

This is an un-official compilation of the *City of Busselton Standing Orders Local Law 2018* as it has effect on and after 28 December 2018. See the Notes at the end for more details.

City of Busselton

Standing Orders Local Law 2018

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City of Busselton

STANDING ORDERS LOCAL LAW 2018

Under the powers conferred on it by the *Local Government Act 1995* and under all other relevant powers, the Council of the City of Busselton resolved on 14 March 2018 to make this local law.

Part 1 - Preliminary

1.1 Short title

This local law is the *City of Busselton Standing Orders Local Law 2018*.

1.2 Commencement

This local law will come 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 and guidelines which 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 Administration Regulations and this local law.
- (3) This local law is intended to result in—
 - (a) better decision-making by the Council and committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) the more efficient and effective use of time at meetings.

1.4 Terms used

In this local law unless the context otherwise requires—

75% majority has the meaning given to it in the Act;

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

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

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer of the City;

City means the City of Busselton;

Code of Conduct means the City's code of conduct, applying to members and employees, as in force from time to time;

committee means a committee of the Council established under section 5.8 of the Act;

Council means the council of the City;

Deputy Mayor means the deputy mayor of the City;

employee means an employee of the City;

Mayor means the mayor of the City;

meeting means a meeting of the Council or a committee, as the context requires;

member means—

(a) in relation to the Council, an elected member of the City;

(b) in relation to a committee, a member of that committee;

Minister means the Minister responsible for administering the Act;

presiding member means—

(a) in respect of the Council, the person presiding under section 5.6 of the Act; and

(b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

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

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

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

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

these standing orders means the provisions of this local law.

1.5 Repeal

The *Shire of Busselton Standing Orders Local Law 2010*, published in the *Government Gazette* on 9 May 2011, is repealed.

Part 2 - Establishment and membership of committees

2.1 Establishment of committees

(1) The establishment of committees is dealt with in the Act.

(2) A Council resolution to establish a committee under section 5.8 of the Act is to include—

- (a) the terms of reference of the committee;
- (b) either—
 - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
 - (ii) the number of members, officers and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
- (c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

2.2 Types of committees

The types of committees are dealt with in the Act.

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

2.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

2.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

2.7 Appointment of deputies

The appointment of a person to be a deputy of a member of a committee is dealt with in the Act.

2.8 Resignation of committee members

The resignation of committee members is dealt with in the Administration Regulations.

2.9 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

2.10 Committees to report

A committee—

- (a) is answerable to the Council;
- (b) is to report on its activities when, and to the extent, required by the Council; and

- (c) is to prepare and submit to the Council reports containing recommendations.

Part 3 - Calling and convening meetings

3.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council may be held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings

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

3.3 Convening Council meetings

- (1) The convening of a Council meeting is dealt with in the Act.
- (2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.
- (3) Where, in the opinion of the Mayor or at least one-third of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

A meeting of a committee is to be held—

- (a) if called for in a verbal or written request to the CEO by the Mayor or the presiding member of the committee, advising the date and purpose of the proposed meeting;
- (b) if called for by at least one-third of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) in accordance with a decision of the Council or the committee.

3.5 Public notice of meetings

Public notice of meetings is dealt with in the Administration Regulations.

Part 4 - Presiding member and quorum

Division 1 - Presiding member

4.1 Who presides

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

4.2 When the Deputy Mayor can act

When the Deputy Mayor can act is dealt with in the Act.

4.3 Who acts if no Mayor or Deputy Mayor

Who acts if there is no Mayor or Deputy Mayor is dealt with in the Act.

4.4 Election of presiding members of committees

The election of presiding members of committees is dealt with in the Act.

4.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

4.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

4.7 Who acts if no presiding member

Who acts if no presiding member is dealt with in the Act.

Division 2 - Quorum

4.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

4.9 Reduction of 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.

4.10 Reduction of quorum for committee meetings

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

4.11 Procedure where no quorum to begin a meeting

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

4.12 Procedure where quorum not present during a meeting

If, at any time during a meeting, a quorum is not present—

- (a) the presiding member is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;

- (b) if a quorum is not present at the expiry of the suspension period under paragraph (a), the presiding member 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
- (c) if a quorum is not present at the expiry of the extended period of suspension under paragraph (b), the presiding member is to adjourn the meeting to a later time on the same day or to another day.

