

## **Shire of Manjimup BYLAW Relating to Standing Orders**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on 8 December 1983 to make and submit for confirmation by the Lieutenant-Governor and Administrator the following by-law:

1. The by-laws of the Manjimup Road Board published in the *Government Gazette* of 26 July 1935 are hereby repealed.
  - (1) This by-law may be cited as the Shire of Manjimup By-law Relating to Standing Orders.
  - (2) The proceedings and business of the Council shall be conducted according to this by-law, the clauses of which shall be referred to as "The Standing Orders."
- Interpretation** 2. In this by-law, unless the context otherwise requires –  
"Act" means the Local government Act 1960;  
"Clause" means a clause of this by-law.
- President to Preside** 3. The President, if present, shall preside at all meetings of the Council, and, in his or her absence, or if after being present, he or she retires, the Deputy President shall preside, but if he or she is not present, or if after being present he or she retires one of the Councillors chosen by the Councillors then present shall preside
- Quorum** 4. (1) At any meeting of Council a quorum shall consist of such number as conforms to the provisions of section 173 of the Act.  
(2) Subject to clause 5, every meeting shall proceed to business as soon after the time stated in the Summons as a quorum is constituted.
- Absence of a Quorum** 5. If at any time during any meeting of the Council a quorum is not present the President shall thereupon suspend the proceedings of the meeting for a period of two minutes, and if a quorum be present at the expiration of that period, the meeting shall be deemed to have been counted out, and the President shall adjourn it to some future date.

## **Shire of Manjimup BYLAW Relating to Standing Orders**

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

### **Open Doors – Except as Provided**

8. (1) The business of the Council shall be conducted with open doors except upon such occasions as the Council may by resolution otherwise decide.
  - (2) Upon the carrying of such a resolution as is mentioned in subclause (1) of this clause, the President shall direct all persons other than Councillors and servants of the Council to leave the Council chambers and every person shall forthwith comply with such direction.
  - (3) Any person failing to comply with a direction made pursuant to subclause (2) of this clause may, by order of the President, be removed from the Council Chamber.
  - (4) After the carrying of a resolution made under subclause (1) of this clause the business at that meeting of the Council, shall proceed behind closed doors until the Council by resolution, decides to proceed with open doors.
  - (5) While a resolution made under subclause (1) of this clause is in force the operation of Clause 28 shall be suspended unless the Council, by resolution, otherwise decides.
  - (6) Any resolution mentioned in this clause may be moved without notice.

### **Disturbance by Strangers**

9. (1) A person, not being a Councillor, shall not at any meeting of Council interrupt the proceedings of the Council.
  - (2) Any person interrupting the proceedings of the Council shall, when so directed by the President,

## **Shire of Manjimup BYLAW Relating to Standing Orders**

forthwith leave the Council Chambers.

- (3) Any person who, being ordered to leave the Council Chambers, fails to do so may, by order of the President, be removed from the Council chambers.

### **Order of Business at Ordinary Meeting**

10. The order of business at an ordinary meeting of the Council shall, unless for the greater convenience of the Council altered by resolution to that effect, be as nearly as practicable as follows, that is to say –
- (i). Members Present
  - (ii). Confirmation of Minutes.
  - (iii). Announcements by the President Without Discussion.
  - (iv). Motions of Which Previous Notice Has Been Given.
  - (v). Replies to Questions of Which Due Notice Has Been Given.
  - (vi). Reports of Committees etc.
  - (vii). Petitions and Memorials
  - (viii). Correspondence
  - (ix). Reports
  - (x). Notice of Intention to Move suspension of Standing Orders at Close of Meeting.
  - (xi). Orders of the Day
  - (xii). Notice of Motion for Consideration at following Meeting if Given During the Meeting.
  - (xiii). Motions Without Notice.

### **Order of Business at Special Meeting**

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

### **Confirmation of Minutes**

12. The minutes of any preceding meeting, whether of an ordinary or a special meeting, not previously confirmed, shall be submitted as the first business at a meeting of the Council in order to proceed to their confirmation, and discussion, other than discussion as to their accuracy as

## **Shire of Manjimup BYLAW Relating to Standing Orders**

a record of the proceedings shall not be permitted, and when confirmed the minutes shall thereupon be signed by the President in accordance with section 188 of the Act.

(1) Reading of minutes may be dispensed with if members have been supplied with a copy thereof at least three days prior to the meeting at which such are to be confirmed.

