



# Bunbury-Harvey Regional Council

## Standing Orders Local Law 2016

The Standing Orders govern the way in which the Bunbury-Harvey Regional Council and its committees convene, conduct and record meetings

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WESTERN AUSTRALIA  
**Local Government Act 1995**  
**Bunbury-Harvey Regional Council Standing Orders Local Law 2016**

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## SCHEDULE

## PETITION TO THE BUNURY-HARVEY REGIONAL COUNCIL OF ELECTORS OF THE PARTICIPANTS

Local Government Act 1995  
Bunbury-Harvey Regional Council Standing Orders Local Law 2016

Under the powers conferred by the *Local Government Act 1995* and under all powers enabling it, the Bunbury-Harvey Regional Council resolved on DATE to make the following local law.

## Part 1 – Preliminary

### 1.1 Title

This local law is the *Bunbury-Harvey Regional Council Standing Orders Local Law 2016*.

### 1.2 Commencement

This local law comes into operation fourteen (14) days after its publication in the *Government Gazette*.

### 1.3 Purpose and effect

- (1) The purpose of this local law is to provide a set of procedures to assist in the good conduct of meetings of the Council.
- (2) This local law is intended to result in -
  - (a) better decision-making by the Council;
  - (b) orderly and efficient conduct of meetings dealing with Council business;
  - (c) greater community participation and understanding of the business of the Council; and
  - (d) more open and accountable local government.

### 1.4 Terms used in this local law

- (1) In this local law, unless the contrary intention appears -

**Act** means the *Local Government Act 1995*;

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

**CEO** means the Chief Executive Officer of the Bunbury-Harvey Regional Council;

**Chairman** means the member holding the office of chairman of the Bunbury-Harvey Regional Council;

**Committee** means a Committee of the Council established under the Act;

**Council** means the council of the Bunbury-Harvey Regional Council;

**meeting** means a meeting of the Council;

**member** means a member of the Council;

**presiding person** means any person presiding at a meeting;

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

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

**urgent business** means any motion notice of which is dispensed with under clause 3.15.

- (2) Unless otherwise defined in this local law, the terms and expressions used in this local law have the same meaning as given to them in the Act.

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## **Part 2 – Meetings of Council**

### **2.1 Ordinary and Special Council Meetings**

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

### **2.2 Calling of meetings**

The calling of meetings is dealt with in the Act.

### **2.3 Notice of meeting and notice of adjournment**

- (1) The giving of notice of meetings of the Council is dealt with in the Act and the giving of public notice of meetings is dealt with in the Regulations.
- (2) How documents can be given to a person is dealt with in the Act and the *Interpretation Act 1984*.
- (3) When a meeting is adjourned to a day and hour other than the next ordinary meeting, notice of the resumption of the adjourned meeting, if time permits, is to be given to each member specifying the nature of the business to be transacted.

### **2.4 Public notice of meetings**

Public notice of meeting is dealt with in the Regulations.

### **2.5 Public access to agendas and supporting information**

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

### **2.6 Public access to unconfirmed minutes of meetings**

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

### **2.7 Quorum for meetings**

The requirements for a quorum for a meeting are dealt with in the Act.

### **2.8 Procedure if quorum not present**

The procedure where a quorum for a meeting is not present is dealt with in the Regulations.

## 2.9 Lapse of quorum

- (1) If at any time during any meeting a quorum is not present, the presiding person upon becoming aware of the fact is to suspend the proceedings of the meeting for a period of 15 minutes.
- (2) If a quorum is not present at the expiration of the 15 minutes suspension period the presiding person is to adjourn the meeting to a future time and date.
- (3) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment and be recorded in the minutes of the meeting.
- (4) Where the debate on any primary motion is interrupted at a meeting, which is adjourned due to lack of a quorum that debate is to be resumed at the resumption of the meeting at the point where it was interrupted.
- (5) The members who have spoken on the primary motion at the adjourned meeting must not speak again on resumption of that meeting, except the mover who retains the right of reply.
- (6) At any meeting where a quorum is not present or there is an adjournment due to the lack of a quorum the names of the members then present are to be recorded in the minute book.