4.13 Names to be recorded

At any meeting—

- (a) at which there is not a quorum present; or
- (b) which is adjourned for want of a quorum,

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

4.14 Adjourned meeting procedures

Where a meeting is adjourned for want of a quorum—

- (a) the names of members who have spoken on a matter that was interrupted by the adjournment are to be recorded in the minutes and clause 8.10 applies when the debate on the matter is resumed; and
- (b) the resumed meeting is to continue from the point at which it was adjourned, unless the presiding member or the meeting determines otherwise.

Part 5 - Business of a meeting

5.1 Business to be specified

- (1) With the exception of urgent business under clause 5.9, no business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda, or in the notice of the meeting as the purpose of the meeting, without the approval of the presiding member or a decision of the committee.
- (4) Where a Council 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 Reports at that ordinary meeting.
- (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
- (6) Where a Council or committee meeting is adjourned to a meeting not described in subclause (4) or (5), no business is to be transacted at that later meeting other than that—
 - (a) specified in the notice of the meeting that is adjourned; and
 - (b) which remains unresolved.

5.2 Order of business

- (1) Unless otherwise decided by the presiding member or the Council, the order of business at any ordinary meeting of the Council is to be as follows—
 1. Declaration of opening/Acknowledgement of Country/Acknowledgement of visitors/Disclaimer
 2. Attendance
 - 2.1 Apologies
 - 2.2 Approved leave of absence
 3. Prayer
 4. Disclosure of interests
 5. Announcements by the presiding member (without discussion)
 6. Question time for public
 - 6.1 Response to previous questions taken on notice
 - 6.2 Question time for public
 7. Receiving of petitions, presentations and deputations
 - 7.1 Petitions
 - 7.2 Presentations
 - 7.3 Deputations
 8. Questions by members of which due notice has been given (without discussion)
 9. Confirmation of minutes
 10. Applications for leave of absence
 11. Items brought forward for the convenience of those in the public gallery
 12. Reports of committee meetings
 13. Reports
 14. Motions of which previous notice has been given
 15. Urgent business
 16. Confidential matters
 17. Closure
- (2) Unless otherwise decided by the presiding member or the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the notice of, or agenda for, the meeting.
- (3) Despite subclauses (1) and (2), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.

5.3 Announcements without discussion

Announcements made by the presiding member at a Council meeting are—

- (a) to inform the Council of matters of importance to the Council;
- (b) to be brief and concise; and
- (c) not to be the subject of any discussion, unless the Council resolves otherwise.

5.4 Grant of leave of absence

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

5.5 Leave of absence

- (1) A member seeking the Council's approval to take leave of absence must give written notice to the CEO prior to the commencement of the meeting.
- (2) The notice referred to in subclause (1) must include the period of leave of absence required and the reasons for seeking the leave.

5.6 Questions on notice

- (1) A member who wishes to ask a question at a meeting of the Council on a matter that is not included in the agenda for that meeting is to give written notice of the specific question to the CEO at least three clear working days before the meeting of the Council.
- (2) The CEO may, after consultation with the member where this is practicable, and with the concurrence of the Mayor, make such amendments to the question so as to clarify the intent of the question and bring the question into due form.
- (3) If the question referred to in subclause (1) relates to a matter within the responsibility of the Council, and is respectful and temperate in its language, it must be tabled at the meeting at item 10 of the order of business as outlined in clause 5.2(1) and the answer is, as far as practicable, to be provided at that meeting of the Council.
- (4) Every question and answer is to be submitted as briefly and concisely as possible, and no discussion on the question or answer is permitted.

5.7 Items brought forward for the convenience of those in the public gallery

Any items on the agenda which are either the subject of a question by members of the public, or where requested by others in attendance, may, with the consent of the presiding member, be brought forward to item 11 of the order of business.

5.8 Motions of which previous notice has been given

- (1) Unless the Act, Administration Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 12 clear days before the meeting at which the motion is moved.
- (3) A notice of motion is to be accompanied by supporting reasons, must relate to the good government of the district and must be within the lawful responsibilities of the Council.
- (4) The CEO—
 - (a) with the concurrence of the Mayor, may exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of any of these standing orders or any other written law;
 - (b) is to inform members on each occasion that a notice has been excluded and the reasons for that exclusion; and

- (c) may, after consultation with the member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form.
- (5) A motion of which notice has been given is to lapse unless—
 - (a) the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on and the motion is seconded; or
 - (b) the Council or the committee on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lost, notice of a motion in the same terms or to the same effect must not be given again for at least 3 months from the date of such loss, unless supported by an absolute majority of members in writing.