(2) The pasting or otherwise permanently affixing the minutes to the leaves of a book prescribed in accordance with Section 188 of the Act is a sufficient recording of the minutes in such book.

### **Questions**

13. Any Councillor desiring to ask a question at any meeting of the Council shall give notice thereof in writing to the Clerk at least four hours before the hour fixed for commencement of the meeting.

14. Every question and answer shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

### **Reception of Correspondence**

15. No discussion shall be permitted on any motion that any correspondence be received or not received or that any correspondence or any part thereof be referred to any Committee of the Council.

16. Subject to the next clause, the Clerk shall send to each member, a summary of the correspondence to be presented at any meeting of the Council. The summary shall be sent 24 hours at least before such meeting and shall contain information, remarks, suggestions and recommendations which in the opinion of the Clerk may be necessary or desirable to submit to the Council.

17. In case of extreme urgency or other special circumstance, correspondence additional to that set out in accordance with the provisions of clause 16 may, with the consent of the President, be read and ordered upon.

## **Shire of Manjimup BYLAW Relating to Standing Orders**

### **Notices of Motion**

18. A Councillor may bring forward at a meeting such business as he considers advisable, in the form of a motion, of which notice has been given in writing to the Clerk, either at the last previous meeting or at any time thereafter, being not less than seven clear days before the meeting at which it is brought forward.
19. Every such motion as is mentioned in clause 18 shall lapse, unless-
- (a) The Councillor who gave notice thereof, or some other Councillor authorised by him in writing, is present to move the motion when called on; or
  - (b) The Council on a motion agrees to defer consideration of the motion to a later stage or date.

### **Deputations**

20. (1) Any person or persons wishing to be received as a deputation by the Council shall, in the first instance, send to the Clerk a memorial, setting out in concise terms the subject matter to be raised by the deputation.
- (2) Where the Clerk receives a memorial in terms of this clause, the Clerk shall lay the memorial –
- (a) before the Committee concerned; or
  - (b) where there is no Committee concerned, before the President
21. A deputation shall not exceed five in number and only two members thereof shall be at liberty to address the Council or a Committee of the Council, except in reply to questions from members of the Council or Committee and the matter shall not be further considered by the Council or the Committee, until the deputation has withdrawn.

### **Councillors to Address President**

22. (1) Any Councillor moving a motion or amendment, or taking part in the discussion thereon, shall rise and address the President.

### **Point of Order**

- (2) A Councillor who is addressing the President shall not be interrupted except upon a point of order, in which event the Councillor shall resume his/her seat until the

## **Shire of Manjimup BYLAW Relating to Standing Orders**

Councillor raising the point of order has been heard thereon and the question of order has been disposed of, whereupon the Councillor so interrupted may, if permitted proceed.

(3) A Councillor rising to express a difference of opinion with, or to contradict, a speaker shall not be recognised as raising a point of order.

(4) A violation of any provision of these Standing Orders is a breach of order.

### **Substance of Motion to be Stated**

23. Any Councillor desirous of proposing an original motion or amendment shall state its substance before addressing the Council thereon and, if so required by the President, shall put the motion or amendment in writing.

### **Motions and Amendments to be Seconded**

24. (1) A motion or amendment shall not be discussed or put to the vote of the Council unless seconded, but a Councillor may require the enforcement of any Standing Order of the Council by directing the President's attention to the infraction thereof.

(2) A nomination to the position of President or Deputy President is not required to be seconded.

### **Titles to be Used**

25. A speaker, in referring to any other present, shall designate him by the title of President or Councillor, as the case may be.

### **Priority of Speaking**

26. Where two or more Councillors rise to speak at the same time, the President shall decide who of them is entitled priority.

### **President to be Heard**

27. Whenever the President rises during a debate any Councillor then speaking or offering to speak shall sit down and the Council shall be silent so that the President may be heard without interruption.

### **Speaking Twice**

28. Except where this clause is suspended under clause 29, a Councillor shall not speak twice on the same question except –

(a) In reply, upon an original motion of which the

## **Shire of Manjimup BYLAW Relating to Standing Orders**

Councillor was the mover;

(b) In reply, upon an amendment last debated of which the Councillor was the mover; or

(c) By way of personal explanation.

29. The Council may, by resolution moved without notice, suspended the operation of clause 28 hereof and thereupon such clause shall be suspended until such time as the Council shall, by similar resolution, otherwise decides.

### **Personal Explanation**

30. A Councillor making a personal explanation shall confine it to a succinct explanation of a material part of their former speech which may have been misunderstood, and to the explanation itself, and shall not advert to matters not strictly necessary for that purpose nor seek to strengthen their former argument by new matter or by replying to other Councillors.

