



LOCAL LAW NO 1

MEETING PROCEDURES

2014

NOVEMBER 2014

Commencement Date: 28 November 2014

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1. INTRODUCTION

1.1 TITLE

This Local Law will be known as ‘Local Law No 1 – Meeting Procedures 2014’ and is referred to below as ‘this Local Law’.

1.2 PURPOSE OF THIS LOCAL LAW

The purpose of this Local Law is to:

- (a) provide a mechanism to facilitate the good governance of Council through its formal meeting procedure to ensure open, efficient and effective Council decisions are made in a manner which acknowledges the role of local government within the Australian system of Government;
 - (b) regulate proceedings and provide for orderly and fair conduct at all Council Meetings, Special Committee Meetings and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Local Law are to apply;
 - (c) regulate and control the procedures governing the conduct of meetings including:
 - (1) the notice required for meetings; and
 - (2) the keeping of minutes;
 - (d) promote and encourage community engagement and participation in the system of local government by providing mechanisms for the community members to express their views and expectations;
 - (e) regulate proceedings for the election of the Mayor and the chairperson of various committees; and
 - (f) regulate the use and prohibit unauthorised use of Council’s Common Seal.
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1.3 THE POWER TO MAKE THIS LOCAL LAW

This Local Law is made under sections 91 and 111(1) of the *Local Government Act 1989*.

1.4 COMMENCEMENT DATE

This Local Law comes into operation on the day following the day on which notice of the making of this Local Law is published in the Victoria Government Gazette.

1.5 REVOCATION

This Local Law ceases to operate on the tenth anniversary of the day on which it commenced operation, unless revoked earlier.

1.6 APPLICATION OF THE LOCAL LAW

This Local Law will apply to all meetings of:

- (a) Council; and
 - (b) Special Committees of Council, with any necessary modifications or adaptations.
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2. NOTICES AND AGENDAS

2.1 DATE, TIME AND PLACE OF MEETINGS

The date, time and place for all Council Meetings must be determined by Council each year. Council will, to the maximum extent practicable, provide at least seven (7) days notice to the public of any meetings in accordance with section 89(4) of the Act.

2.2 COUNCIL MAY ALTER MEETING DATES

Council may change the date, time and place of any Council Meeting which has been fixed and will, to the maximum extent practicable, provide at least seven (7) days notice to the public of the changes. If it is not practicable to provide seven days notice, then Council will specify the urgent or extraordinary circumstances which prevented it from providing such notice in accordance with section 89(4) of the Act.

2.3 NOTICE OF MEETINGS – PUBLIC

The Chief Executive Officer must give notice to the public of any Council Meetings through Council's website, customer service centres/municipal offices, libraries, and in newspapers generally circulating in the municipal district, or as appropriate in accordance with section 89(4) of the Act.

Advertising can be done as a schedule of meetings annually or at various times of the year, or just prior to each Council Meeting unless extraordinary circumstances exist.

2.4 NOTICE OF SPECIAL COMMITTEE MEETINGS TO THE PUBLIC

Reasonable notice of the time, date and place of meetings of Committees:

2.4.1 established pursuant to section 86 of the Act; and

2.4.2 which do not consist entirely of Councillors

must be given to the public by the Chairperson of the Committee in accordance with section 89(5) of the Act. In addition, the Chief Executive Officer must ensure that the time, dates and place of meetings of Committees are available on Council's website.

2.5 NOTICE OF MEETINGS – COUNCILLORS

A notice of an Ordinary Meeting of Council, incorporating or accompanied by an Agenda, must be delivered to every Councillor at least 48 hours before the Ordinary Meeting.

It will not be necessary for a notice of meeting or Agenda to be served on any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of his or her absence.

2.6 CANCELLATION OR POSTPONEMENT OF A MEETING

- 2.6.1 In the event of a cancellation or postponement of a meeting, the Chief Executive Officer must submit a written report of the circumstances requiring this action to the next Ordinary Meeting of Council.
- 2.6.2 Reasons for cancelling or postponing a meeting pursuant to this clause may include:
- (a) a natural disaster within or in close proximity to the municipal district;
 - (b) the death of or the occurrence of a serious injury to any Councillor, senior officer or other significant person, which would be likely to affect the normal operation of Council or the organisation as a whole; or
 - (c) an emergency event occasioned by any other reason, such as the need to call a meeting where time is of the essence or because delay in convening a meeting may have a major impact on Council or the organisation because consideration of an issue cannot wait until the next scheduled Council Meeting.
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2.7 MEETINGS OPEN TO THE PUBLIC

In accordance with section 89(1) of the Act, all meetings of Council and Committees must be open to the public unless a resolution is made to close the meetings to members of the public pursuant to section 89(2) of the Act.

2.8 MEETINGS CLOSED TO THE PUBLIC

Council may resolve that a Council Meeting and a Committee may resolve that a meeting of the Committee, be closed to the public if the meeting is discussing:

- (a) personnel matters;
 - (b) the personal hardship of any resident or ratepayer;
 - (c) industrial matters;
 - (d) contractual matters;
 - (e) proposed developments;
 - (f) legal advice;
 - (g) matters affecting the security of Council property; or
 - (h) any other matter which Council or the Committee considers would prejudice Council or the Committee (as the case may be) or any person.
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3. QUORUMS

3.1 QUORUM

The quorum for a Council Meeting or meeting of a Committee will be at least the majority of the total number of Councillors or Committee Members.

3.2 INABILITY TO GAIN A QUORUM

If a quorum is not present within thirty (30) minutes of the scheduled commencement of any Council Meeting, those Councillors present or, if no Councillors are present, the Chief Executive Officer or (in the absence of the Chief Executive Officer) a senior officer, may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.

