoke or change the substantive resolution must be passed by an absolute majority.

(3) This subsection does not apply to the change of a substantive resolution unless the effect of the change would be that the substantive resolution would be revoked or would become substantially different. **(Admin.Reg.10)**.

14.4 TERMS AND REASONS FOR REVOCATION AT SUBSEQUENT MEETING TO BE STATED IN NOTICE

When giving notice of motion of revocation or change the Member giving notice shall record in writing in clear terms:

(a) the terms of the motion of revocation or change identifying the substantive resolution proposed to be revoked or changed; and

(b) the reason or reasons for seeking the revocation or change.

The CEO shall not accept a notice of motion of revocation or change which does not comply with the above mentioned requirements and is not supported in accordance with Clause 14.4(1).

PART 15 - COMMITTEES

15.1 STANDING ORDERS APPLY TO COMMITTEES

Except in so far as they limit the number of times a Member may speak, or why by express terms or necessary implication the contrary intention appears, the Standing Orders applying to the Council shall apply, with necessary changes, to Committees.

15.2 COMMITTEES

(1) The Council may establish Committees of three (3) or more persons to assist the Council and to exercise the powers and discharge the duties of the Council that can be delegated to Committees. **(S.5.8)**. Any resolution to establish a Committee or to appoint members requires an absolute majority of the Council. **(S.5.8)**

(2) In addition to such other Committees as may from time to time be appointed Council may nominate such Standing Committees as it from time to time deems necessary.

(3) In this subsection "other person" means a person who is not a Council Member or an employee of the Council. A Committee is to comprise -

- (a) Council members only;
- (b) Council members and employees;
- (c) Council members, employees and other persons;
- (d) Council members and other persons;
- (e) employees and other persons; or
- (f) other persons only. **(S.5.9)**.

(4) At any given time each Member is entitled to be an ordinary member of at least one Committee referred to in item (a) of the preceding subsection, and if a Member nominates himself or herself to be a member of one or more of such committees, the Council shall include that Member to at least one of those Committees as the Council determines. **(S.5.10(2))**.

(5) If at a meeting of the Council appointments are to be made to a Committee that has or could have a Council Member as a member and the President informs the Council of his or her wish to be a member of the Committee, the Council shall appoint the President to be a member of the Committee. **(S.5.10(4))**.

(6) If at a meeting of the Council an appointment is to be made to a Committee that has or will have an employee as a member and the CEO informs the Council 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 Council shall appoint the CEO or the CEO's representative, as the case may be, to be a member of the Committee. **(S.5.10(5))**.

15.3 MEMBER ATTENDING COMMITTEE AS OBSERVER

(1) A Member may attend as an observer at meetings of a Committee notwithstanding that the Councillor is not a member of that Committee. A Member attending a Committee meeting as an observer may speak on nominated issues by resolution of the Committee, but shall not vote on any question before the Committee.

(2) Subject to the preceding subsection a Member attending a Committee as an observer shall sit in an area set aside by the Chief Executive Officer for observers separated from the Committee members.

15.4 TERM OF APPOINTMENT

(1) Whenever possible Committees should be established at the first meeting of the Council held after the ordinary election day.

(2) Where a person is appointed as a member of a Committee under Clause 15.2(5) or 15.2(6), the person's membership of the Committee continues until -

(a) in the case of the President, the person no longer holds that office;

(b) in the case of the CEO or the CEO's representative, the person no longer holds that position;

(c) the person resigns from membership of the Committee;

(d) the Committee is disbanded; or

(e) the next ordinary elections day,

whichever happens first. **(S.5.11(1))**.

(3) Where a person is appointed as a member of a Committee as ordinary member or deputy member other than under Clause 15.2(5) or 15.2(6), the person's membership of the Committee continues until -

(a) the term of the person's appointment as a Committee member expires;

(b) the Council removes the person from the office of Committee member or the office of Committee member otherwise becomes vacant;

(c) the Committee is disbanded; or

(d) the next ordinary elections day,

whichever happens first. **(S.5.11(2))**.

15.5 RESIGNATION OF COMMITTEE MEMBER

(1) A Committee member may resign from membership of the Committee by giving the CEO or the Committee's presiding member written notice of the resignation. **(Adm.Reg.4)**.

(2) A resignation takes effect upon the delivery of the notice to the CEO or the Presiding Member, or on a later date if specified in the notice.