31. The President shall forthwith call to order any Councillor committing a breach of clause 28.

### **No Speech After Certain Events**

32. No Councillor shall speak on any motion or amendment –  
(a) After the mover has replied; or  
(b) After the question has been put.

### **Mover and Seconder Have Spoken**

33. A Councillor moving or seconding a motion or amendment is deemed to have spoken thereon.

### **Limit of Speeches**

34. (1) A Councillor shall not speak upon any motion or amendment or in reply for a longer period than five minutes without the consent of the Council, which shall be signified without debate.

(2) An extension shall not be permitted under this clause beyond a total of five minutes.

### **Speaking in Reply**

35. A Councillor speaking in reply shall not introduce any new matter but shall strictly confine the reply to answering

## **Shire of Manjimup BYLAW Relating to Standing Orders**

previous speakers.

- Division of Motions**      36. The President may, at his or her discretion, or the Council may, by motion without debate, order a complicated motion to be divided and put in the form of two or more motions.
- Withdrawal of Motions**      37. A motion or amendment may be withdrawn by the mover, with the consent of the Council, which shall be signified without debate; and it shall not be competent for any Councillor to speak upon the motion or amendment after the mover has asked permission for its withdrawal unless that permission is refused.
- Production of Documents**      38. (1) Any member may of right require the production of any of the documents of the Council relating to the question or matter under discussion.  
(2) On giving to the Clerk no less than four hours notice, a member of the Council shall be entitled to have laid on the Council table, for the duration of a meeting, any document or record of the Council, and the Clerk, on receiving that notice, shall lay the document on the Council table at the commencement of the meeting.
- No Digression**      39. A Councillor shall not speak otherwise than upon, or digress from, the question then before Council, except to make a personal explanation.
- No Adverse Reflection on Council**      40. A Councillor shall not reflect adversely upon a resolution of the Council except on a motion that the resolution be rescinded.
- No Adverse Reflection on Councillor**      41. A Councillor shall not reflect adversely upon the character or actions of another member no impute any motive to a member, unless the Council resolves, without debate, that the question then before the Council cannot otherwise be adequately considered.
42. Any member may require the Clerk to take down any particular words used by a member immediately upon

## **Shire of Manjimup BYLAW Relating to Standing Orders**

their being used.

- Demand for Withdrawal** 43. If any Councillor commits a breach of clause 40 or 41, the President may require the Councillor unreservedly to withdraw any offending comment and to make a satisfactory apology; and, if the Councillor declines or neglects to do so, the President may direct such Councillor to cease speaking and resume his/her seat and may call on the next speaker.
- Disturbance by Councillors** 44. A Councillor shall not make any noise or disturbance or, except to raise a point of order, converse aloud, while any other person is addressing the Council.
- Continued Irrelevance etc** 45. The President may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Councillor and may direct that Councillor, if speaking, to discontinue his/her speech, and thereupon the Councillor shall cease speaking and shall resume his/her seat.
46. When the President is putting any question, a Councillor shall not walk out of or across the Chamber; and shall not, whilst any other Councillor is speaking, pass between the speaker and the chair.
47. The President shall preserve order, and may call any Councillor to order, whenever, his or her opinion, there is cause for so doing.
48. Every Councillor shall be entitled to direct the attention of the President to any infraction of the Standing Orders by any other Councillor; or to draw the attention of the President to any matter of which the latter may take notice under clause 55.
- Rulings by President** 49. The President, when deciding a point of order or practice, shall give a decision and argument or comment shall not be permitted thereon and the decision shall be final, in

## **Shire of Manjimup BYLAW Relating to Standing Orders**

that particular case, unless a majority of the Councillors then present, shall, upon motion made forthwith, without discussion, dissent therefrom.

50. Whenever the President has decided that any motion, amendment or other matter before the Council is out of order, it shall be rejected; and whenever anything said or done in the Council, by any Councillor, is similarly decided to be out of order, that Councillor shall be called upon by the President to make such explanation, retraction or apology, as the case may require.

### **Continued Breach of Order**

51. Where a Councillor persists in any conduct which the President decides is out of order, or refuses to make any explanation, retraction or apology required by the President under clause 50, the President may direct that Councillor to refrain from taking any further part in the then meeting of the Council, other than be recording his vote; and the Councillor shall comply with such direction.

