

# LOCAL GOVERNMENT ACT 1995

## SHIRE OF VICTORIA PLAINS

### STANDING ORDERS AMENDMENT LOCAL LAW 2017

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

#### 1. Citation

This local law may be cited as the *Standing Orders Amendment Local Law 2017*.

#### 2. Commencement

This local law will come into operation 14 days after publication in the *Government Gazette*.

#### 3. Principal Local Law

This local law amends the *Local Law Relating to Standing Orders* as published in the *Government Gazette* on 26 August 1997.

#### 4. Clause 2.1 amended

Delete subclause 2.2(1)(c) and insert –

- (c) by sending it to the Member to the postal address notified in writing by the Member to the Chief Executive Officer at least 72 hours before the meeting; or
- (d) by electronic means to the Member by facsimile or email as notified in writing by the Member to the Chief Executive Officer at least 72 hours before the meeting.

#### 5. Clause 3.4 amended

In clause 3.4 delete the word “fifteen” and insert “30”.

#### 6. Clauses 4.1 and 4.2 amended

Delete clauses 4.1 and 4.2 and insert –

##### 4.1 Recording of Minutes

The keeping of minutes is dealt with in section 5.22 of the Act.

##### 4.2 Confirmation of Minutes

- (1) The minutes of any preceding meeting or meetings, not previously confirmed, shall be submitted for confirmation to the next ordinary meeting of the Council or Committee, as the case requires, and no discussion of them shall be permitted except as to their accuracy as a record of the proceedings.
- (2) Certification of the minutes is dealt with in section 5.22 of the Act.

#### 7. Clause 5.1 amended

Delete clause 5.1 and insert –

##### 5.1 Ordinary Meetings – Order of Business

The order of business of an ordinary meeting of the Council shall be determined by the local government from time to time, and shall include –

- 1. Declaration of Opening
  - 1.1 Opening
  - 1.2 Announcements by presiding member
  - 1.3 Announcement of visitors and presentations
- 2. Record of attendance –
  - 2.1 Members present
  - 2.2 Staff attending
  - 2.3 Apologies
  - 2.4 Approved leave of absence

3. Applications for leave of absence
4. Declaration of interest –
  - 4.1 Financial
  - 4.2 Proximity
  - 4.3 Impartiality
5. Public Question Time –
  - 5.1 Response to previous public questions taken on notice
  - 5.2 Public questions without notice
6. Confirmation of minutes –
  - 6.1 Council meetings – ordinary and special meetings
  - 6.2 Committees – all Committees established by Council
7. Submissions –
  - 7.1 Petitions
  - 7.2 Presentations
  - 7.3 Deputations
8. Reports –
  - 8.1 Reports of committees requiring decision
  - 8.2 Reports of officers
9. Member motions of which previous notice has been given
10. New business of an urgent nature introduced by decision of the meeting
11. Meeting closed to public –
  - 11.1 Matters for which the meeting may be closed
  - 11.2 Public reading of resolutions made during a closed meeting
12. Closure of meeting

**8. Clause 6.2 amended**

Delete clause 6.2 and insert –

**6.2 Public Question Time**

- (1) The minimum time allocated for the asking of and responding to questions raised by members of the public is fifteen minutes.
- (2) All questions shall relate to matters affecting the Council and shall be directed to the President.
- (3) A member of the public who raises a question during question time, is to state his or her name and address.
- (4) A question may be taken on notice by the Council for later response.
- (5) 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; and
  - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (6) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to –
  - (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.
- (7) A member of the public shall have two minutes to submit a question or questions, unless the presiding member agrees to extend the time permitted.
- (8) Each member of the public with a question is entitled to ask up to two questions before other members of the public will be invited to ask their questions.
- (9) Where a member of the public provides written questions then the presiding member may elect for the questions to be responded to as normal business correspondence.
- (10) The presiding member may decide that a public question shall not 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 all reasonable steps to assist the member of the public to phrase the statement as a question; or
  - (c) the member of the public asks a question that is offensive or defamatory in nature, 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.

(11) The presiding member may agree to extend public question time beyond the prescribed 15 minutes, but not more than an additional 15 minutes.