## 2.10 Voting

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

## 2.11 Method of taking vote

- (1) In taking the vote on any motion or amendment the Presiding Member:
  - a) is to put the question, first in the affirmative, and then in the negative;
  - b) may put the question 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 by a show of hands) that enable a record to be taken of each members vote; and
  - d) subject to this clause, is to declare the result.
- (2) The CEO is to ensure that the minutes record:
  - a) the name of each member who voted; and
  - b) whether he or she voted in the affirmative or negative.

## Part 3 – Business at Meetings

### 3.1 Order of business

- (1) Unless the Council decides otherwise, the order of business at an ordinary meeting of the Council is to be as follows -
  - (a) declaration of opening/announcement of visitors;
  - (b) attendance  
apologies  
leave of absence (previously approved);
  - (c) public question time;
  - (d) summary of response to previous questions taken on notice;
  - (e) applications for leave of absence;
  - (f) confirmation of minutes;
  - (g) petitions and memorials;
  - (h) declarations of interests;
  - (i) announcements (by the presiding member without discussion);
  - (j) reports of committees;
  - (k) business of previous meeting;
  - (l) reports of officers;
  - (m) general business;
  - (n) confidential reports for which the meeting may be closed to the public;
  - (o) notice of motion;
  - (p) next meeting;
  - (q) closure of meeting.
- (2) The order of business at any special meeting of the Council is to be in the order in which it appears in the agenda, unless otherwise decided by the Council.
- (3) Unless otherwise decided by the Council, the items of business for a meeting of the Council are to be considered in the sequence that they are listed in the agenda.

- (4) At the resumption of an adjourned meeting the only business to be transacted is that which remains outstanding on the agenda of the adjourned meeting.

### **3.2 Disclosure of financial and proximity interests**

The requirements for disclosure of any interest are dealt with in the Act.

### **3.3 Disclosure of interest affecting impartiality**

The disclosure of interests affecting impartiality is dealt with by the Rules of Conduct Regulations.

### **3.4 Public question time**

- (1) Public question time at meetings is dealt with in the Act and Regulations.
- (2) A member of the public wanting to ask a question during public question time must first state their name and address.
- (3) Questions asked by the public are to relate to the business of the Council and are not to be in the form of a statement or a personal opinion.

### **3.5 Distinguished visitors**

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

### **3.6 Announcements by presiding person**

- (1) At any meeting of the Council the presiding person may -
  - (a) announce or raise any matter of interest or affecting the Bunbury-Harvey Regional Council; or a
  - (b) propose a change to the order of business.
- (2) Any member may move that a change in order of business proposed by the presiding person not be accepted and, if carried by a majority of the members present, the proposed change in order is not to take place.

### **3.7 Application for leave of absence from meeting**

- (1) The requirement for members to obtain leave of absence from meetings of the Council is dealt with in the Act.
- (2) A member who requests that leave of absence be granted for a member need not put the request in writing but must state the period of leave and the reasons for the request.

### **3.8 Petitions**

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

### **3.9 Deputations to meetings**

- (1) Any person or persons wishing to be received as a deputation by the Council, must in the first instance, give a request in writing to the CEO setting out in concise terms the matter to be raised by the deputation.
- (2) A request under subclause (1) must be given to the CEO at least 3 clear business days before the date of the meeting.
- (3) When the CEO receives a request for a deputation to the Council, the request is to be brought to the attention of the presiding person.
- (4) The presiding person is to -
  - (a) decide that a deputation is to be received and when it is to be received; or
  - (b) instruct the CEO to refer the request to the Council to decide whether or not to receive the deputation.
- (5) A deputation is not to exceed 5 persons in number. Only 3 of those persons may address the meeting but any of the persons may reply to a question from the Council. Each person addressing the Council is required to present new or additional information and not repeat previous comments made during the deputation.
- (6) Members of a deputation are collectively to have a maximum of 15 minutes to address the meeting, unless an extension of time is granted by the Council.
- (7) Any matter 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.

### **3.10 Presentations**

- (1) If the CEO determines that it would be beneficial for a presentation to be made, with the agreement of the Chairman, the presentation may take place under this order of business or at the time of dealing with that particular item of business.
- (2) The time for the presentation and any questions from members will be determined by the Chairman according to the particular case or circumstance.

### **3.11 Confirmation of minutes**

The requirements for keeping minutes of meetings and the content of minutes are dealt with in the Act and the Regulations.