### **Serious Disorder**

52. (1) If at a meeting of the Council the President is of opinion that by reason of disorder or otherwise the business of the Council cannot effectually be continued, the President may adjourn the meeting for a period of fifteen minutes, whereafter the Council shall re-assemble and decide whether business is to be proceeded with; and that question shall be decided forthwith and without debate.

(2) Where after any proceeding under subclause (1) of this clause, the President is again of opinion that the business of the Council cannot effectually be continued, the President may close the meeting.

### **All Councillors to Vote**

53. At every meeting of the Council, save where the Act otherwise provides, every Councillor present shall vote, and if any Councillor who is entitled to vote fails to vote, the President shall call upon the Councillor to vote.

### **Permissible Motions During Debate**

54. (1) Subject to subclause (2) of this clause, when a motion is under debate, no future motion shall be moved

## **Shire of Manjimup BYLAW Relating to Standing Orders**

except a motion –

- (a) That the motion be amended;
- (b) That the Council do adjourn;
- (c) That the debate be adjourned;
- (d) That the questions be now put;
- (e) That the Council do proceed with the next business;
- (f) That the Council do sit behind closed doors; or
- (g) That the meeting be now closed.

(2) Where the question before the Council is a recommendation from a Committee of the Council, a Councillor may, at the conclusion of the speech of any other Councillor, move without notice that the question be referred back to the Committee; and on any such motion, the mover may speak for not more than five minutes, the seconder shall not speak, other than formally to second and the Chairman of the Committee concerned, or in his absence a member thereof, may speak for not more than five minutes, but no other debate shall be allowed.

### **Amendment to Relate to Motion**

55. Every amendment shall be relevant to the motion on which it is moved.

56. Every amendment shall be read before being moved.

### **One Amendment at a Time**

57. (1) Only one amendment shall be discussed at a time, but as often as an amendment is lost, another amendment may be moved before the original motion is put to the vote, except that where an amendment is carried, one further amendment to the original motion, as amended, and no more, may be moved.

(2) In speaking to an amendment a Councillor may give notice of an intention to move a further amendment.

58. Where an amendment is carried, the original motion as amended shall, for all purposes of subsequent debate and subject only to clause 55, be treated as an original motion.

## **Shire of Manjimup BYLAW Relating to Standing Orders**

- “That Council Adjourn”**
59. (1) A Councillor may, at the conclusion of the speech of any other Councillor, or on the conclusion of any other business, move without notice that the Council do now adjourn and that motion shall state the time and date to which the adjournment is to be made.
- (2) On a motion to adjourn, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second, and the mover of the motion (if any) which was then under debate may speak for not more than five minutes, but no other debate shall be allowed.
60. Where a motion for the adjournment of the Council is negatived, no similar motion shall be moved until after the question then under discussion or the next on the notice paper or any other which may be allowed precedence shall have been disposed of.
61. (1) A Councillor who has spoken on the question then before the Council shall not move the adjournment of the Council.
- (2) A Councillor shall not, at the same sitting of the Council, move or second more than one motion for the adjournment of Council.
62. On a motion for the adjournment of the Council being carried, the debate on the question (if any) under debate when that motion was moved shall be continued immediately upon the Council resuming after the adjournment.
63. On a motion for the adjournment of the Council being carried, a record shall be taken of all those who have spoken on the subject under consideration at the time of the adjournment and they shall not be permitted to speak on any subsequent consideration of the same subject, but this clause does not deprive a mover of the right of reply.
64. The President may at any time adjourn the Council to such time and date as the motion specified, or where no

## **Shire of Manjimup BYLAW Relating to Standing Orders**

time and date is specified to such time and date as the President shall then declare.

### **“That Debate be Adjourned”**

65. (1) A Councillor may at the conclusion of the speech of any other Councillor move, without notice, that the debate be adjourned to a later hour of the same meeting or to subsequent meeting of the Council.

(2) On a motion that the debate be adjourned, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second, and no other debate shall be allowed; but if the question then before the Council is a recommendation from a Committee, the Chairman of the Committee concerned, or, in the Chairperson's absence, a member thereof may speak for not more than five minutes.

66. (1) A Councillor who has spoken on the question then under debate shall not move the adjournment of the debate.

(2) A Councillor shall not, at the same sitting of the Council, move or second more than one motion for the adjournment of the same debate.

67. On resuming an adjourned debate the Councillor who moved its adjournment shall be entitled to speak first.

68. On a motion for the adjournment of a debate being carried, a record shall be taken of all those who have spoken on the subject under debate and they shall not be permitted speak on any resumption of the debate on that subject, but this clause does not deprive a mover of the right of reply.