(3) If received by the Presiding Member, any letter of resignation is to be passed to the CEO for record keeping purposes.

15.6 COMMITTEE MEMBERSHIP MAY BE CHANGED

The Council may by an absolute majority, change the membership of any Committee provided that the Council may not remove as members persons appointed pursuant to Clause 15.2(5) or 15.2(6).

15.7 DELEGATION OF POWERS AND DUTIES

(1) Subject to the next following subsection the Council by absolute majority may delegate to a Committee powers and duties other than this power of delegation. **(S.5.16(1))**.

(2) The procedure associated with the making of the delegation its duration and revocation by the Council shall be so provided in **s.5.16** of the Act.

(3) The Council may delegate -

(a) to a Committee comprising Council members only, any of the Council's powers or duties under the Act except -

- (i) any power or duty that requires a decision of an absolute majority; and
- (ii) any other power or duty that is prescribed under the Act;

(b) to a Committee comprising Council members and employees, any of the Council's powers or duties that can be delegated to the CEO under Division 4 of the Act; and

(c) to a Committee which includes any Council member or employee, any of the Council's powers or duties that are necessary or convenient for the proper management of-

- (i) the Shire's property; or
- (ii) an event in which the Shire or the Council is involved. **(S5.17(1))**

(4) The Council cannot delegate any of its powers or duties to a Committee which does not include a Councillor or employee in its membership. **(S.5.17)(2))**.

(5) The Council shall keep a register of the delegations made under the preceding subsection and shall review the delegations at least once every financial year. **(S.5.18).**

15.8 MEETINGS OF COMMITTEES

(1) Election of Presiding Member

The Members of a Committee are to elect a Presiding Member from amongst themselves.
(S5.12(1))

(2) Quorum

The quorum for meetings of Committees shall be as provided in Clause 3.1(1) and 3.1(4).

(3) Meetings

A meeting of a Committee shall be held in accordance with Clause 15.9 when called by the Presiding Member or as determined by the Committee or Council.

(4) Meetings of a Standing Committee or other Committee to which a power or duty of the Council has been delegated, shall be open to the public except where that Committee decides by resolution to conduct its business or any specified part thereof behind closed doors in which case the provisions of Clauses 7.2 to 7.8 inclusive apply, with necessary changes.

15.9 CALLING MEETING OF COMMITTEE

(1) CEO to Call Meeting

The CEO shall call a meeting of any Committee when requested to do so by the Presiding Member of the Committee or in accordance with a resolution of the Committee or Council. The CEO shall give Notice of the meeting to every member of the Committee and to any Member who is not a member.

(2) Papers for Committee Meeting to be put to all Members of Council

When a meeting of any Committee is called the Agenda for the meeting together with copies of all officers' reports relating to matters on the Agenda for that meeting shall be forwarded to all Members and not just to the Members on the Committee.

15.10 QUORUM OF COMMITTEES

(1) Quorum Required

No meeting of a Committee may proceed to business unless sufficient members are present to establish a quorum pursuant to the provisions of Clause 15.10(2).

(2) Failure of Quorum

Every meeting shall proceed to business as soon after the time stated in the summons as a quorum is constituted; but if a quorum is lacking 30 minutes after the hour at which a meeting of any Committee is appointed to be held, no meeting shall take place, and the meeting shall stand adjourned until the day and time fixed for the next ordinary meeting of the Committee, unless the Presiding Member convenes a special meeting of the Committee for the transaction of the business standing adjourned.

15.11 VOTING BY COMMITTEES

(1) A decision of a Committee does not have effect unless it has been made by a simple majority, or if another kind of majority has been prescribed by regulations or these Standing Orders for the particular kind of decision by that kind of majority. **(S.5.20(2))**.

(2) If the votes of members present at a Committee meeting are equally divided, the presiding member may cast a second vote. **(S.5.21(3))**.

15.12 MINUTES OF COMMITTEES

The Presiding Member of a Committee shall cause minutes of the proceedings of the Committee to be recorded and kept in a minute book. **(S.5.22(1))**

PART 16 - ADMINISTRATIVE MATTERS

16.1 SUSPENSION OF STANDING ORDERS

(1) The Council may decide, by simple majority vote, to suspend temporarily one or more of the Standing Orders.

(2) The mover of a motion to suspend temporarily any one or more of the Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.

16.2 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.