Local Government Act 1995

Shire of Denmark

STANDING ORDERS LOCAL LAW

Government Gazette of Tuesday 29 May 2001.
Council reviewed on Tuesday 22 April 2008.

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Part 1 - Preliminary

1.1 Citation

(1) This Local Law may be cited as the Denmark Standing Orders Local Law 2000.

(2) In the clauses to follow, this Local Law is referred to as "the Standing Orders."

1.2 Application

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

1.3 Interpretation

(1) In these Standing Orders unless the context otherwise requires:

"CEO" means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the Shire of Denmark;

"committee" means a committee of the Council;

"Council" means the Council of the Shire of Denmark;

"presiding member" means the presiding member of a committee or the deputy presiding member, or a member of the committee when performing a function of the presiding member in accordance with the Act.

"Regulations" means the *Local Government (Administration) Regulations 1996.*

"simple majority" is more than 50% of the members present and voting.

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

(2) Unless otherwise defined herein the terms and expressions used in the Standing Orders are to have the meaning given to them in the Act and Regulations.

1.4 Repeal

The Standing Orders of the Shire of Denmark published in the Government Gazette on 25 June 1997**,** are repealed.

Part 2 – Ordinary Meetings, When Held

2.1 Council to Determine Meeting Schedule

The Council shall decide at the first meeting held after each ordinary elections day –

(a) the day or days in each month when an ordinary meeting is to be held;

(b) the hours during which an ordinary meeting is to be held; and

(c) the place at which each ordinary meeting is to be held.

2.2 Council May Extend Meeting or Adjourn

If the business of an ordinary meeting is not completed within the time specified in clause 2.1(b), the Council is to resolve –

(a) that unresolved business be adjourned until a later time on the same day or to any other day; or
(b) that the meeting be continued, to determine all unresolved business; or
(c) that the meeting be continued, to determine specified unresolved business, after which the meeting adjourn until a later time on the same day or any other day.

2.3 Council Can Change Meeting Schedule

The Council may alter the day or days, hours and place of meetings determined under clause 2.1, for a particular meeting or on a regular basis –

(a) on a motion moved without notice under clause 3.10, by an absolute majority decision of the Council; or
(b) on a motion of which previous notice has been given, by a simple majority decision of the Council.

Part 3 - Business of the Meeting

3.1 Business to be Specified on Notice Paper

(1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the person presiding or a decision of the Council.

(2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.

(3) No business is to be transacted at a committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting, without the approval of the Presiding Member or a decision of the committee.

(4) No business is to be transacted at an adjourned meeting of the Council or a committee other than that -

(a) specified in the notice of the meeting which had been adjourned; and
(b) which remains unresolved;

6.2, 12.3, 15.9, 16.1

except in the case of an adjournment to the next ordinary meeting of the Council or the committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

3.2 Order of Business

(1) Subject to subclauses (2) and (3), unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows -

(a) Declaration of opening/Announcement of visitors
(b) Record of attendance/Apologies/Leave of absence (previously approved)
(c) Response to previous public questions taken on notice
(d) Public question time
(e) Applications for leave of absence
(f) Petitions
(g) Confirmation of minutes

(h) Announcements by the person presiding without discussion
(i) Matters for which meeting may be closed
(j) Reports
(k) Motions of which previous notice has been given
(l) Questions by members of which due notice has been given
(m) New business of an urgent nature
(n) Matters behind closed doors
(o) Informal discussion (30 minutes) – operational and forward planning matters
(p) Closure

(2) In addition to the public question time to be held under section 5.24 of the Act, a second public question time is to be held at each ordinary meeting of the council at a time deemed by the council to be convenient to members of the public and local public notice of public question times is to be given at least once each year.

(3) At an ordinary meeting of the council at the time appointed for the holding of the second public question time under sub clause (2) the business of the meeting is automatically suspended to enable the public question time to be held.

(4) Unless otherwise decided by 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 agenda of the meeting.

(5) Notwithstanding subclauses (1) and (4) in the order of business for any meeting of the Council or a committee, the time at which public question time is to be held under the Act and Regulations is to be observed.