3.3 INABILITY TO MAINTAIN A QUORUM

If during any Council Meeting a quorum cannot be achieved and maintained, those Councillors present, the Chief Executive Officer or (in the absence of the Chief Executive Officer) a senior officer may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.

3.4 INABILITY TO MAINTAIN A QUORUM DUE TO CONFLICTS OF INTEREST

If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by Councillors, the Chairperson, the Chief Executive Officer or (in the absence of the Chief Executive Officer) a senior officer must adjourn the Council Meeting for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister.

3.5 NOTICE OF ADJOURNED MEETING

3.5.1 The Chief Executive Officer must give written notice to each Councillor of the date, time and place to which the Council Meeting stands adjourned and of the business remaining to be considered.

3.5.2 If it is impracticable for the notice given under sub-clause 12.2 to be in writing, the Chief Executive officer must give notice to each Councillor by telephone or in person.

3.6 LIMIT ON ADJOURNED MEETINGS

There is no limit on the number of times that a meeting can be adjourned under this Part 3.

4. MINUTES

4.1 KEEPING OF MINUTES

- 4.1.1 The Chief Executive Officer is responsible for arranging the keeping of minutes of each Council Meeting.
- 4.1.2 The Chairperson of a Special Committee is responsible, in accordance with section 93(3) of the Act, to ensure that minutes for the meetings of that Committee are kept.
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4.2 CIRCULATION OF MINUTES TO COUNCILLORS

A copy of the minutes of each Council Meeting which are awaiting confirmation must be delivered or sent electronically to each Councillor at least 48 hours prior to the Council Meeting at which those minutes are to be confirmed.

4.3 CONFIRMATION OF MINUTES

At every Council Meeting, the minutes of the previous Council Meeting are to be listed in the Agenda for confirmation. Minutes are to be confirmed by resolution of Council.

The Chairperson of the Council Meeting at which the minutes were confirmed, with or without amendment, must subsequently sign the confirmed minutes.

4.4 OBJECTION TO CONFIRMATION OF MINUTES

- 4.4.1 If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:
- (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- 4.4.2 The item(s) objected to must be considered separately in the order in which it (or they) appears in the minutes.
- 4.4.3 No discussion or debate on the confirmation of minutes will be permitted, except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
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4.5 DEFERRING CONFIRMATION OF MINUTES

Council may defer the confirmation of minutes until later in the meeting or until the next Ordinary Meeting of Council, as appropriate.

4.6 CONTENT OF MINUTES

The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council Meeting and those minutes must record:

- (a) the date, and time the meeting commenced, adjourned, resumed and concluded;
 - (b) the names of Councillors and whether they are present, an apology or on leave of absence;
 - (c) the names of Officers in attendance, with their organisational titles;
 - (d) disclosure of conflicts of interest made under sections 77B, 78, 78A, 78B, 78C, 78D, and 78E of the Act;
 - (e) questions asked in Public Participation Time and any answer given;
 - (f) details of any deputations made to Council;
 - (g) the arrival and departure times (including any temporary departures arrivals) of Councillors during the course of the meeting;
 - (h) each motion and amendment moved including the mover and seconder of any motion or amendment;
 - (i) the outcome of every motion, whether it was put to the vote and the result to indicate whether the motion was Carried, Lost, Withdrawn, Lapsed, Amended, etc;
 - (j) procedural motions;
 - (k) where a division is called, the names of every Councillor and the way their vote was cast (either for or against) or whether they abstained from voting;
 - (l) when requested by a Councillor, a record of that Councillor's support or opposition for any motion;
 - (m) details of any failure to achieve or maintain a quorum and any adjournment (whether as a result or otherwise);
 - (n) the time and reason for any adjournment of the meeting or suspension of standing orders; and
 - (o) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.
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5. BUSINESS OF MEETING

5.1 ORDER OF BUSINESS

5.1.1 The order of business at any Council Meeting is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective process of government.

In determining the Agenda, the Chief Executive Officer must consider:

- (a) the general attitude of Council;
- (b) convenience to the community and interested community groups particularly in relation to the administration of the municipal district;
- (c) the sensitivity of issues;
- (d) the interest of the community and community groups; and
- (e) any other relevant factor which may impact on the fluent and open processes of the government of Council.

5.1.2 The Chief Executive Officer may include any matter on the Agenda that he or she believes should be considered by Council.

5.2 CHANGE TO ORDER OF BUSINESS

Once an agenda has been prepared and sent to Councillors, the order of business for that meeting may only be altered by resolution of Council.

5.3 CHAIRPERSON

The Mayor must preside at all Council Meetings at which he or she is present, in the role of Chairperson.

5.4 ABSENCE OF THE CHAIRPERSON

5.4.1 In the absence of the Mayor, the Deputy Mayor must preside at any Council Meeting at which he or she is present in the role of Chairperson.

5.4.2 In the event that both the Mayor and the Deputy Mayor are absent, Council must elect a Chairperson to preside at that Council Meeting.

5.5 CONFLICTS OF INTEREST

5.5.1 A Councillor must disclose any conflict of interest as outlined in section 77A of the Act.

5.5.2 If a Councillor has a conflict of interest in a matter which Council is to consider at a Council Meeting, the Councillor must fill in a Disclosure of Conflict of Interest form setting out relevant

details of the conflict of interest and lodge it with the Chief Executive Officer prior to the commencement of the meeting.

5.5.3 A Councillor who has a conflict of interest in a matter before Council must:

- (a) disclose the nature of the conflict of interest immediately before consideration of the matter;
- (b) leave the meeting for the duration of Council's deliberation, voting and resolution of the matter; and
- (c) remain beyond the view or hearing of the meeting until recalled to the meeting.

5.5.4 The Councillor must be called back into the Council Chamber or room in which the Council Meeting is being held before the meeting can advance to the next item of business.