69. Where the debate on any motion, moved and seconded, is interrupted by the Council being counted out, that debate may, on motion with notice, be resumed at the next meeting, at the point where it was so interrupted.

### **“The Question be Put”**

70. A Councillor may, at the conclusion of the speech of any other Councillor, move, without notice and without

## **Shire of Manjimup BYLAW Relating to Standing Orders**

comment, that the question under consideration be now put, and upon that motion being formally seconded, the same shall immediately be put, without debate.

71. A motion that the question under consideration be put shall not be moved by a Councillor who has already spoken on the question, and that motion shall not be carried without the consent of a two-thirds majority of the Councillors then present.

72. When it is decided by the Council that the question under consideration be put, the mover of the question under consideration shall, if debate has ensued and if otherwise entitled to do so, be permitted to speak in reply for not more than five minutes before the question is put, but subject thereto, the question shall at once be put.

73. Whenever it is decided by the Council that the question be put, the question to be so put includes the main question as well as any amendment thereto.

### **“That Council Proceed with Next Business”**

74. A Councillor may at the conclusion of the speech of any Councillor move, without notice and without comment, that the Council do proceed with the next business and, upon that motion being formally seconded, it shall be immediately put, without debate.

75. Where the Council decides to proceed with the next business, the question which was then under discussion shall be considered dropped.

76. During the same debate on any question, a motion that the Council do proceed with the next business shall not be moved within one hour after a similar motion has been negatived.

### **“That Meeting be Closed”**

77. (1) A Councillor may, at the conclusion of the speech of any other Councillor or on the conclusion of any business, move, without notice, that the meeting of the Council be

## **Shire of Manjimup BYLAW Relating to Standing Orders**

now closed.

(2) On a motion that the Council be closed, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second and the mover of the motion (if any) then under debate may speak for not more than five minutes; but no other debate shall be allowed.

78. If a motion that the meeting of the Council be closed is negatived, a similar motion shall not be moved until after the question then under discussion or the next on the motion paper or any other which may be allowed precedence has been disposed of.

79. (1) A Councillor who has spoken on the question then before the Council shall not move that the meeting be closed.

(2) A Councillor shall not at the same meeting of the Council, move or second more than one motion that the meeting be closed.

80. On a motion that the meeting be closed being carried, the debate on the question (if any) under debate when that motion was moved shall stand adjourned to its place on the notice paper for the next meeting of the Council.

81. On a motion that the meeting be closed being carried, a record shall be taken of all those who have spoken on the subject on consideration up to the closing of the meeting and they shall not be permitted to speak on any subsequent consideration of the same subject; but this clause does not deprive a mover of the right of reply.

### **Confidential Business**

82. Every matter dealt with by, or brought before the Council sitting otherwise than with open doors, or any Committee of the Council, shall be treated as strictly confidential, and shall not without the authority of the Council or of the Committee (as the case may be) be disclosed to any person other than the President, Councillors or servants

## **Shire of Manjimup BYLAW Relating to Standing Orders**

of the Council (and in the case of servants only so far as may be necessary for the performance of their duties) prior to the discussion of that matter at a meeting of the Council held with open doors.

### **Motions Affecting Expenditure**

83. Where a motion or amendment would have the effect of incurring expenditure not provided for in the estimates, that motion or amendment shall not be moved other than in the form of a reference of the question of the Finance Committee.

### **Rescission of Resolution**

84. A resolution of any meeting of the Council shall not be revoked, rescinded, or altered at the same or any subsequent meeting, except in the manner provided by section 177 of the Act.

85. A motion to the same effect as any motion which has been negatived by the Council shall not again be entertained within a period of three months, except with the consent of an absolute majority of the Council.

### **Suspension of Standing Orders**

86. In cases of urgent necessity, any Standing Order of the Council may be suspended on motion duly made and seconded, but that motion shall not be declared carried, unless an absolute majority of the Council, or a two-thirds majority of those present and voting on the question, which ever is the lesser number, have noted in favour of the motion.

87. Any Councillor moving the suspension of a Standing Order shall state the object of the motion, but discussion shall not otherwise

### **Method of Taking Vote**

88. The President shall, in taking the vote on any motion or amendment, put the question, first in the affirmative and then in the negative and may do so as often as is necessary to enable the President to form and declare his/her opinion as to whether the affirmative or the negative has the majority on the voices or by show of hands.