### **3.12 Identification of matters for which the meeting may meet behind closed doors**

For the convenience of members of the public, the Council may by resolution, with reasons recorded in the minutes, identify those matters on the agenda that are to be discussed behind closed doors and defer those matters to be considered as the last reports at the meeting.

### **3.13 Reports of the CEO**

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

### **3.14 Motions of which previous notice has been given**

- (1) A member may raise at a meeting any business that the member considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) Subject to subclause (3) a notice of motion under subclause (1) is to be signed by the member and given to the CEO at least 7 clear business days before the meeting at which it is to be moved.
- (3) The requirement to give notice of a motion under subclause (1) does not apply where the proposed motion is relevant to -
  - (a) a recommendation made by or contained in a report on the agenda; or
  - (b) a notice of motion that appears on the agenda, and is moved after the motion has been dealt with.

- (4) A notice of motion lapses unless the member who gave the notice or some other member authorised in writing by the member who gave the notice, moves the motion at the meeting at which it is to be considered.
- (5) Where a notice of motion is given and lapses in circumstances referred to under subclause (4), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of the lapse.
- (6) A motion of which previous notice has been given is to relate to a purpose for which the Mindarie Regional Council is established.
- (7) A notice of motion of which the subject matter is does not relate to a purpose for which the Mindarie Regional Council is established, may be ruled out of order by the presiding person.
- (8) Where a notice of motion under subclause (1) contains any word or words which -
  - (a) reflect adversely on the character or actions of a member, officer or other person; or
  - (b) impute any motive to any member or officer; or
  - (c) are offensive or insulting,then the CEO -
  - (i) after consultation with the Chairman, may reject the motion; or
  - (ii) after consultation with the member who submitted the motion, may amend the form but not the substance of the motion so as to delete the offensive or insulting word or words.
- (9) Where, prior to a meeting, a member has given notice of motion in accordance with this clause or a member has given notice of a revocation motion in accordance with clause 6.1 and -
  - (a) the member is present at the meeting; the member must read the motion or revocation motion to the meeting; or
  - (b) the member is not present at the meeting; the CEO must read the motion or revocation motion to the meeting.

### **3.15 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 4 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 the 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 presiding person.

### **3.16 Urgent business**

The presiding person may dispense with the requirement to give notice under clause 3.14 where the presiding person is satisfied that -

- (a) the motion is a matter of urgency and the motion could not reasonably be dealt with at the next ordinary meeting of the Council; and
- (b) it was not reasonable for the notice to be given.

### **3.17 Meeting closure**

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

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## **Part 4 – Conduct of Meetings**

### **4.1 Official titles to be used**

Members, when referring to others, must refer to them by their titles of Chairman, Deputy Chairman, Councillor, or in the case of an employee by the employee's title.

### **4.2 Advice of entry or departure**

During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

### **4.3 Distinguished visitor seating**

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

### **4.4 Media attendance and seating**

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

### **4.5 Order of speakers**

When 2 or more members indicate their desire to speak at the same time the presiding person is to decide who is entitled to priority.

### **4.6 Members not to interrupt**

A member must not -

- (a) make any noise or disturbance or converse in a loud manner whilst any other member is addressing a meeting; or
- (b) cause any interruption or speak out of turn during a meeting, other than to raise a point of order, make a personal explanation or move a procedural motion.

### **4.7 No member to cross the floor**

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

### **4.8 Presiding person may participate in discussion**

- (1) The voting entitlement of a presiding person at a meeting is dealt with in the Act.
- (2) The presiding person may participate in the discussion of any motion before the meeting provided that the presiding person addresses the meeting before the right of reply is exercised.
- (3) The presiding person may move a motion without vacating the chair.

#### **4.9 Relevance to debate**

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

#### **4.10 Personal explanation**

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

#### **4.11 Ruling on questions of personal explanation**

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

#### **4.12 Point of order**

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

#### **4.13 Preservation of order – members**

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

#### **4.14 Preservation of order – members of the public**

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

#### **4.15 Serious disorder**

- (1) If the presiding person is of the opinion that by reason of serious disorder or otherwise, the business of the meeting cannot effectively be continued, the presiding person may adjourn the meeting for a period of not less than 5 minutes but no more than 15 minutes.
- (2) If, having once adjourned the meeting, the presiding person is again of the opinion that the business of the meeting cannot effectively be continued the presiding person may adjourn the meeting to another date.