Section 77A of the Act defines when a Councillor will have a conflict of interest. Any Councillor who has a conflict of interest must comply with the requirements of sections 77B, 78, 78B, 78C, 78D, 78E and 79 of the Act.

Among these requirements is the requirement to disclose the existence, nature and class of the conflict of interest. This must be done immediately before the consideration or discussion of the item in which the Councillor has a conflict of interest.

Even if the Councillor has disclosed the conflict of interest earlier in the meeting, the existence and nature of the conflict of interest must again be disclosed immediately before any consideration or discussion of the agenda item occurs.

5.6 LEAVE OF ABSENCE

5.6.1 If a Councillor is absent from a Council Meeting, the Councillor should request a leave of absence.

5.6.2 Councillors may request a leave of absence at a prior Council Meeting or, if this is not practicable, the Councillor must give the Chief Executive officer written notice of an apology prior to the Council Meeting.

5.6.3 Unless there is an emergency, a leave of absence requested during a Council Meeting will only be granted at the conclusion of an item of business.

5.6.4 Unless there is an emergency, a leave of absence requested must not be requested or granted during a debate.

5.6.5 The Chairperson may call a comfort break at any time during a meeting on a request from a Councillor.

5.7 NOTICE OF MOTION

- 5.7.1 Councillors may ensure that an issue is listed on the Agenda by submitting a Notice of Motion, on a Councillor's Notice of Motion form.
- 5.7.2 A Notice of Motion must be in writing, dated and signed by a Councillor and received by the Chief Executive Officer not less than five Business Days prior to the next Council Meeting at which the Notice of Motion may be considered.
- 5.7.3 A Notice of Motion may be withdrawn by a request in writing received prior to the publication of the Agenda for which the Notice of Motion was intended. Otherwise, the item must be dealt with at a Council Meeting.
- 5.7.4 The Chief Executive Officer may reject any Notice of Motion which is vague or unclear in intention but must:
- (a) give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - (b) notify the Councillor who lodged it of the rejection and the reasons for the rejection.
- 5.7.5 The full text of any Notice of Motion must be included in the Agenda papers.
- 5.7.6 Except by leave of Council, Notices of Motion before any meeting must be considered in the order in which they were entered in the Notice of Motion register.
- 5.7.7 If a Councillor who has given a Notice of Motion is absent from the meeting or fails to move the motion when called upon by the Chairperson, any other Councillor may move the motion.
- 5.7.8 If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.
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5.8. URGENT BUSINESS

Urgent business can only be admitted by resolution of Council and only then if it:

- 5.8.1 relates to or arises out of a matter which has arisen since distribution of the Agenda; and
- 5.8.2 cannot reasonably be deferred until the next Ordinary Meeting of Council.
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5.9 MAYOR AND COUNCILLOR REPORTS

- 5.9.1 At an Ordinary Meeting, the Mayor and Councillors may report to the meeting on issues of importance to Council, notwithstanding that the report is not listed on the Agenda.
- 5.9.2 The Mayor or Councillor who presents a report to a Council Meeting under sub-clause 5.9.1 must submit a copy of that report in writing to the Governance Officer before the close of the Council Meeting or no later than close of business the day after the Council Meeting for inclusion in the minutes.
- 5.9.3 If Councillor reports are not submitted within the timeframes set out in clause 5.9.2, the minutes will be distributed without inclusion of the report.
- 5.9.4 A Councillor report not tabled or presented at the Council Meeting will not be included in the minutes.

- 5.9.5 No motion, except a motion to receive any such report, can be accepted by the Chairperson unless there is a matter raised in it which is resolved in the manner prescribed by clause 5.8 to be urgent business.
- 5.9.6 The presentation of a report by a Councillor must not exceed three (3) minutes unless the Chairperson allows an extension in any case.

5.10 PETITIONS AND JOINT LETTERS

- 5.10.1 Petitions or joint letters received by Councillors and/or Officers can be lodged with the Chief Executive Officer one week prior to the next Ordinary Meeting to be included in the Agenda, unless the matter which is the subject of the petition has already been acted upon.
- 5.10.2 A petition must be signed by at least 20 people to be presented at a Council Meeting. In the case of a petition containing:
 - (a) fewer than 20 signatures, it will not be presented at a Council Meeting but rather will be forwarded to the relevant General Manager for response; and
 - (b) 20 or more signatures, it will be presented by a Councillor at the Council Meeting.
- 5.10.3 Councillors may table a petition or joint letter received directly by them at any Council Meeting during Public Participation Time.
- 5.10.4 Council may resolve to receive the petition or joint letter and to refer the matter for a report or appropriate action as required to the next appropriate Council Meeting, unless Council agrees to deal with it earlier.
- 5.10.5 When a petition relates to an item already on the Agenda at the meeting at which the petition is tabled the matter may be dealt with at that meeting.
- 5.10.6 A petition or joint letter must:
 - (a) be in legible and permanent writing (other than pencil);
 - (b) not be defamatory, indecent, abusive or objectionable in language or content;
 - (c) not relate to matters beyond the powers of Council;
 - (d) bear the wording of the whole of the petition or request upon each page of the petition;
 - (e) include the name, address and signature of petitioners; and
 - (f) consist of single pages of paper and must not be pasted, stapled, pinned or otherwise affixed to any other piece of paper.

See Appendix 3 for Petition Form.

- 5.10.7 Any petitions or joint letters that do not comply with this Local Law will not be tabled at a Council Meeting.
- 5.10.8 A petition or joint letter may nominate a person to whom a reply must be sent, but if no person is nominated or is the obvious contact person, Council may reply to the first signatory which appears on the petition.

5.10.9 Any person who fraudulently signs a petition or joint letter which is presented to Council is guilty of an offence.