## **Shire of Manjimup BYLAW Relating to Standing Orders**

89. (1) The Council shall vote on the voices, or by a show of hands as may, in each case, be directed by the President, but any Councillor may call for a division on any question.
- (2) Upon a division being called for, the President may, if he or she thinks fit, order that the division bell be rung, and after the lapse of one half of a minute from the bell ceasing to ring a Councillor shall not be permitted to enter or leave the chamber, until after the division has been taken.
- (3) Where a division is taken, the procedure laid down in subsection (11) and (12) of section 173 of the Act shall be observed.

---

### **COMMITTEES**

---

#### **Standing Committees**

90. (1) In addition to such occasional Committees as may from time to time be appointed, there may be Standing Committees of the Council, namely:
- (a) Finance and General Purposes.
  - (b) Works.
  - (c) Health, Building and Town Planning.
- (2) Subject to the Act each Standing Committee shall comprise of five Councillors including the ex officio member under section 182 of the Act if there is such a member.
- (3) The Council may appoint a member or members thereof to be the deputy of deputies, as the case may be, to act on behalf of a member of an Occasional or Standing Committees whenever that member is unable to be present at a meeting thereof and where two or more deputies are so appointed they shall have seniority in the order determined by the Council.
- (4) Where a member of a Standing or Occasional Committee does not attend a meeting thereof any deputy of that member is subject to subclause (5) hereof entitled to attend that meeting in place of the member and act for

## Shire of Manjimup BYLAW Relating to Standing Orders

---

the member thereat, and while so acting has all the powers of that member.

(5) A deputy who is one of two or more deputies of a member of a Standing or Occasional Committee is not entitled to attend a meeting of the Committee in place of that member if the meeting is attended by another deputy of that member who has precedence over that deputy in the order of seniority determined under subclause (3) hereof.

(6) A person who is a member of an Occasional or Standing Committee is not eligible to be appointed a deputy for a member of that Occasional or Standing Committee.

(7) A Councillor not being a member of a Standing or Occasional Committee may attend at meetings of a Committee to observe the proceedings and with the approval of the Committee may speak, but shall not vote on any question before the Committee.

### **Term of Appointment**

91. Subject to the provisions of clause 92, the members of each Standing Committee shall be appointed for each year at the first meeting of the Council held after the Annual election and shall hold office until the commencement of the first meeting after the Annual Election then next ensuing or until the expiration of their terms of office as Councillor whichever first occurs.

### **Committee Members May be Changed**

92. The Council may by resolution carried pursuant to a notice of motion by simple majority, or on a motion moved without notice, by an absolute majority, change the membership of any Committee or appoint substitutes for Councillors absent pursuant to leave granted by the Council.

### **Appointment of Committees.**

93. The appointment of the members of a Standing Committee or an Occasional Committee shall, in default of agreement, be by election. In the event of an equality of votes for two or more Councillors for appointment as member of a Committee the President shall have a

## **Shire of Manjimup BYLAW Relating to Standing Orders**

casting vote.

### **Duties of Standing Committees.**

94. Subject to any resolution of the Council passed after the coming into operation of these Standing Orders, the Standing Committees shall have the powers and duties as follows:

Finance and General Purposes:

- (a) Surveillance over Council finances and the collection and accountability of all revenue and funds and the expenditure thereof as determined by the current budget.
- (b) Borrowing of funds by loan or overdraft.
- (c) Appointment and remuneration of officers and matters affecting their employment with the Council, provided that another Committee may make a recommendation to the Finance Committee concerning an officer whose duty pertains to the business of such Committee.
- (d) To pass accounts for payment.
- (e) Management and use of Council property including operation of buildings for municipal use.
- (f) Purchase, acquisition of land or property as may be determined by Council on the recommendation of other Committees.
- (g) Sale, lease or rental of Council property.
- (h) Promulgation of by-laws with relation to matters as may be determined by Council provided that another Committee may recommend the draft of a by-law, the oversight of which it is responsible.
- (i) Preparation and arrangement of civic functions.
- (j) Surveillance over the preparation of the annual budget and compilation of estimated revenue and expenditure items from other Standing Committees to draw up a draft budget for referral to the Council.
- (k) Oversight of matters pertaining to public relations publications and dissemination of information on

## **Shire of Manjimup BYLAW Relating to Standing Orders**

Council activities.

- (l) Management and conduct of library services.
- (m) Promotion of cultural and recreational activities in liaison with community groups.
- (n) Annual review of all long term planning.
- (o) Development and conduct of social welfare services and activities.
- (p) Such matters not under the care of other Committees.