5.9 Urgent business

- (1) A member may move a motion to consider an item of urgent business that is not included in the agenda for that meeting provided that—
 - (a) the presiding member has first consented to the business being raised;
 - (b) the presiding member considers that either—
 - (i) the urgency of the business is such that the business cannot await inclusion in the agenda for the next meeting of the Council; or
 - (ii) the delay in referring the business to the next meeting of the Council could have adverse legal, reputational or financial implications for the local government; and
 - (c) other than a motion to revoke a decision, the item of urgent business is presented in the form of a report generated by an employee, a copy of which is to be provided to members prior to the commencement of the meeting.
- (2) Where the Council agrees to consider such item of urgent business, then it is to be dealt with at item 15 of the order of business as outlined in clause 5.2(1).

5.10 Adoption by exception resolution

- (1) In this clause *adoption by exception resolution* means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the committee or employee recommendation as the Council resolution.
- (2) The Council may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter—
 - (a) that requires a 75% majority or a special majority;
 - (b) in which an interest has been disclosed;
 - (c) that is a matter on which a member wishes to ask a question;

- (d) that is a matter on which a member wishes to make a statement; or
 - (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.
- (4) A member who wishes to ask a question or make a statement in relation to a matter that would otherwise be within an adoption by exception motion should, as far as practicable, notify the CEO by 3pm on the day before the meeting.
 - (5) A member who wishes to move a motion that is different to the recommendation in a matter that would otherwise be within an adoption by exception resolution should, as far as practicable, give notice of the motion that –
 - (a) is in writing;
 - (b) identifies the matter and gives the reason or reasons for the motion; and
 - (c) is given to the CEO by 3pm on the day before the meeting.
 - (6) Where a member intends to move a motion referred to in sub-clause (5), the CEO must be given an opportunity to provide advice to the Council prior to consideration of the motion, in accordance with section 5.41 (b) of the Act.

Part 6 - Public participation

6.1 Meetings generally open to the public

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

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried—
 - (a) the presiding member is to direct everyone to leave the meeting except -
 - (i) the members;
 - (ii) any employee of the City unless specified in a resolution; and
 - (iii) any other person specified in a resolution; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.

- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.10 is to be suspended unless the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice of the relevant motion.
- (7) Once the meeting is reopened to members of the public, the presiding member is to ensure that, if any member of the public returns to the meeting, any resolution made while the meeting was closed is to be read out or summarised, including the details of any voting recorded.

6.3 Question time for the public

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

6.4 Question time for the public at certain meetings

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

6.5 Minimum question time for the public

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

6.6 Procedures for question time for the public

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

6.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must first state his or her name and address.
- (2) A question may be taken on notice for later response.
- (3) When a question is taken on notice the CEO is to ensure that—
 - (a) a response is given to the member of the public in writing prior to the next meeting; and
 - (b) a summary of the response is presented to, and recorded in the minutes of, the next meeting.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person may -
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Each member of the public with one or more questions is to be given an equal and fair opportunity, to be determined by the presiding member, to ask the question or questions.
- (6) The presiding member may decide that a question is not to be responded to where—
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;

- (b) the member of the public uses public question time to make a statement, provided that the presiding member has taken reasonable steps to assist the member of the public to phrase the statement as a question;
- (c) the member of the public asks a question that is offensive or defamatory in nature or is one which, if asked by a member, would be in breach of these standing orders or any other law, provided that the presiding member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory, or does not breach these standing orders or any other law; and
- (d) the presiding member is of the view that the question or questions have already been answered or the matter adequately dealt with.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council or a committee, the presiding member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor is to be recorded in the minutes.

6.9 Petitions

- (1) A petition, in order to be considered by the Council, is to—
 - (a) be addressed to the Mayor;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given; and
 - (g) be respectful and temperate in its language.
- (2) Despite subclause (1), the presiding member may allow a petition to be considered in circumstances where the petition complies with the majority of the requirements in subclause (1).
- (3) In response to a petition presented to it, the Council may determine—
 - (a) that the petition be received;
 - (b) that the petition be rejected;
 - (c) that the petition be received and referred to the CEO to prepare a report to the Council or a committee; or
 - (d) that the petition be received and referred to the CEO for action.
- (4) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—

- (a) the matter is the subject of a report included in the agenda; and
- (b) the Council has considered the issues raised in the petition.