(12) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

#### **9. Clause 7.1 amended**

Delete clause 7.1 and insert –

##### **7.1 Motions of which Previous Notice has been Given**

- (1) Unless the Act, 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 7 working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of 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, or likely to involve, a breach of any of this local law or any other written law;
  - (b) will inform members on each occasion that a notice has been excluded and the reasons for that exclusion;
  - (c) after consultation with the member where this is practicable, may make such amendments to the form but not the substance as will bring the notice of motion into due form; and
  - (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (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; or
  - (b) the Council 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 lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

#### **10. Clause 7.3 inserted**

Insert clause 7.3 –

##### **7.3 New business of an urgent nature**

- (1) In cases of urgency or other special circumstances, matters may, on a motion by the presiding member that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), “cases of urgency or other special circumstances” means matters that have arisen after the preparation of the agenda that are considered by the presiding member to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the Council before the next meeting.

#### **11. Clause 9.2 amended**

Delete clause 9.1 and insert –

##### **9.1 Prevention of disturbance**

- (1) A reference in this clause to a person is to a person other than a member.
- (2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the presiding member.
- (3) A person observing a meeting shall 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 shall ensure that his or her mobile telephone or audible pager is not audible or used during any meeting of the Council.
- (5) The presiding member may expel a person from the meeting by ordering the person to leave the meeting room, if –

- (a) after being warned, the person again acts contrary to this clause, or to this local law; or
- (b) a person refuses or fails to comply with a direction of the presiding member.
- (6) 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.
- (7) A person in breach of this clause is subject to the penalty specified in clause 19.6.

**12. Clauses 10.8 and 10.9 amended**

Delete clauses 10.8 and 10.9 and insert –

**10.8 Speaking Twice**

Without the consent of the presiding member, a member is not to address the Council more than once on any motion or amendment except –

- (a) as the mover of a substantive motion, to exercise a right of reply;
- (b) to raise a point of order; or
- (c) to make a personal explanation.

**10.9 Limit on Speeches**

A Member shall not speak on any motion or amendment or in reply for a period longer than five minutes without the consent of the Members present, which shall be signified without debate.

**13. Clause 11.17 amended**

Delete clause 11.17 and insert –

**11.17 Mover of motion may speak on amendment**

Any member may speak during debate on an amendment consistent with subclause 10.8.

**14. Clause 12.1 amended**

Delete clause 12.1 and insert –

**12.1 Permissible Procedural Motions**

In addition to proposing a properly worded amendment to a motion, it is permissible for a Member to move the following procedural motions –

- (a) that the meeting proceed to the next business;
- (b) that the debate be adjourned;
- (c) that the meeting do now adjourn;
- (d) that the question be now put;
- (e) that the Member be no longer heard;
- (f) that the ruling of the President be disagreed with;
- (g) that the meeting be closed to the public.

**15. Clause 12.3 amended**

Delete clause 12.3 and insert –

**12.3 Procedural Motions – No debate**

- (1) The mover of a motion specified in clause 11.1(a), (b), (c), (f) or (g) may speak to the motion for not more than two 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 specified in clause 11.1 (d) or (e) 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.

**16. Clause 13.1 amended**

- (a) Amend title of clause 13.1 to read “That the Meeting Proceed to the Next Business”
- (b) In clause 13.1, delete the word “Council” and replace with “meeting”.

**17. Clause 13.2 amended**

Amend title of clause 13.2 to read “That the Debate be Adjourned”

**18. Clause 13.3 amended**

Amend title of clause 13.3 to read "That the Meeting does now Adjourn"

**19. Clauses 13.5, 13.6 and 13.9 deleted**

Delete clauses 13.5, 13.6 and 13.9.

**20. Clauses 13.7, 13.8 and 13.10 amended**

Renumber clauses 13.7, 13.8 and 13.10 as clauses 13.5 to 13.7 inclusive.

**21. Clause 18.1 amended**

Delete clause 18.1 and insert –

**18.1 Committees**

- (1) 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) the number of Council members, officers and other persons to be appointed to the committee;
  - (c) the names or titles of the Council members and officers to be appointed to the committee;
  - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
  - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- (2) Unless earlier determined by Council, a Committee established by Council ceases to exist at the first meeting held after the next following ordinary local government election.
- (3) Council may re-establish the Committee by resolution until the first meeting held after the next following ordinary local government election.

**22. Clause 18.2 amended**

Delete clause 18.2 and insert –

**18.2 Standing Orders to Apply to Committees**

The Standing Orders shall apply with the necessary adaptations and modifications to the proceedings of Committees of the Council.

Dated \_\_\_\_\_

The Common Seal of the Shire of Victoria Plains was affixed by authority of a resolution of Council in the presence of –

D.S. LOVELOCK, President.

G.M. TEEDE, Chief Executive Officer.