(6) Notwithstanding subclause (1), 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 appropriately decided, by that meeting.

3.3 Public Question Time

(1) For the purpose of this clause, "a public question time" means a public question time to be held under the Act and Regulations and the public question time held under clause 3.2(2).

(2) During a public question time -
(a) a member of the public who raises a question is to state his or her name and address;
(b) a question may be taken on notice for later response;
(c) when a question is taken on notice under paragraph (b) a response is to be given to the member of the public in writing by the CEO, and a copy is to be included in the agenda of the next ordinary meeting;
(d) the procedures and time allocation provided under section 5.24(2) of the Act apply.

3.4 Petitions

A petition, in order to be effective, is to -

(a) be addressed to the President;

(b) be made by electors of the district;

(c) state the request on each page of the petition;

(d) contain the names, addresses and signatures of the electors making the request, and the date each elector signed;

(e) contain a summary of the reasons for the request;

(f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;

(g) be in the form prescribed by the Act and Local Government (Constitution) Regulations 1996 if it is -

(i) a proposal to change the method of filling the office of President;

(ii) a proposal to create a new district or the boundaries of the Local Government;

(iii) a request for a poll on a recommended amalgamation;

(iv) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.

3.5 Confirmation of Minutes

(1) When minutes of a meeting are submitted to an ordinary meeting of the Council or committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to -

(a) state the item or items with which he or she is dissatisfied; and

(b) propose a motion clearly outlining the alternative wording to amend the minutes.

(2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

3.6 Announcements by the Person Presiding Without Discussion

(1) At any meeting of the Council or a committee the person presiding may announce or raise any matter of interest or relevance to the business of the Council or committee, or propose a change to the order of business.

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

3.7 Matters for which Meeting May be Closed

S.5.23(2), 4.2

For the convenience of members of the public, the Council or committee may identify by decision, early in the meeting, any matter on the agenda of the meeting to be discussed behind closed doors, and that matter is to be deferred for consideration as the last item of the meeting.

3.8 Correspondence

Deleted.

3.9 Motions of which Previous Notice has been Given

(1) Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.

(2) A notice of motion under subclause (1) is to be given at least seven (7) clear working days before the meeting at which the motion is moved.

(3) A notice of motion is to relate to the good government of persons in the district.

(4) The CEO -

(a) with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be out of order; or

(b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and

(c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

(5) No notice of motion is to be out of order because the policy involved is considered to be objectionable.

(6) A motion of which notice has been given is to lapse unless -

(a) the member who gave notice thereof, or some other member authorised by him or her in writing moves 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.

(7) If a notice of motion is given and lapses in the circumstances referred to in subclause (6)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.

3.10 Questions by Members of which Due Notice has been given.

(1) A question on notice is to be given by a member in writing to the CEO at least seven (7) clear working days before the meeting at which it is raised.

(2) If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.

(3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the person presiding.

3.11 New Business of an Urgent Nature

In cases of extreme urgency or other special circumstance, matters may, with the consent of the person presiding, or by decision of the members present, be raised without notice and decided by the meeting.

3.12 Informal Discussion

During informal discussion held under clause 3.2.(1)(o) –

(a) no decisions are to be made;
(b) topics discussed only are to be reported in the minutes; and
(c) the Standing Orders are in all other respects suspended.

3.13 Deputations

(1) A deputation wishing to be received by the Council or a committee is to apply in writing to the CEO who is to forward the written request to the President, or the Presiding Member as the case may be.

(2) The President if the request is to attend a Council meeting, or the Presiding Member of the committee, if the request is to attend a meeting of a committee, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be, or may instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.

(3) A deputation invited to attend a Council or committee meeting -
   (a) is not to exceed five persons, only two of whom may address the Council or committee, although others may respond to specific questions from the members; and
   (b) is not to address the Council or committee for a period exceeding 15 minutes without the agreement of the Council or the committee as the case requires.

(4) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.

Part 4 - Public Access to Agenda Material

4.1 Inspection Entitlement

Members of the public have access to agenda material in the terms set out in Regulation 14 of the Regulations.