6.10 Presentations by parties with an interest

- (1) Once an agenda of a meeting of the Council has been issued, parties with a demonstrable interest in any item listed on the agenda for discussion may seek to present to the Council at the time during the meeting allocated for this purpose.
- (2) A person must demonstrate that they are a party with an interest in an item on the agenda by stating their name, the item to which they wish to speak, whether or not they are in agreement with the recommendation in the agenda and they are—
 - (a) the applicant or one duly authorised representative of the applicant;
 - (b) an adjoining neighbour sharing a common length of boundary or directly opposite neighbour of the affected property;
 - (c) one person duly representing a community-based organisation where an item on the agenda has broad community impact and is associated with the objectives of the organisation; or
 - (d) such other person as in the opinion of the presiding member has a significant direct interest or is duly representing those that have a significant direct interest in the item.
- (3) A person addressing the Council on an agenda item will be limited to a period of 5 minutes unless the person is granted an extension by the presiding member.
- (4) Where multiple parties wish to present on an item, the applicant (or their duly authorised representative) is to be given the opportunity to give the final presentation on the item.
- (5) Members may, through the presiding member, question a person addressing the Council on the item but no debate or general discussion will be permitted.

6.11 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council is to either—
 - (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the presiding member, at the meeting, address the Council.
- (2) The CEO may either—
 - (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the Council resolves otherwise, a deputation invited to attend a Council meeting—
 - (a) is not to exceed 5 people, only 2 of whom may address the Council although others may respond to specific questions from members;

- (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and
 - (c) may seek leave of the presiding member for additional members of the deputation to be allowed to speak.
- (4) Any matter which relates to an item on the agenda and which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.12 Participation at committee meetings

- (1) In this clause a reference to a *person* is to a person who—
- (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.
- (2) A member may attend, as an observer, any meeting of a committee of which he or she is not a member or the deputy of a member, but is to sit in an area set aside by the CEO for observers separated from the committee members.
- (3) Without the consent of the presiding member, a person must not address a committee meeting.
- (4) The presiding member of a committee may allow a person to make an oral address to the committee for up to 5 minutes.
- (5) A person addressing the committee with the consent of the presiding member must cease that address immediately after being directed to do so by the presiding member.
- (6) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the committee meeting.

6.13 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Administration Regulations is to be -
- (a) identified in the agenda of a Council or committee meeting under the item “Confidential matters”, along with the reason for the confidentiality as dealt with in the Act; and
 - (b) kept confidential by employees and members until, in the opinion of the CEO, or the Council or the committee (as the case may be), the reason for confidentiality ceases to exist.
- (2) A member or an employee in receipt of confidential information under subclause (1), or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public, must not disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.

- (3) Subclause (2) does not apply where a member or employee discloses the information to a legal practitioner or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities, or where disclosure is required or permitted by law.

6.14 Recording of proceedings

- (1) A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting without the permission of the presiding member.
- (2) If the presiding member gives permission under subclause (1), the presiding member must advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.
- (3) Subclause (1) does not apply if the recording is taken by or at the direction of the CEO for the purpose of taking minutes.
- (4) In the case of a recording taken under subclause (3), the CEO must advise the meeting, immediately before the recording is commenced, that the meeting is being recorded for the purpose of taking minutes.

6.15 Prevention of disturbance

- (1) A reference in this clause to a *person* is to a person other than a member.
- (2) A person addressing a meeting must extend due courtesy and respect to the Council or the committee and the processes under which it operates and must comply with any direction by the presiding member.
- (3) A person present at or 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.
- (4) A person must ensure that his or her mobile telephone, pager or other audible device is not switched on or used during any meeting.
- (5) The presiding member may warn a person who fails to comply with this clause.
- (6) If—
 - (a) after being warned, the person again acts contrary to this clause, or to any of these standing orders; or
 - (b) a person refuses or fails to comply with a direction by the presiding member,the presiding member may expel the person from the meeting by ordering him or her to leave the meeting room.
- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding member, be removed from the meeting room and, if the presiding member orders, from the premises.