Works:

- (a) Construction, maintenance and management of works in streets, ways and other public places including private streets and places as approved by Council involving design, alignment, levels, drainage, widening, relocation, lighting, care and protection.
- (b) Purchase, maintenance and upkeep of plant and equipment, procurement of materials, required for carrying out of works.
- (c) Construction and maintenance of road signs and street furniture.
- (d) Engagement and dismissal of employees in respect of performance of works.
- (e) Control of quarries and supervision of quarrying operations.
- (f) Layout, design, construction and maintenance of parks and reserves for recreation and public use, street trees and road verges.
- (g) Preparation of draft works and plant programmes.

Health, Building and Town Planning:

Health;

- (a) Matters pertaining to health and well-being of the community pursuant to provisions of the Health Act and By-laws.

## **Shire of Manjimup BYLAW Relating to Standing Orders**

- (b) Surveillance over sanitary provisions for collection and disposal of sewerage, refuse and liquid wastes.
- (c) Control of nuisance, offensives trades, insect and pests, distribution and sale of foods and drugs to the public.
- (d) Providing for the protection of health and life of the community including immunisation, welfare and health education.

### **Building:-**

- (a) Control of building operations, supervision of construction in respect to all buildings, subject to the provision of the Uniform General Building By-laws.
- (b) Oversight of dangerous, neglected and dilapidated buildings and demolition as may be ordered by the Council.
- (c) Control of erection, location and upkeep of signs, hoardings, bill posting and fencing, pursuant to the By-laws relating thereto.
- (d) Construction and maintenance of buildings used for the purposes of the Council and matters relating thereto.

### **Town Planning:-**

- (a) Matters relating to the regulation and use of land pursuant to the Provisions of the Town Planning Act a Town Planning Scheme or by-laws.
- (b) Oversight of the subdivision of land, classification or zoning of land use, location and layout of streets and ways, reserves, parks and grounds for public use.
- (c) Control of the height, location, design, purpose, dimensions or general character of building or other structures as provided under a town planning scheme or by-law.
- (d) Preparation of town planning schemes for planning, replanning or reconstruction of areas for the purpose of improving and development of

## Shire of Manjimup BYLAW Relating to Standing Orders

land, and the supervision and operation of such Schemes.

- Occasional Committees** 95. (1) The Council may by resolution appoint such number of members of the Council being less, inclusive of the *ex-officio* member under section 182 if there is such a member, than one half of the total number of members of the Council as an Occasional Committee with powers and duties as may be determined by the Council.
- (2) The Council shall fix the quorum for the transaction of business at meetings of an Occasional Committee and may determine the duties of the Committee under terms of reference and the Committee shall confine the business transacted by it to such duties and terms.
- (3) The Council may delegate to an Occasional Committee such of its powers and duties, except power to borrow money and power to impose rates as the Council thinks fit.
- (4) A meeting of an Occasional Committee shall be held when called by the President or the Chairman or as determined by the Committee.

**Chairman of Committees**

96. (1) Subject to the Act and these Standing Orders, the President is *ex officio* a member of every Committee.
- (2) Where the President is *ex officio* a member of a Committee his/her may but is not obliged to preside as Chairman of the meetings of a Committee, and if in accordance with the Act intimates his/her intention not do so, or does not indicate his/her intention at all, members of the Committee may elect one of their number to preside.
- (3) The President may so indicate his/her intention by declaring it at the first meeting of the Committee held after the declaration of the annual election of members of the Council, or by giving to each of the members of that Committee at or before that meeting, written notice of his/her intention not to preside, but if at or before that meeting the President does not so give notice, the President is regarded as having intimated that his or her

## **Shire of Manjimup BYLAW Relating to Standing Orders**

intention is not to preside.

- (4) If the President intimates or is regarded as having intimated that his/her intention is not to preside, the President shall not, unless authorised under section 182 (6) of the Act preside until the corresponding first meeting of the Committee in the following year.

### **Calling of Committee Meetings**

97. The Clerk shall call a meeting of any Committee when requested so to do by the President or the Chairman of any two members of that Committee.

### **Standing Orders of the Committee Meetings**

98. Except in so far as they limit the number of times a member may speak or require meetings to be conducted with open doors, these Standing Orders shall be observed at meetings of Committees.