## Part 5 – Motions and Amendments

### 5.1 Recommendations in reports

- (1) Where a motion, if carried, would be significantly different from the relevant written recommendation of an employee (but not a motion to only note the matter or to return the recommendation for further consideration), the motion is to include the reasons for the motion.
- (2) The requirements for recording in the minutes of a meeting, written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of or an employee are dealt with in the Regulations.
- (3) A recommendation made by or contained in a report may, but need not be, moved. In the event of a recommendation not being moved the CEO shall refer the matter to the next meeting of the Council.
- (4) A motion may be moved that a recommendation made by or contained in a report be referred back for further consideration.

### 5.2 Adoption of recommendations en bloc

A member may move a motion to adopt by one resolution, all the recommendations or a group of recommendations or several reports, without amendment or qualification after having first identified those recommendations, if any -

- (a) which require adoption by absolute or special majority vote,
- (b) in respect of which there is a disclosure of interest;
- (c) which any member has indicated the member wishes to debate; and
- (d) in respect of which any member has indicated the wish to ask a question or to raise a point of clarification,

and, each of those recommendations referred to in paragraphs (a), (b), (c) and (d) are to be considered separately.

### 5.3 Motions

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

#### **5.4 No opposition to motions**

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

#### **5.5 Motions to be seconded**

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

#### **5.6 Withdrawing motions**

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

#### **5.7 One motion at a time**

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

#### **5.8 Limitation on members speaking**

- (1) Only the mover of a motion or an amendment may speak twice on the same motion or the same amendment.
- (2) The mover of a motion or an amendment -
  - (a) is to speak to that motion or amendment first, after it has been seconded; and
  - (b) has the right of reply and in exercising that right is to confine the reply to previous speakers' comments and not introduce any new matters.
- (3) A member must not speak on any motion or an amendment after the mover has replied.
- (4) A member may only speak on a motion or an amendment, or reply, for a period of 5 minutes, unless an extension of time is granted by the Council by simple majority without debate, but is not to exceed 10 minutes in total.
- (5) The Council may suspend the operation of this clause during debate on a motion.

## 5.9 Questions during debate

- (1) Subject to clause 5.8, a member may ask a question at any time during the debate on a motion or an amendment before the mover of the motion or amendment has replied.
- (2) A member who asks one or more questions will not be taken to have spoken on the matter.
- (3) Where the presiding person considers a question asked is not succinct and to the point, but is prefaced by comment or other information, the presiding person may rule that the member has spoken on the matter and, in that event, the member must not speak again on the matter.

## 5.10 Amendments

- (1) A member may move an amendment to a primary motion, at any time during debate on the motion, except -
  - (a) when the mover has been called by the presiding person to exercise the right of reply; or
  - (b) during consideration of a procedural motion.
- (2) Every amendment is to be relevant and not negate the motion in respect of which it is moved.
- (3) An amendment to a motion is to take only one of the following forms -
  - (a) that certain words be omitted;
  - (b) that certain words be omitted and others substituted or added; or
  - (c) that certain words be added.
- (4)
  - (a) Only one amendment is to be discussed at a time, but as often as an amendment is lost, another amendment may be moved before the primary motion is put to the vote.
  - (b) Where an amendment is carried, one further successful amendment to the primary motion, as amended, and no more, may be carried.
- (5) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate and subject only to subclause (4), to be treated as a primary motion.

## Part 6 – Revocation Motions

### 6.1 Terms used in this Part

In this Part -

- (a) **relevant meeting**, where used in relation to a revocation motion, means -
  - (i) the ordinary or special meeting specified in the notice of the revocation motion; or
  - (ii) if that meeting is adjourned before the motion is announced by the presiding person, then at the resumption of the adjourned meeting; or
  - (iii) if that meeting is closed before the motion is announced by the presiding person, then at the next ordinary meeting or a special meeting convened to consider those matters not considered prior to the closure of the meeting; or
  - (iv) if the motion is deferred by the Council to another meeting of the Council, then at that other meeting, as the case may be;
- (b) **revocation motion** means a motion to revoke or change a decision made at a Council meeting.

### 6.2 Requirements for support

The requirements for support of a motion for revocation or change of a Council decision are dealt with in the Act and Regulations.