Part 7 - Questions during debate

7.1 Questions during debate

- (1) At any time during debate on a motion prior to the mover of the motion commencing the right of reply, a member may ask a question in relation to the motion and, with the consent of the presiding member, may ask one or more further questions.
- (2) Where possible the CEO or the CEO's nominee is to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the respondent may ask that—
 - (a) the question is taken on notice; and
 - (b) the answer to the question is given to the members as soon as practicable.
- (3) Every question and answer—
 - (a) is to be brief and concise; and
 - (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.
- (4) In answering any question, a respondent may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting, correct, add to or otherwise amend the original answer.

Part 8 - Conduct of members

8.1 Members to be in their proper places at Council meetings

- (1) At the first meeting held after each election day, each member is to be allocated a position at the Council table by a ballot conducted by the CEO after considering requests for a specific allocation for special circumstances.
- (2) Each member is to occupy his or her allotted position at each Council meeting.

8.2 Respect to the presiding member

After the business of a meeting has commenced, a member must not enter or leave the meeting without first paying due respect to the presiding member.

8.3 Titles to be used

A speaker, when referring to the Mayor, Deputy Mayor or presiding member, or a member or employee, must use the title of that person's office.

8.4 Entering or leaving a meeting

During the course of a meeting, a member must not enter or leave the meeting without first giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

8.5 Members to indicate their intention to speak

A member who wishes to speak at a meeting must indicate his or her intention to speak by raising his or her hand or by another method agreed by the presiding member.

8.6 Members to rise

A member, other than the presiding member, asking a question or taking part in discussion or a debate at a meeting must stand, except when prevented from doing so by sickness or infirmity.

8.7 Priority of speaking

- (1) Where two or more members indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled to be heard first.
- (2) A decision of the presiding member under subclause (1) is not open to discussion or dissent.
- (3) A member must cease speaking immediately after being asked to do so by the presiding member.

8.8 Presiding member may take part in debates

The presiding member may take part in a discussion of any matter before the meeting, subject to compliance with this local law.

8.9 Relevance

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

8.10 Speaking twice

- (1) A member must not address the meeting more than once on any motion or amendment except—
 - (a) as the mover of a substantive motion or an amendment, to exercise a right of reply;
 - (b) to raise a point of order; or
 - (c) to make a personal explanation.

- (2) A member who asks a question, or who makes a request or responds to a request under clause 10.7, has not addressed the meeting for the purpose of this clause.
- (3) This clause does not apply to a committee meeting unless the committee by resolution decides that it is to apply to the meeting or a part of the meeting.

8.11 Duration of speeches

- (1) A member must not speak on any matter for more than five minutes without the consent of the members which, if given, is to be given without debate.
- (2) An extension under this clause cannot be given to allow a member's total speaking time to exceed ten minutes.

8.12 No speaking after conclusion of debate

A member must not speak on any motion or amendment—

- (a) after the mover has replied; or
- (b) after the motion or amendment has been put.

8.13 No interruption

A member must not interrupt another member who is 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 8.14; or
- (d) to move a procedural motion that the member be no longer heard.

8.14 Personal explanations

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking is to indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

8.15 No reopening of discussion

A member must not reopen discussion on any decision, except to move that the decision be revoked or changed (see Part 15).

8.16 Adverse reflection

- (1) A member must not reflect adversely on a decision of the Council or committee except on a motion that the decision be revoked or changed (see Part 15).

- (2) A member must not—
 - (a) reflect adversely on the character or actions of another member or employee; or
 - (b) impute any motive to a member or employee,unless the meeting resolves, without debate, that the matter then before the meeting cannot otherwise be adequately considered.
- (3) A member must not use offensive or insulting expressions in reference to any member, employee or other person.
- (4) If a member or CEO specifically requests, immediately after their use, that any particular words used by a member that are in breach of this clause be recorded in the minutes, the member making the request is to provide the words to the meeting for verification and the presiding member is to cause the words used to be taken down and recorded in the minutes.

8.17 Withdrawal of offensive language

A member who, in the opinion of the presiding member, uses an expression which—

- (a) in the absence of a resolution under clause 8.16(2)—
 - (i) reflects adversely on the character or actions of another member or an employee; or
 - (ii) imputes any motive to another member or an employee; or
- (b) is offensive or insulting,

must, when directed by the presiding member, withdraw the expression and make a satisfactory apology.