5.11 PUBLIC PARTICIPATION/QUESTION TIME

- 5.11.1 A Public Participation/Question Time of up to 30 minutes will be available at every Ordinary Meeting to enable members of the public to submit questions and/or request to address Council.
- 5.11.2 All questions and answers must be as brief as possible, and no debate or discussion will be allowed other than for the purposes of clarification.
- 5.11.3 All questions submitted to Council must be in writing, state the name and address of the person submitting the question and generally be in a form in accordance with *Appendix 2*.
- 5.11.4 All questions must be submitted to the Chief Executive Officer by noon on the day of the Council Meeting:
- (a) electronically; or
 - (b) by being lodged at Council's offices.
- 5.11.5 Any member of the public wishing to address Council must submit a brief synopsis of the address in writing to the Chief Executive Officer by noon on the day of the Council Meeting.
- 5.11.6 A time limit of three minutes for each address will apply but the time may be extended at the discretion of the Chairperson.
- 5.11.7 The number of questions that any person may ask at each meeting is limited to two.
- 5.11.8 A question may include an introduction of no more than 200 words.
- 5.11.9 An answer must only be given, or a person permitted to address Council, if the Chairperson has determined that the relevant question or address:
- (a) does not relate to a matter beyond or outside the duties, functions and powers of Council;
 - (b) is not defamatory, indecent, abusive, offensive, irrelevant or objectionable in language or content;
 - (c) is not a repetition of a question already asked or answered (whether at the same or an earlier meeting); and
 - (d) is not asked to embarrass a Councillor or a member of Council staff or member of the public.
- 5.11.10 The Chairperson or an Officer may:
- (a) immediately answer the question asked; or
 - (b) require the question to be taken on notice. If a question is taken on notice, a written copy of the answer will be sent to the person who asked the question.
- 5.11.11 Council may decide to defer an answer or address until a later date.
- 5.11.12 Questions and addresses will only be heard at a meeting if the person who submitted the question or synopsis, or their nominated representative, is present at the meeting.

- 5.11.13 A single 15 minutes extension of the time permitted in sub-clause 5.11.1 may be allowed subject to approval from a majority of the Councillors present for the purpose of hearing questions and addresses from community members which have been received in accordance with sub-clauses 5.11.3 and 5.11.4.

5.12 PUBLIC SUBMISSIONS UNDER SECTION 223 OF THE ACT

- 5.12.1 Where a person is given a right to make a submission under section 223 of the Act and requests to appear in person (or be represented by a person specified in the submission) at a Council Meeting to be heard in support of the submission, the time limit for such hearing will be three minutes.
- 5.12.2 The Chairperson may allow the hearing to exceed three minutes.

5.13 STATUTORY PLANNING REPORTS

- 5.13.1 During consideration of Statutory Planning Reports, the Applicant (or Applicant's representative) will be provided with an opportunity to speak in support of a Planning Application.
- 5.13.2 Objectors to a Planning Application will be provided with an opportunity to speak against the Planning Application.
- 5.13.3 A time limit of three minutes will apply but the time may be extended at the discretion of the Chairperson.
- 5.13.4 The Applicant and Objectors must advise the Planning Department of their intention to speak prior to the Ordinary Meeting.
- 5.13.5 Addressing Council in support of or against a Planning Application is a separate process from Public Participation Time.

5.14 PRESENTATION OF OFFICER REPORTS

Officer reports are to be summarised for the purposes of verbal public presentation, unless otherwise directed by a resolution of Council.

5.15 CONFIDENTIAL BUSINESS

See clause 2.8.

6. ADDRESSING THE MEETING

- 6.1 Any Councillor or person who addresses a Council Meeting must direct all remarks through the Chairperson.
- 6.2 The Chairperson may address a meeting, however if the Chairperson wishes to debate a particular motion or move any motion or amendment, or address any matter under discussion, the Chairperson must advise Council of that intention and vacate the Chair on such occasions for the duration of the item under discussion.
- 6.3 If the Chairperson vacates the Chair, the Deputy Mayor will fill the position of Chairperson. If the Deputy Mayor wishes to address the motion or move a motion, Councillors will appoint a Councillor to act as temporary Chairperson until the item has been voted on.
- 6.4 Any person addressing the Chair should refer to the Chairperson as:
Madam Mayor; or
Mr Mayor; or
Madam Chairperson; or
Mr Chairperson,
as the case may be.
- 6.5 All Councillors, other than the Mayor, must be addressed as Councillor (name).
- 6.6 All Officers should be addressed as Ms or Mr (name), as appropriate, or by their official title.
- 6.7 Except for the Chairperson, any Councillor or person who addresses the meeting must stand and direct all remarks through the Chair.
- 6.8 Any member of the public addressing Council must extend due courtesy and respect to Council and processes under which it operates and must take direction from the Chairperson whenever called on to do so.
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7. BEHAVIOUR AT MEETINGS

- 7.1 Councillors must have regard to the Councillor Code of Conduct in their participation in any Council Meeting.

A copy of the Councillor Code of Conduct is available on Council's website.

- 7.2 Members of the public present at a Council Meeting must not interject or take part in the debate.
- 7.3 The Chairperson must call to order any person who is disruptive or unruly during any meeting.
- 7.4 If any member of the public is called to order for any improper or disorderly conduct by the Chairperson and thereafter again acts in breach of this Local Law, the Chairperson may order him or her to leave the Council Chamber, meeting room or building.
- 7.5 If the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks appropriate up to seven days later than the time stated in the Agenda for the commencement of the meeting.
- 7.6 The Chairperson may ask any Authorised Officer or member of the proper authority to remove from the Council Chamber, meeting room or building any person who acts in breach of this Local Law or whom the Chairperson has ordered to be removed from the gallery under this Part.
-

8. MOTIONS AND DEBATE

8.1 NOTICES OF MOTION

See clause 5.7.