### **Quorum of Standing Committees**

99. (1) At a meeting of a Standing Committee, unless otherwise determined by the Council, a quorum consists of three members.
- (2) Every meeting shall proceed to business as soon after the time stated in the summons as a quorum is constituted; but if a quorum is lacking 30 minutes after the hour at which a meeting of any Committee is appointed to be held, no meeting shall take place, and the meeting shall stand adjourned until the day and time fixed for the next ordinary meeting of the Committee, unless the Chairman convenes a special meeting of the Committee for the transaction of the Business standing adjourned.

### **Adjournment of Committees**

100. A Committee of the Council may adjourn from time to time.

### **Unfinished Business of Former Committees**

101. It shall be competent for every Committee of the Council to take up matters referred by the Council to the preceding Committee which may not have been entered upon or fully discharged at the time such Committee went out of office by effluxion of time.

### **Voting by Committees**

102. The decision of a Committee on a question is that

## **Shire of Manjimup BYLAW Relating to Standing Orders**

decided by a majority of the members present, including the Chairman who has deliberate vote, and who in the case of an equal division of votes has a casting vote.

- Conference of Committees** 103. Any two or more Committees may confer together by mutual agreement on any matter of joint interest.
- Minutes of Committees** 104. The Chairman of a Committee shall cause minutes of the proceedings of the Committee to be recorded and kept in a minute book.
- Committees to Report** 105. (1) A Committee so appointed is answerable to the Council and shall, as and when required by the Council to do so, report fully on its activities to the Council.  
(2) When it has reached a decision on each matter referred to it by the Council the Committee shall as soon as possible prepare a report containing recommendations and submit it to the Council.
- Communications by Committee** 106. No Committee shall communicate with any outside person or authority except through the Clerk, as the officer of the Council duly authorised for the purpose.
- Resignation of Seat on Committee** 107. A member of a Committee may resign from the Committee by delivering or causing to be delivered to the Clerk written notice of his/her resignation signed him/her and when delivered to the Clerk or upon any later date specified in the notice his seat on the Committee becomes vacant.

---

### **GENERAL**

---

- Representation on Public Bodies** 108. Whenever it becomes necessary to appoint a member to represent the Council on a public body or a State instrumentality, the President shall call for nominations for the appointment and where more than one nomination is received the Council shall elect one of its members to take up that appointment.

## **Shire of Manjimup BYLAW Relating to Standing Orders**

- Confidential Business** 109. (1) Every matter dealt with by, or brought before the Council sitting otherwise than with open doors, or any Committee of the Council, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the President, Councillors, or servants of the Council (and in the case of servants, only so far as may be necessary for the performance of their duties) prior to the discussion of that matter at a meeting of the Council held with open doors.
- (2) Any report, document or correspondence which is to be placed before the Council or any Committee and which is in the opinion of the Clerk of a confidential nature may at the Clerk's discretion be marked as such and shall then be treated as strictly confidential and shall not without the authority of the Council be disclosed to any person other than the President, Councillors or officers of the Council.
- Meetings of Electors** 110. (1) The Standing orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this by-law and the provisions of section 171 of the Act, the latter prevail.
- (2) A person who is not an elector is not entitled to vote at a meeting of electors, and he may not take any part in any discussion at that meeting, unless the meeting, by a motion, requests the Elector to do so.
- Meetings of Ratepayers** 110. The Standing Orders apply, so far as is practicable to any meeting of ratepayers but where there is inconsistency between the provisions of this by-law and the provisions of section 171 of the Act, the latter prevail.
- (1) A person who is not a ratepayer is not entitled to vote at a meeting of ratepayers and may not take part in any discussion at that meeting unless the meeting, by a motion, request that person to do so.
- Protection of Officers and Employees** 111. If a member has a complaint concerning the ability, character or integrity of an officer or employee of the Council, or of an act or omission of an officer or employee

## **Shire of Manjimup BYLAW Relating to Standing Orders**

and desires to bring the complain to the notice of the Council, the person shall (unless the matter requires an immediate decision of the Council) notify the President in writing of the complaint giving all details that are available in order that the complaint may be investigated and reported upon by the appropriate Committee as the President directs.

### **Officers to Have Right of Reply**

112. If a complaint or criticism is made concerning an officer or employee of the Council, whether by a member or by any other person, that officer or employee may reply to the complaint or criticism either personally or in writing to the appropriate Committee investigating the complaint or criticism and, with the consent of the Council, to the Council itself.

### **Penalty**

113. Any person committing a breach of these Standing Orders is liable, on conviction, to a penalty not exceeding five hundred dollars.

### **Enforcement**

114. The President is authorised and required to enforce the Standing Orders and to prosecute for any breach thereof.