Part 9 - Preserving order

9.1 Presiding member to preserve order

- (1) The presiding member is to preserve order, and, whenever he or she considers necessary, may call any member to order.
- (2) When the presiding member speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, must immediately sit down and every member present must preserve strict silence so that the presiding member may be heard without interruption.
- (3) Subclause (2) is not to be used by the presiding member to exercise the right provided in clause 8.8, but to preserve order.

9.2 Point of order

- (1) A member may at any time, draw the attention of the presiding member (including as an objection, by way of a point of order), to a breach of—
 - (a) any of these standing orders; or
 - (b) any other written law.

- (2) Examples of valid points of order are –
 - (a) a speaker’s remarks not being relevant to the motion being debated (see clause 8.9); and
 - (b) a speaker’s use of offensive or insulting expressions (see clause 8.16(3)).
- (3) Despite anything in this local law to the contrary, a point of order—
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

9.3 Procedures on a point of order

- (1) A member who is addressing the presiding member must not be interrupted except on a point of order.
- (2) A member interrupted on a point of order must cease speaking and resume his or her seat until—
 - (a) the member raising the point of order has been heard; and
 - (b) the presiding member has ruled on the point of order,and, if permitted, the member who has been interrupted may then proceed.

9.4 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order—
 - (a) is not to be the subject of debate or comment; and
 - (b) is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that—
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

9.5 Continued breach of order

If a member—

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) refuses to comply with a direction from the presiding member (such as a direction under clause 8.9(2)(b) or 9.4(3)(b)),

the presiding member may direct the member to refrain from taking any further part in the debate on the matter then before the meeting, other than by voting, and the member must comply with that direction.

9.6 Right of presiding member to adjourn

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

Part 10 - Debate of substantive motions

10.1 Motions to be stated and in writing

A member who wishes to move a substantive motion or an amendment to a substantive motion—

- (a) is to state the substance of the motion before speaking to it; and
- (b) is to put the motion or amendment in writing if he or she is required to do so by the presiding member.

10.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council or committee meeting is not open to debate unless the motion has the support required under regulation 10 of the Administration Regulations.

10.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the presiding member may immediately proceed to put the matter to the vote.

10.4 Only one substantive motion at a time

The presiding member is not to accept a substantive motion while another substantive motion is being debated.

10.5 Complex motions

The presiding member may require that a complex substantive motion, or a complex amendment to a substantive motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

10.6 Order of call in debate

- (1) The presiding member is to call speakers to a substantive motion in the following order—
 - (a) the mover to state the motion;
 - (b) a seconder to the motion;
 - (c) the mover to speak to the motion;
 - (d) the seconder to speak to the motion;
 - (e) a speaker against the motion;
 - (f) a speaker for the motion;
 - (g) other speakers against and for the motion, alternating where possible; and
 - (h) mover takes right of reply which closes debate.
- (2) When called on to speak, the seconder to a motion may elect to reserve that right and speak to the motion at a later time when a speaker for the motion is called.

10.7 Member may require motion or amendment to be read

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

10.8 Consent of seconder required for alteration

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

10.9 Number and order of amendments

- (1) No more than three amendments may be proposed to a substantive motion unless the presiding member determines that further amendments are to be permitted.
- (2) Where an amendment is moved to a substantive motion, a second or subsequent amendment is not to be moved or considered until the first amendment has been withdrawn, carried or lost.
- (3) An amendment may be proposed to a substantive motion either in its original terms or as subsequently amended.

10.10 When amendment may be moved

A member may move an amendment to a motion during the debate on the motion, except—

- (a) when the mover has been called by the presiding member to exercise the right of reply; or
- (b) during debate on a procedural motion.

10.11 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

10.12 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

10.13 Relevance of amendments

Each amendment must be relevant to the motion in respect of which it is moved.

10.14 Mover of motion may speak on amendment

Any member, including the mover of a motion, may speak during debate on an amendment.

10.15 Effect of an amendment

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 a further amendment may be moved, subject to the limitation on the number of amendments in clause 10.9.

10.16 Withdrawal of motion or amendment

- (1) Subject to subclause (2), the Council or a committee may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) 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.

10.17 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The right of reply under subclause (1) may be exercised only—
 - (a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.
- (3) The mover of an amendment to a substantive motion has the right of reply in relation to that amendment.
- (4) The right of reply under subclause (3) may be exercised only at the conclusion of the discussion on that amendment.
- (5) After the mover of the substantive motion has commenced the reply—
 - (a) no other member is to speak on the motion;

- (b) there is to be no further discussion on, question about or any further amendment to, the motion.
- (6) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (7) At the conclusion of the right of reply under subclause (2), the substantive motion, or the substantive motion as amended, is immediately to be put to the vote, subject to any requirement to read the motion under clause 10.7 before the vote.