4.2 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 "Matters for which meeting may be closed"; 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 $5,000

Part 5 - Disclosure of Financial Interests

5.1 to 5.5 Deleted.

Part 6 – Quorum

6.1 Quorum to be Present

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

6.2 Loss of Quorum During a Meeting

(1) If at any time during the course of a meeting of the Council or a committee a quorum is not present - 3.1(4), 16.5

(a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest,

the matter is adjourned until either -

(i) a quorum is present to decide the matter; or

(ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under section 5.69 of the Act; or

(b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the person presiding is to suspend the proceedings of the meeting for a period of five minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the person presiding is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or the Standing Orders when calling a meeting of that type.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1) (b) -

(a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and 3.1(4), 16.5

(b) in the case of a Council meeting

(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 9.5 apply when the debate is resumed.

Part 7 - Keeping of Minutes

7.1 Content of Minutes

In addition to the matters contained in Regulation 11 of the Regulations, the content of minutes of a meeting of the Council or a committee is to include, where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled, the reasons for the decision. S.5.25(f), R11, 3.5

7.2 Preservation of Minutes

Minutes including the agenda of each Council and committee meeting are to be kept as a permanent record of the activities of the local government and are to be transferred to the Public Records Office, being a directorate of the Library and Information Service of Western Australia, in accordance with the retention and disposal policy determined by that office from time to time.

Part 8 - Conduct of Persons at Council and Committee Meetings

8.1 Official Titles to be Used

Members of the Council are to speak of each other in the Council or committee by their respective titles of President or councillor. Members of the Council, in speaking of or addressing employees, are to designate them by their respective official titles.

8.2 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.

8.3 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 advising the person presiding, in order to facilitate the recording in the minutes of the time of entry or departure.

8.4 Adverse Reflection

(1) No member of the Council or a committee is to reflect adversely upon a decision of the Council or committee except on a motion that the decision be revoked or changed. 15.2

(2) No member of the Council or a committee is to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.
Penalty $1,000

(3) If a member of the Council or committee 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.

8.5 Recording of Proceedings

(1) No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council.

(2) Subclause (1) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee.

8.6 Prevention of Disturbance

(1) Any member of the public addressing the Council or a committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the person presiding whenever called upon to do so.
Penalty $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 $1,000

8.7 Distinguished Visitors

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

Part 9 - Conduct of Members During Debate

9.1 Members Wishing to Speak

Every member of the Council wishing to speak is to indicate by show of hands or other method agreed upon by the Council.

9.2 Priority

In the event of two or more members of the Council or a committee 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.

9.3 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 or committee as the case may be.

9.4 Relevance

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

9.5 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.

10.16
12.7(2)
15.4

9.6 Limitation of Duration of Speeches

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

9.7 Members Not to Speak After Conclusion of Debate

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

9.8 Members Not to Interrupt

No member of the Council or a committee is to interrupt another member of the Council or committee whilst speaking unless: 6.1, 15.3 15.4

(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 10.16; or

(d) to move a motion under clause 11(1)(e).

9.9 Re-Opening Discussion on Decisions

No member of the Council or a committee is to re-open discussion on any decision of the Council or committee, except for the purpose of moving that the decision be revoked or changed.

Part 10 - Procedures for Debate of Motions

10.1 Motions To be Stated

Any member of the Council or a committee who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it.

10.2 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 or a committee meeting, unless the motion has the support required under Regulation 10 of the Regulations.

10.3 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 or committee.

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

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

10.4 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.

10.5 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.

10.6 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) 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 in view, if any;
(h) Mover takes right of reply which closes debate.

10.7 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.

10.8 Member 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.

10.9 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.

10.10 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 lost. 10.13

10.11 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.

10.12 Mover of Motion Not to Speak on Amendment

On an amendment being moved, any member may speak to the amendment, provided that if the person who moved the substantive motion does choose to speak to the amendment, the right of reply is forfeited by that person.

10.13 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.

10.14 Withdrawal of Motion and Amendments

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

10.15 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.