8.2 FORM OF MOTION

A motion or amendment proposed by a Councillor at a Council Meeting must:

- 8.1 relate to the powers or functions of Council; and
- 8.2 be relevant to an item of business on the Agenda, except in the case of urgent business.

8.3 CHAIRPERSON'S DUTY

- 8.3.1 Motions and amendments must be clear and unambiguous and not be defamatory or objectionable in language or content.
- 8.3.2 The Chairperson may refuse to accept any motion or amendment which contravenes this clause.

8.4 MOVING A MOTION OR AMENDMENT

The procedure for moving a motion or amendment is as follows:

- 8.4.1 A Councillor who is proposing a motion or amendment must first state briefly the nature of the motion or amendment and then move it, without speaking to it;
- 8.4.2 The Chairperson must then call for the motion or amendment to be seconded and after it is seconded (by any Councillor other than the mover), the mover may then speak to it, or may with the consent of the Chairperson, defer speaking on it until later in the debate (reserving the right of reply);
- 8.4.3 Any motion or amendment which is not seconded lapses.
- 8.4.4 If a motion or amendment is moved and seconded, the Chairperson must ask:
"Is the motion or amendment opposed?"
- 8.4.5 If no Councillor indicates opposition, the Chairperson must give each Councillor an opportunity to speak to the motion. Each Councillor may only speak once and for not more than three minutes. At the conclusion of Councillor contributions to the debate, the Chairperson must declare the motion or amendment carried.
- 8.4.6 If a Councillor indicates opposition, then the Chairperson must call on the mover to address the Council Meeting.
- 8.4.7 After the mover has addressed the Council Meeting, the seconder may address the Council Meeting.

- 8.4.8 After the seconder has addressed the Council Meeting (or after the mover has addressed the meeting if the seconder does not address the Council Meeting), the Chairperson must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion.
- 8.4.9 If after the mover has addressed the Council Meeting, the Chairperson has invited debate and no Councillor speaks to the motion, then the Chairperson must put the motion to the vote.
- 8.4.10 The Chairperson will first call for those in favour of the motion and then those against the motion and will declare the result to the meeting.
- 8.4.11 If the Chair wishes to move or second a motion, then the Mayor (if the Chair is not the Mayor) or Deputy Mayor must take the Chair or, if there is no such Councillor in a position to take the Chair, a temporary Chairperson must take the Chair whereupon the Chair must vacate the Chair and not return to it until the motion has been resolved upon.
-

8.5 AGREED ALTERATIONS TO A MOTION

With the leave of the Chairperson, both the mover and the seconder of a motion may agree to an alteration to the original motion proposed by any other Councillor. This does not require the recording of an amendment into the minutes of the meeting as the alteration then forms part of the substantive motion.

8.6 RIGHT OF REPLY OR CLOSING STATEMENT

- 8.6.1 The mover of an original motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate.
- 8.6.2 After the right of reply has been taken, the motion must be immediately put to the vote without further discussion or debate.
-

8.7 MOVING AN AMENDMENT

A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole.

8.8 PROPOSING AN AMENDMENT

Any Councillor, other than the mover or seconder of the motion, may move or second an amendment to the motion.

8.9 WHO MAY DEBATE AN AMENDMENT

A Councillor may address the meeting once on any amendment (whether or not they have spoken to the original motion) but debate must be confined to the terms of the amendment.

8.10 NO RIGHT OF REPLY FOR AMENDMENTS

The mover of the amendment has no right of reply.

8.11 HOW MANY AMENDMENTS MAY BE PROPOSED

- 8.11.1 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chairperson at any one time.
- 8.11.2 No second or subsequent amendment, whether the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.
-

8.12 AN AMENDMENT TO A MOTION CARRIED

- 8.12.1 If an amendment to a motion is carried, the motion as amended then becomes the substantive motion before the Council Meeting.
- 8.12.2 Subject to sub-clause 8.12.3, once the amended motion is before Council the debate can resume where it left off.
- 8.12.3 A Councillor who has already spoken on the original motion must not speak again on the amended motion unless to continue the debate as if the amended motion had not been put, unless the amended motion is so substantially different to the original motion so as to change the debate.
-

8.13 FORESHADOWING MOTIONS

- 8.13.1 At any time during debate, a Councillor may foreshadow a motion to inform Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 18.13.2 A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chair is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 18.13.3 A foreshadowed motion has no procedural standing and is merely a means to assist the flow of the meeting.
-

8.14 WITHDRAWAL OF MOTIONS

- 8.14.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder.
- 8.14.2 Notwithstanding sub-clause 8.14.1, if Council resolves that the motion may not be withdrawn, then the motion becomes incapable of being withdrawn.
-

8.15 SEPARATION OF MOTIONS

Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in several parts.

8.16 CHAIRPERSON MAY SEPARATE MOTIONS

The Chairperson may decide to put any motion to the vote in several parts.

8.17 MOTIONS IN WRITING

8.17.1 The Chairperson may require that a complex or detailed motion be submitted in writing.

8.17.2 Council may adjourn the Council meeting while the motion is being written or Council may defer the matter until the motion has been written allowing the Council Meeting to proceed uninterrupted.

8.18 REPEATING MOTION AND OR AMENDMENT OF MOTION

The Chairperson may request the person taking the minutes of the Council Meeting to read the motion or amendment to the Council Meeting before the vote is taken.

8.19 DEBATE MUST BE RELEVANT TO THE MOTION

8.19.1 Debate must always be relevant to the motion before the Chair, and if not, the Chairperson must request the speaker to confine debate to the subject motion.

8.19.2 If, after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to be seated and not speak further in respect of the matter before the Chair.