10.18 Foreshadowing alternative motions

- (1) In this clause, *Alternative Motion* means an alternative substantive motion that negates the terms and intent of a substantive motion that is being considered, or is to be considered, by the Council.
- (2) A member who wishes the Council to consider an Alternative Motion must foreshadow the Alternative Motion before the right of reply in respect of the substantive motion has commenced.
- (3) If the substantive motion is lost, the presiding member must call on the member who foreshadowed the Alternative Motion to move the Alternative Motion.
- (4) Once moved and seconded, the foreshadowed Alternative Motion becomes the substantive motion and the same procedures and rules of debate apply to this motion as any other substantive motion.
- (5) If more than one foreshadowed Alternative Motion is proposed for any item before the Council, the presiding member must deal with them in the order in which they were foreshadowed.
- (6) Where a member has identified an item for exclusion from the adoption by exception resolution under clause 5.10(5), and includes a motion that is different to the employee recommendation, that motion is taken to be a foreshadowed Alternative Motion and is to be the substantive motion that is first considered by the Council.
- (7) Where a member has identified an item for exclusion from the adoption by exception resolution under clause 5.10(5), and includes a motion that is different to the committee recommendation, that motion is taken to be a foreshadowed Alternative Motion and members are first to be given the option to debate the committee recommendation.

Part 11 - Procedural motions

11.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 10), a member may move the following procedural motions—

- (a) that the item be referred or adjourned to a Council or a committee meeting;
- (b) that the meeting now adjourn;
- (c) that the motion be now put;
- (d) that the ruling of the presiding member be disagreed with;

- (e) that the member be no longer heard;
- (f) that the meeting be closed to the public (see clause 6.2).

11.2 No debate

- (1) A procedural motion is not open to debate until it has been seconded.
- (2) The mover of a motion specified in paragraph (a), (b), (d) or (f) of clause 11.1 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.
- (3) The mover of a motion specified in paragraph (c) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Who may move

A member who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, cannot move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.4 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.

11.5 Item to be referred or adjourned

- (1) A motion “that the item be referred or adjourned”—
 - (a) is, in the case of a referral, to state the Council or committee meeting to which the item is to be referred and the time of that meeting (and the reasons for the motion);
 - (b) is, in the case of an adjournment, to state the time to which the debate on the item is to be adjourned (and the reasons for the motion); and
 - (c) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but is to continue at the meeting, and at the time, stated in the motion.
- (2) If a motion “that the item be adjourned” is carried at a meeting—
 - (a) the name of each member who has spoken on the item before the adjournment is to be recorded in the minutes; and
 - (b) clause 8.10 is to apply when the debate on the item is resumed.

11.6 Meeting now adjourn

- (1) A member is not to move or second more than one motion of adjournment during the same meeting.

- (2) Before putting the motion for the adjournment, the presiding member may seek leave of the meeting to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.10).
- (3) A motion “that the meeting now adjourn”—
 - (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) The Council or a committee may adjourn any meeting—
 - (a) to a later time on the same day; or
 - (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.
- (5) A meeting adjourned under subclause (3) –
 - (a) is to continue from the point at which it was adjourned, unless the presiding member or the meeting determines otherwise; and
 - (b) in case of a Council meeting –
 - (i) the name of each member who has spoken on any item that is adjourned is to be recorded in the minutes; and
 - (ii) clause 8.10 is to apply when the debate on that item is resumed.

11.7 Motion to be put

- (1) If the motion “that the motion be now put”, is carried during debate on a substantive motion without amendment, the presiding member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion “that the motion be now put” is carried during discussion of an amendment, the presiding member is to offer the right of reply in relation to the amendment and then put the amendment to the vote without further debate.
- (3) If the motion “that the motion be now put” is lost, the debate is to continue.

11.8 Member to be no longer heard

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

11.9 Ruling of the presiding member to be disagreed with

If the motion “that the ruling of the presiding member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

Part 12 - Disclosure of interests

12.1 Disclosure of interests

The requirements for members and employees to disclose financial and other interests, the nature of the interests that must be disclosed, and related matters are dealt with in the Act, the Administration Regulations, the Rules of Conduct Regulations and the Code of Conduct.