### 6.3 Application of this Part

This clause does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

### 6.4 Procedure for moving a revocation motion

- (1) A member wishing to move a revocation motion at a meeting of the Council must give to the CEO notice of the revocation motion, which is to -
  - (a) be in writing;
  - (b) specify the decision proposed to be revoked or changed;
  - (c) include a reason or reasons for the revocation motion;
  - (d) be signed by the number of members required by law to support the motion to revoke or change the decision referred to in the revocation motion;
  - (e) specify the date of the ordinary or special meeting of the Council, as the case may be, which next follows the expiry of 7 clear days after the notice is given to the CEO;

- (f) be given to the CEO not less than 7 clear days prior to the date of the ordinary or special meeting specified in the notice.
- (2) (a) If, at the relevant meeting, the member who gave the notice of the revocation motion is present, then the presiding person is to call on that member to move the revocation motion.
- (b) If that member is not present or, being present, does not move the revocation motion when called upon to do so by the presiding person, then notwithstanding clause 3.14 any member of the Council may move the revocation motion.

#### **6.5 Implementation of a decision the subject of a revocation motion**

Where notice of a revocation motion is given in accordance with the requirements of this clause, then the CEO must not implement or continue to implement, the decision the subject of the revocation motion until -

- (a) the revocation motion is not supported by the number of members of the Council required by law to support the motion;
- (b) no member of the Council moves the revocation motion;
- (c) the motion is moved but not seconded; or
- (d) the motion is moved and seconded but is not made by the kind of majority required by law,

at the relevant meeting.

#### **6.6 Lapse of notice of revocation motion**

A notice of revocation motion given in accordance with the requirements of this clause is to lapse when -

- (a) the revocation motion is not supported by the number of members of the Council required by law to support the motion;
- (b) no member of the Council moves the revocation motion;
- (c) the motion is moved but not seconded; or
- (d) the motion is moved and seconded but is not made by the kind of majority required by law, at the relevant meeting.

## **6.7 Application of certain clauses**

- (1) Subclauses (1), (2), (3), (4), (5) and (6) of clause 3.14 do not apply where the motion is a revocation motion.
- (2) For the avoidance of doubt, subclauses (7), (8) and (9) of clause 3.14 are to apply where the motion is a revocation motion.

## **6.8 Deferral of a revocation motion**

A motion that a revocation motion be deferred is only to be carried by the decision of an absolute majority.

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## **Part 7 – Procedural Motions**

### **7.1 Permissible procedural motions**

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

- (a) that the motion be deferred;
- (b) that the meeting do now adjourn;
- (c) that the motion be now put;
- (d) that the meeting be now closed;
- (e) that the Council meet behind closed doors;
- (f) that the ruling by the presiding person be disagreed with;
- (g) that the operation of clause 5.8 (Limitation on members speaking) be suspended.

### **7.2 No debate on procedural motions**

- (1) The mover of a motion referred to in each of paragraphs (a), (b), (d) and (f) of clause 7.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion referred to in paragraph (c) of clause 7.1 must not speak to the motion, the seconder must not speak other than to formally second the motion, and there is to be no debate on the motion.

### **7.3 Procedural motions – closing debate – who may move**

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

### **7.4 Procedural motions – right of reply on primary motion**

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

### **7.5 The motion be deferred – effect of motion**

- (1) If a motion “that the motion be deferred”, is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.
- (2) A member who moves “that the motion be deferred” must briefly state the reasons for the deferral when moving.
- (3) A motion that the motion be deferred is not to be moved in respect of the election of a presiding person or the Chairman.

### **7.6 The meeting do now adjourn – effect of motion**

- (1) If a motion “that the meeting do now adjourn”, is carried then the meeting is to stand adjourned to a time and date specified in the motion, or where no time and date is specified, to such time and date as the presiding person declares.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) -
  - (a) the debate is to be resumed at the date and time specified as required in subclause (1) and at the point where it was so interrupted; and
  - (b) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
  - (c) the provisions of clause 5.8 apply when the debate is resumed.

### **7.7 The motion be now put – effect of motion**

- (1) If a motion “that the motion be now put”, is carried during discussion of a primary motion or amendment then the presiding person is to immediately put the matter under consideration without further debate (subject to clause 7.4).
- (2) If the motion “that the motion be now put” is lost then debate is to continue.