8.19.3 A speaker to whom a direction has been given under sub-clause 18.19.2 must comply with this direction.

8.20 TIME LIMITS ON SPEAKING TO MOTIONS

A Councillor must not speak on any one motion or amendment or other matter before a meeting for a time longer than that stated below unless granted an extension by the Chairperson:

8.20.1 the mover of a motion or an amendment: 3 minutes;

8.20.2 the seconder of the motion: 3 minutes;

8.20.3 any other Councillor: 3 minutes; and

8.20.4 the mover of a motion exercising a right of reply: 3 minutes.

8.21 EXTENSION OF SPEAKING TIME BY RESOLUTION OF COUNCIL

An extension of speaking time not exceeding three (3) minutes may be granted by resolution of Council but only one extension is permitted for each speaker on any question.

8.22 WHEN AN EXTENSION CAN BE PROPOSED

8.22.1 A motion for an extension of speaking time must be proposed:

- (a) immediately before the speaker commences his or her contribution to the debate;
- (b) during the speaker's contribution to the debate; or
- (c) immediately after the speaker has concluded his or her contribution to the debate.

8.22.2 A motion for an extension of speaking time cannot be accepted by the Chairperson if another speaker has commenced his or her contribution to the debate.

8.23 PRIORITY OF ADDRESS

In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard.

9. PROCEDURAL MOTIONS

- 9.1 A Procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson.
- 9.2 Procedural Motions require a seconder.
- 9.3 The mover of a Procedural Motion must not have moved, seconded or spoken to the matter before the Chair or any amendment of it.
- 9.4 A Procedural Motion cannot be moved by the Chairperson.
- 9.5 Debate on a Procedural Motion is not permitted and the mover does not have a right of reply.
- 9.6 Unless otherwise provided, a Procedural Motion cannot be amended.
- 9.7 Examples of Procedural Motions include motions that:
- (a) Urgent business be considered;
 - (b) Debate be adjourned to a later hour and/or date or indefinitely;
 - (c) Debate be closed;
 - (d) An item of business lay on the table;
 - (e) An item of business be deferred;
 - (f) The meeting be closed to members of the public for consideration of confidential business;
 - (g) The meeting be re-opened to members of the public following consideration of confidential business; and
 - (h) The meeting be closed.
-

10. RESCISSION MOTIONS

10.1 RESCISSION MOTION

- 10.1.1 A Councillor may propose a motion to rescind or to vary a previous resolution of Council by a Notice of Rescission.
- 10.1.2 A Councillor may propose a Notice of Rescission provided:
- (a) the resolution proposed to be rescinded has not been acted on; and
 - (b) the Notice of Rescission is delivered to the Chief Executive Officer setting out:
 - (i) the resolution to be rescinded; and
 - (ii) the meeting and date when the resolution was carried.
 - (c) it has been signed and dated by at least one other Councillor.
- 10.1.3 The Chief Executive Officer or an appropriate member of Council staff may implement a resolution at any time after the close of the meeting at which it was made. A resolution will therefore be deemed to have been acted on if:
- (a) its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or
 - (b) a statutory process has been commenced,
- so as to vest enforceable rights in or obligations on Council or any other person.

A **Notice of Rescission** is a form of Notice of Motion.

Accordingly, all provisions in this Local Law regulating Notices of Motion equally apply to Notices of Rescission.

10.2 MAJORITY TO RESCIND A RESOLUTION

For a resolution of Council to be rescinded, the motion for rescission must be carried by a majority of the votes cast.

10.3 IF LOST

If a motion for rescission is lost, a similar motion may not be put before Council for at least one month from the date it was last lost, unless Council resolves that the Notice of Motion be re-listed at a future meeting.

10.4 IF NOT MOVED

If a Notice of Rescission is not moved at the meeting for which it is listed, it lapses.

10.5 MAY BE MOVED BY ANY COUNCILLOR

A Notice of Rescission listed on an Agenda may be moved by any Councillor present but may not be amended.

10.6 WHEN NOT REQUIRED

10.6.1 A Notice of Rescission is not required where Council wishes to change policy.

10.6.2 Notwithstanding sub-clause 10.6.1, the following standards should generally apply if Council wishes to change policy:

- (a) if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission should be presented to Council; and
- (b) any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

Council may determine the extent to which these standards should be followed, which will depend on the circumstance of each case.

11. POINTS OF ORDER

A **point of order** is taken when a Councillor formally draws the attention of the Chairperson of a Council Meeting to an alleged irregularity in proceedings.

11.1 PROCEDURE FOR A POINT OF ORDER

11.1.2 A Councillor who is addressing the meeting must not be interrupted unless a point of order is called, at which time he or she must remain silent until the Councillor raising the point of order has been heard and the matter resolved.

11.2.1 A Councillor raising a point of order must:

- (a) state the matter which is the subject of the point of order: and
- (b) state any section, clause, paragraph or provision relevant to the point of order, before resuming his or her seat.

11.2 VALID POINTS OF ORDER

A point of order may be raised in relation to anything which:

- 11.2.1 is contrary to this Local Law;
- 11.2.2 is outside the powers of Council;
- 11.2.3 is a procedural matter;
- 11.2.4 is irrelevant to the matter under consideration;
- 11.2.5 constitutes improper behaviour;
- 11.2.6 constitutes a tedious repetition of something already said; or
- 11.2.7 is an act of disorder.

Expressing a difference of opinion or contradicting a speaker is not a point of order.

11.3 CHAIRPERSON TO DECIDE

The Chairperson must decide all points of order by stating the provision of this Local Law or other legislation, rule, practice or precedent which he or she considers applicable to the point of order raised without entering into any discussion or comment.