12.2 Separation of committee recommendations

Where, at a committee meeting -

- (a) a member discloses a financial interest in a matter; and
- (b) the matter is included in the recommendations (or part of the recommendations) of the committee to a Council or committee meeting that will or may be attended by the member,

the agenda of that Council or committee meeting is to separate the relevant recommendation (or the relevant part of the recommendation) from other recommendations of the committee.

Part 13 - Voting

13.1 Motion—when put

- (1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member—
 - (a) is to put the motion to the meeting; and
 - (b) if requested by any member, is to again state the terms of the motion.
- (2) A member is not to leave the meeting when the presiding member is putting any motion.

13.2 Voting

Voting is dealt with in the Act and the Administration Regulations.

13.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

13.4 Method of taking vote

- (1) In taking the vote on any motion the presiding member—
 - (a) is to put the motion, first in the affirmative, and then in the negative;
 - (b) may put the motion in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
 - (c) 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
 - (d) subject to this clause, is to declare the result.

- (2) The CEO is ensure that the minutes record whether or not the motion is carried unanimously, and if the motion is not carried unanimously—
 - (a) the name of each member who voted; and
 - (b) whether he or she voted in the affirmative or negative.

Part 14 - Minutes of meetings

14.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

14.2 Content of minutes

The content of minutes is dealt with in the Administration Regulations.

14.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Administration Regulations.

14.4 Confirmation of minutes

- (1) If a member is dissatisfied with the accuracy of the draft minutes, he or she is to provide to the CEO a written copy of the alternative wording to amend the draft minutes no later than 3 clear business days before the meeting where the minutes are to be confirmed.
- (2) At that meeting, during the item dealing with the confirmation of minutes, the member who provided the alternative wording—
 - (a) is to state the item or items with which he or she is dissatisfied; and
 - (b) is to propose a motion clearly outlining the alternative wording to amend the minutes.

Part 15 - Revoking or changing decisions

15.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Administration Regulations.

Part 16 - Suspension of standing orders

16.1 Suspension of standing orders

- (1) A member may at any time move that the operation of one or more of these standing orders be suspended.
- (2) A motion under subclause (1) which is seconded and carried is to suspend the operation of the standing order or orders to which the motion relates for the duration of the meeting or such other part of the meeting specified in the motion, unless the meeting earlier resolves otherwise.

16.2 Where standing orders do not apply

- (1) In situations where—
 - (a) one or more of these standing orders have been suspended; or
 - (b) a matter is not regulated by the Act, the Administration Regulations or this local law, the presiding member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the presiding member under subclause (1) is final, except where a motion is moved and carried under clause 11.79.

Part 17 - Meetings of electors

17.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

17.2 Matters for discussion at electors' general meetings

The matters to be discussed at electors' general meetings are dealt with in the Administration Regulations.

17.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

17.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Administration Regulations.

17.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

17.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

17.7 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Administration Regulations.
- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to this local law.

17.8 Participation of non-electors

A person who is not an elector of the City must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

17.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Administration Regulations.

17.10 Minutes of electors’ meetings

Minutes of electors’ meetings are dealt with in the Act.

17.11 Decisions made at electors’ meetings

Decisions made at electors’ meetings are dealt with in the Act.

Part 18 - Enforcement

18.1 Penalty for breach

A person who breaches a provision of this local law commits an offence. Penalty—\$5,000.00 and a daily penalty of \$500.00.

18.2 Who can prosecute

Who can prosecute is dealt with in the Act.

Dated: 14 March 2018.

The Common Seal of the City of Busselton was affixed by the authority of a resolution of Council in the presence of—

GRANT DOUGLAS
HENLEY , Mayor.

MICHAEL S. L. ARCHER,
Chief Executive Officer.

Notes

This is a compilation of the *City of Busselton Standing Orders Local Law 2018* and includes any amendments referred to in the following table.

Local laws and amendments come into operation on the 14th day after the day of publication in the gazette unless a later day is specified: s 3.14 of the *Local Government Act 1995*.

Compilation Table

Citation	Gazettal date
<i>City of Busselton Standing Orders Local Law 2018</i>	4 April 2018
<i>City of Busselton Standing Orders Amendment Local Law 2018</i>	14 December 2018

Legal Ref: LEG 190001