10.16 Personal Explanation

No member is to speak at any meeting of the Council or a committee, except upon the matter before the Council or committee, unless it is to make a personal explanation. Any member of the Council or committee 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 of the Council or committee makes a personal explanation, no reference is to be made to matters unnecessary for that purpose.

10.17 Personal Explanation - When Heard

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

10.18 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.

10.19 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.

10.20 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) if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;

(c) the mover of any amendment does not have a right of reply;

(d) 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.

Part 11 - Procedural Motions

11.1 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 Council (or committee) proceed to the next business;

(b) that the question be adjourned;

(c) that the Council (or committee) now adjourn;

(d) that the question be now put;

(e) that the member be no longer heard;

(f) that the ruling of the person presiding be disagreed with;

(g) that the Council (or committee) 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.

11.2 No Debate on Procedural Motions

(1) The mover of a motion stated in each of paragraphs (a), (b), (c), (f) and (g) of clause 11.1 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 each of paragraphs (d) and (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 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.

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.

Part 12 - Effect of Procedural Motions

12.1 Council (or Committee) to Proceed to the Next Business - Effect of Motion

The motion "that the Council (or committee) proceed to the next business", if carried, causes the debate to cease immediately and for the Council (or committee) to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

12.2 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 9.5 apply when the debate is resumed.

12.3 Council (or Committee) to Now Adjourn - Effect of Motion

3.1(4) 16.1, 16.2,16.3, 16.4, 16.5

(1) The motion "that the Council (or committee) 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 on a motion is interrupted by an adjournment under subclause (1) -

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

(b) in the case of a Council meeting

(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 9.5 apply when the debate is resumed.

12.4 Question to be Put - Effect of Motion

(1) The motion "that the question be now 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.

12.5 Member to be No Longer Heard - Effect of Motion

The motion "that the member be no longer heard", if carried, causes the person presiding to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

12.6 Ruling of the Person Presiding Disagreed With - Effect of Motion

The motion "that the ruling of the person presiding be disagreed with", if carried, causes the ruling of the person presiding about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

12.7 Council (or Committee) to Meet Behind Closed Doors - Effect of Motion

(1) Subject to any deferral under clause 3.7 or other decision of the Council or committee, this motion, if carried, causes the general public and any officer or employee the Council or committee determines, to leave the room.

(2) While a decision made under this clause is in force the operation of clause 9.5 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.

(3) Upon the public again being admitted to the meeting the person presiding, unless the Council or committee decides otherwise, is to cause the motions passed by the Council or committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.

(4) A person who is a Council member, a committee 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 $5,000

Part 13 - Making Decisions

13.1 Question - When Put

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

13.2 Question - Method of Putting

(1) If a decision of the Council or a committee is unclear or in doubt, the person presiding shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

(2) Subclause (1) has no effect in regard to a secret ballot conducted under Schedule 2.3 of the Act.

Part 14 - Implementing Decisions

Deleted.

Part 15 - Preserving Order

15.1 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. 8.6

15.2 Demand for Withdrawal

A member at a meeting of the Council or a committee may be required by the person presiding, or by a decision of the Council or committee, 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. 8.4

15.3 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 while the person presiding listens to the point of order. 9.8

15.4 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 or committee;

(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.

15.5 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.

15.6 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.

15.7 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.

15.8 Precedence of Person Presiding

Deleted.

15.9 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 any other day. 3.1(4) 16.5

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

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

(b) the provisions of clause 9.5 apply when the debate is resumed.

Part 16 - Adjournment of Meeting

16.1 Meeting May be Adjourned

The Council or a committee may decide to adjourn any meeting to a later time on the same day, or to any other day. 3.1(4) 12.3

16.2 Limit to Moving Adjournment 12.3

No member is to move or second more than one motion of adjournment during the same sitting of the Council or committee.