11.4 CHAIRPERSON MAY ADJOURN TO CONSIDER

11.4.1 The Chairperson may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

11.4.2 All other business before Council is suspended until the point of order is decided.

11.5 EFFECT OF RULING

If the Chair:

11.5.1 rules in favour of the point of order, the speaker may continue and no Councillor must do or say anything which would cause another like point of order to be raised; or

11.5.2 rules against the point of order, the speaker may continue.

11.6 CHAIRPERSON'S RULING

The decision of the Chairperson in respect of a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present vote in favour of a motion of dissent.

11.7 DISSENT FROM CHAIRPERSON'S RULING

11.7.1 A Councillor may move that the meeting disagree with the Chairperson's ruling on a point of order, by moving a motion of dissent.

11.7.2. When a motion is, in accordance with this clause, moved and seconded, the Chair must preside over the election of a temporary Chair before leaving the Chair.

11.7.3 The temporary Chairperson must then take the Chair and invite the mover to state the reasons for his or her dissent. The Chairperson may then reply.

11.7.4 The temporary Chairperson must put the motion of dissent.

11.7.5 If the vote is in the negative, the Chairperson resumes the Chair and the meeting proceeds.

11.7.6 If the vote is in the affirmative, the Chairperson must then resume the Chair, reverse or vary (as the case may be) his or her previous ruling and proceed.

11.7.7 The defeat of the Chairperson's ruling is in no way a motion of censure or vote of no-confidence in the Chairperson, and should not be so regarded by the meeting.

12. VOTING

12.1 HOW MOTION DETERMINED

12.1.1 To determine a motion before a meeting, the Chairperson must:

- (a) first call for those in favour of the motion; and
- (b) then call for those opposed to the motion; and
- (c) if required, identify any Councillor who has abstained from voting, and must then declare the result to the meeting.

12.1.2 In accordance with section 90(1)(d) of the Act, a motion is determined in the affirmative by a majority of the Councillors present at a Council Meeting at the time the vote is taken voting in favour.

12.1.3 A Councillor who has disclosed a conflict of interest and has left the Council Meeting prior to consideration and voting on a matter is taken not to be present at the meeting for the purpose of determining the motion.

12.2. CASTING VOTE

Subject to section 90 of the Act, in the event of a tied vote, the Chairperson has a casting vote.

12.3 BY SHOW OF HANDS

12.3.1 Unless Council resolves otherwise, voting on any matter is by show of hands.

12.3.2 Voting at a meeting that is open to members of the public must not be in secret.

12.4 PROCEDURE FOR A DIVISION

12.4.1 Immediately after any motion is put to a meeting and before the next item of business has commenced, a Councillor may call for a division

12.4.2 When a division is called for, the vote already taken must be treated as set aside and the division will decide the motion, amendment or question.

12.4.3 When a division is called for, the Chairperson must:

- (a) first ask each Councillor wishing to vote in the affirmative to raise a hand, and upon such request being made, each Councillor wishing to vote in the affirmative must raise one of his or her hands.

The Chairperson will then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record in the minutes, the names of the Councillors voting in the affirmative; and

- (b) then ask each Councillor wishing to vote in the negative to raise a hand, and upon such request being made, each Councillor wishing to vote in the negative must raise one of his or her hands.

The Chairperson will then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record in the minutes, the names of the Councillors voting in the negative; and

- (c) then ask each Councillor wishing to abstain from the vote to raise a hand, and upon such request being made, each Councillor wishing to abstain from the vote must raise one of his or her hands.

The Chairperson will then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record in the minutes, the names of those Councillors who abstained from voting.

12.4.4 The Chairperson must declare the result of the vote or division as soon as it is taken.

12.5. CHANGE BETWEEN ORIGINAL VOTE AND THE DIVISION

No Councillor is prevented from changing his or her original vote when voting on the division.

12.6 NO DISCUSSION ONCE DECLARED

Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion involves a Councillor:

- 12.6.1 requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes;
- 12.6.2 foreshadowing a Notice of Rescission, where a resolution has just been made and/or a positive motion where a resolution has just been rescinded; or
- 12.6.3 foreshadowing a Notice of Rescission (in which case what is foreshadowed must be noted in the minutes of the Council Meeting).
-

12.7 APPLICATION TO ALL MEETINGS

The voting provisions apply to meetings of Special and Advisory Committees of Council to the extent that they are relevant to the proceedings of any Special and Advisory Committee meeting.

13. RECORDING OF MEETINGS

- 13.1 The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may conduct electronic broadcasting (webcasting) of a Council Meeting by any means.
 - 13.2 A person, including any representative of the media, must not operate photographic, audio or video recording equipment or any other recording device at any Council Meeting without first obtaining the consent of Council or the Chairperson. Such consent may at any time during the course of such meeting be revoked by Council or the Chairperson (as the case may be).
 - 13.3 The Chief Executive Officer must advise the Chairperson before the commencement of the meeting of any approval to record the meeting that has been given and the Chairperson must inform those in attendance at the meeting that, subject to any relevant legislative provisions, proceedings will be recorded.
 - 13.4 The approval to record a meeting is subject to the business of the meeting being able to continue in an orderly and lawful manner and in a way that the rights and responsibilities of all attendees can be appropriately managed.
 - 13.5 This clause does not apply to any member of Council staff operating any recording device for the purpose of preparing draft minutes of the meeting.
 - 13.6 Recordings made by a member of Council staff for the purpose of preparing draft minutes of a meeting will be retained for a period of three months from the date of the meeting.
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14. SPECIAL, ADVISORY AND OTHER COMMITTEES

14.1 APPLICATION TO SPECIAL, ADVISORY AND OTHER COMMITTEES

This Local Law applies to Special and Advisory Committee meetings and other meetings where Council has resolved the provisions of this Local Law must apply with any necessary modifications.