### **7.8 Meeting be now closed – effect of motion**

- (1) If a motion “that the meeting be now closed”, is carried, then -
  - (a) the presiding person is to forthwith close the meeting, and no further business may be transacted; and
  - (b) any business outstanding on the agenda for that meeting is to be carried forward to the agenda for the next ordinary meeting of the Council.
- (2) If the motion “that the meeting be now closed” is carried at a meeting of the Council -

- (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
- (b) the provisions of clause 5.8 apply when the outstanding business is resumed.

#### **7.9 Council meet behind closed doors – effect of motion**

- (1) The requirements for meetings to be open to the public and the reason that meetings may be closed are dealt with in the Act.
- (2) Notwithstanding clause 7.1, a member may move at any time during a meeting “that the meeting meet behind closed doors”.
- (3) If a motion “that the Council meet behind closed doors”, is carried then the presiding person is to direct all persons, other than members, employees and other persons, as specified in the motion, to leave the meeting room and every person must immediately comply with that direction.
- (4) While a decision made under this clause is in force the operation of clause 5.8 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.
- (5) Subject to subclause (3), the meeting is to be closed to the public until the Council resolves to open the meeting to members of the public.
- (6) Upon the public again being admitted to the meeting the presiding person is to cause the motions passed by the Council whilst it was proceeding behind closed doors to be read out including the details of any voting recorded.
- (7) A person who is a member, or an officer or employee is not to publish, or make public any of the discussion which takes 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.
- (8) A person failing to comply with a direction made under subclause (3) may, by order of the presiding person, be removed by the police from the meeting room.

#### **7.10 Ruling by the presiding person be disagreed with – effect of motion**

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

## **Part 8 – Conduct of Members**

### **8.1 No adverse reflection**

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

### **8.2 Withdrawal of offensive language**

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

### **8.3 No participation in public question time**

- (1) A member who participates in the role of a councillor during a meeting must not participate as a member of the public without leave of absence granted by the Council;
- (2) A member who wishes to participate, not in the role of councillor but as a member of the public and sit in the public gallery, during a meeting, may do so only after obtaining the requisite leave from the Council.

## **Part 9 - Miscellaneous**

### **9.1 Representation on public bodies**

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

## **9.2 Improper use of information**

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

## **9.3 Recording of proceedings**

- (1) A person who uses any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the written permission of the Council commits an offence.

Penalty - \$1,000.

- (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.

## **9.4 Cases not provided for in this local law**

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

## **9.5 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.

## **9.6 Enforcement**

The right to prosecute for any offence committed under this local law is dealt with in the Act.

# **Part 10 – Common Seal**

## **10.1 Common Seal**

- (1) The CEO is responsible for the safe custody and proper use of the common seal of the Local Government.
- (2) Each document to which the common seal is affixed must be signed by the CEO or an employee authorised in writing by the CEO.
- (3) The common seal is to be affixed to any Local Law which is made by the Local Government.
- (4) On each occasion the common seal is affixed to a document, the CEO is to have recorded in a register maintained for the purpose –
  - a) the date the common seal was affixed;
  - b) the nature of the document; and
  - c) the parties described in the document.
- (5) A person who uses the common seal of the Local Government or a replica without authority commits an offence.

Dated:

The Common Seal of the *Bunbury-Harvey Regional Council* was affixed by the authority of a resolution of Council in the presence of:

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Mrs Judy Jones  
Chairman

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Mr Tony Battersby  
Chief Executive Officer

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**SCHEDULE**

**PETITION TO THE BUNBURY-HARVEY REGIONAL COUNCIL OF ELECTORS OF THE PARTICIPANTS**

[cl.3.7(2)(a)]

To the Chairman and members of the Bunbury-Harvey Regional Council

We, the undersigned, all being electors of the Participants (i.e. City of Bunbury and Shire of Harvey) of the Bunbury-Harvey Regional Council do respectfully request that the Council -

*[Here set out a concise statement of facts and the action sought]  
Note the changes to the Standing Orders Local Law 2016 adopted by*

Correspondence in respect of this petition should be addressed to -

*[Here set out the name and address of the person]  
Chief Executive Officer, Bunbury-Harvey Regional Council,  
P O Box 21, Bunbury WA 6231.*

The names and addresses of your petitioners are as follows -

Date	Full Name	Address	Signature
Agree/Disagree/No Opinion			

Note - Petitioners may contact the CEO of the Bunbury-Harvey Regional Council if they wish to withdraw from this petition or change their comment.