16.3 Unopposed Business - Motion for Adjournment 12.3

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

16.4 Withdrawal of Motion for Adjournment 12.3

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

16.5 Time To Which Adjourned 3.1(4) 6.2, 12.3, 15.9, 16.1

The time to which a meeting is adjourned for want of a quorum, by the person presiding to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

Part 17 - Committees of the Council

17.1 Establishment and Appointment of Committees S.5.8 S.5.9 S.5.10

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

(a) the names of the Council members, employees and other persons to be appointed to the committee; or

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

17.2 Appointment of Deputy Committee Members

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

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

17.3 Presentation of Committee Reports

When the report or recommendations of a committee are placed before the Council, the adoption of recommendations of the committee is to be moved by -

(a) the Presiding Member of the Committee if the Presiding Member is a Council member and is in attendance; or

(b) a Council member who is a member of the committee, if the Presiding Member of the Committee is not a Council member, or is absent; or

(c) otherwise, by a Council member who is not a member of the committee.

17.4 Reports of Committees - Questions

When a recommendation of any committee is submitted for adoption by the Council, any member of the Council may direct questions directly relating to the recommendation through the person presiding to the Presiding Member or to any member of the committee in attendance.

17.5 Permissible Motions on Recommendation From Committee

A recommendation made by or contained in the minutes of a committee may be adopted by the Council without amendment or modification, failing which, it may be -

(a) rejected by the Council and replaced by an alternative decision; or

(b) amended or modified and adopted with such amendment or modification; or

(c) referred back to the committee for further consideration.

17.6 Standing Orders Apply to Committees

Where not otherwise specifically provided, these Standing Orders apply generally to the proceedings of committees, except that the following Standing Orders do not apply to the meeting of a committee -

(a) Clause 8.2, in regard to seating;

(b) deleted;

(c) Clause 9.5, limitation on the number of speeches.

Part 18 - Administrative Matters

18.1 Suspension of Standing Orders

(1) The Council or a committee 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.

18.2 Cases not Provided for in Standing Orders

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

Part 19 - Common Seal

19.1 The Council's Common Seal

(1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.

(2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.

(3) The common seal of the local government is to be affixed to any local law which is made by the local government.

(4) Deleted.

(5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Penalty $1,000

Local Government Act 1995

Shire of Denmark

STANDING ORDERS AMENDMENT LOCAL LAW 2026

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the Shire of Denmark resolved on _____ 2026 to make the following local law.

1. Citation

This local law may be cited as the *Shire of Denmark Standing Orders Amendment Local Law 2026*.

2. Commencement

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

3. Principal local law

In this local law, the *Denmark Standing Orders Local Law 2000*, published in the *Government Gazette* on 29 May 2001 and amended from time to time, is referred to as the principal local law.

4. Principal local law amended

The principal local law is amended as set out in clauses 5 to 13.

5. Clause 3.2 amended

In clause 3.2(6), delete "he or she" and insert "the CEO".

6. Clause 3.3 amended

In clause 3.3(2)(a), delete "his or her" and insert "their".

7. Clause 3.5 amended

In clause 3.5(1):

- delete "he or she" and insert "the member" in the first place where it appears; and
- delete "he or she" and insert "the member" in the second place where it appears.

8. Clause 3.9 amended

In clause 3.9:

- in subclause (1), delete "he or she" and insert "the member";
- in subclause (2), delete "7" and insert "10"
- in subclause (4)(b), delete "his or her own" and insert "the CEO's own";
- in subclause (4)(c), delete "his or her name" and insert "the CEO's name"; and
- in subclause (6)(a), delete "him or her" and insert "the member".

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9. Clause 4.2 amended

In clause 4.2(2), delete “his or her” and insert “their”.

10. Clause 9.4 amended

In clause 9.4, delete “his or her” and insert “their”.

11. Clause 10.7 amended

In clause 10.7, delete “he or she” and insert “the person presiding”.

12. Clause 15.1 amended

In clause 15.1, delete “in his or her opinion” and insert “in the opinion of the person presiding”.

13. Clause 19.1 amended

In clause 19.1(2), delete “him or her” and insert “the CEO”.

Dated this _____ day of _____ 2026.

The Common Seal of the Shire of Denmark was affixed by authority of a resolution of the Council in the presence of:

_____ _____

Signature of President Full name of President

_____ _____

Signature of Chief Executive Officer Full name of Chief Executive Officer

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