14.2 REPORTS FROM COMMITTEES

Reports from Committees may be addressed either in:

14.2.1 Reports from delegates appointed by Council to Committees; or

14.2.2 Presentation of Officer reports.

15. ELECTION OF THE MAYOR

15.1 ELECTION OF MAYOR

- 15.1.1 Councillors must elect a Councillor to be the Mayor.
- 15.1.2 The Mayor is to be elected at the annual Statutory Meeting, which is to be held:
- (a) as soon as practicable after the declaration of the results of a general election of Councillors;
 - (b) after the fourth Saturday in October but not later than 30 November in each year, as set out under section 71 of the Act; or
 - (c) as soon as possible after any vacancy occurs in the office of the Mayor.
- 15.1.3 The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.
- 15.1.4 Any Councillor is eligible for election or re-election to the office of Mayor.
-

15.2 PROCEDURE FOR ELECTION OF MAYOR

- 15.2.1 The Chief Executive Officer must open the meeting at which the Mayor is to be elected and invite nominations for a temporary Chairperson.
- 15.2.2 At any meeting to elect the Mayor, any Councillor may be appointed as a temporary Chairperson to deal with:
- (a) the fixing of allowances for the Mayor and Councillors under section 72 of the Act, when such allowances need to be fixed;
 - (b) the receipt of nominations for the election of Mayor; and
 - (c) the election of Mayor.
- 15.2.3 The temporary Chairperson must invite nominations for the office of Mayor.
- 15.2.4 Any nomination for the office of Mayor must be seconded.
- 15.1.5 The election of Mayor will be carried out by a show of hands.
- 15.1.7 Once nominations for the office of Mayor have been received, the following will apply:
- (a) where only one nomination is received, that Councillor must be declared elected; or
 - (b) where two nominations are received, the Councillor with the majority of votes cast must be declared elected; or
 - (c) where there are two or more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot; or
 - (d) Where there are more than two nominations received and no candidate has a majority of votes cast, the candidate with the fewest number of votes must be eliminated (and if more than one of them, the candidate determined by lot) and the names of the remaining candidates must be put to the vote again. This procedure must continue until there are

only two candidates remaining and when only two candidates remain, sub-clauses 15.1.7(b) and 15.1.7(c) apply.

15.2 MAYOR TO TAKE CHAIR

15.2.1 After the election of the Mayor is determined, the Mayor must take the Chair.

15.2.2 The Mayor must take the Chair at all Ordinary and Special Meetings at which he or she is present.

15.3 DEPUTY MAYOR

If Council resolves to elect a Deputy Mayor, the provisions for the election of the Mayor will apply to the election of the Deputy Mayor with all necessary adaptations.

16. OFFENCES AND PENALTIES

Council has the authority to prescribe penalties and issue infringement notices for acts in contravention of its Local Laws. This authority is conferred by sections 115 and 117 of the Act.

16.1 OFFENCES AND PENALTIES

It is an offence for:

16.1.1 a Councillor to not withdraw a remark or expression which is considered by the Chairperson to be offensive or disorderly and to not apologise when called upon twice by the Chairperson to do so;

Penalty Units: 2

16.1.2 any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so;

Penalty Units: 2

16.1.3 any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order;

Penalty Units: 2

16.1.4 any person to fraudulently sign a petition or joint letter which is presented to Council;

Penalty Units: 3

16.1.5 any person to use the common seal or any device resembling the common seal without authority.

Penalty Units: 10

16.2 SERVICE OF INFRINGEMENT NOTICE

16.2.1 As an alternative to prosecution, an Authorised Officer may serve an infringement notice on a person whom the Authorised Officer believes has committed an offence referred to in clause 16.1.

16.2.2 The amount fixed as payable in respect of an infringement notice is 1 Penalty Unit.

17. SUSPENSION OF LOCAL LAW

17.1 SUSPENSION OF STANDING ORDERS

The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedures.

Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while a matter is discussed.

17.1.1 To facilitate full discussion on a matter, Council may, by resolution, suspend standing orders.

17.1.2 Any provision of this meeting procedure, except that relating to a quorum, may by resolution be suspended for any part of a meeting.

17.1.3 Standing orders can only be suspended upon a duly moved and seconded motion being carried.

Suggested motion:

“That standing orders be suspended to enable discussion on....”

17.1.3 No motion may be accepted by the Chairperson during any suspension of standing orders.

17.1.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders must occur.

Suggested motion:

“That standing orders be resumed.”

18. PROCEDURE NOT PROVIDED IN LOCAL LAW

- 18.1 In all cases not specifically provided for under this Local Law, Council may determine the matter by resolution.
 - 18.2 Council may adopt any policies or guidelines from time to time for the purpose of exercising any discretion conferred by this Local Law.
-

19. COMMON SEAL

The purpose of this Section is to regulate the use of the common seal and prohibit unauthorised use of the common seal or any device resembling the common seal as required by Section 5 of the Act.

19.1 USE OF COMMON SEAL

The common seal may be affixed to a document for the purpose of giving effect to a decision:

- 19.1.1 made by Council resolution; or
- 19.1.2 made by the Chief Executive Officer under delegation.

19.2 SECURITY OF THE COMMON SEAL

A General Manager nominated by the Chief Executive Officer must keep the common seal in safe custody.

19.3 SIGNATURES TO ACCOMPANY SEAL

Every document to which the common seal is affixed must be signed by:

- 19.3.1 the Mayor and the Chief Executive Officer; or
- 19.3.2 in the absence of the Mayor, by two Councillors and the Chief Executive Officer; or
- 19.3.3 the Chief Executive Officer if the document is being sealed under delegation.

19.4 COMMON SEAL REGISTER

The Chief Executive Officer must ensure that a common seal register is maintained which records the following information each time the common seal is affixed to a document:

- 19.4.1 a description of the document to which the seal was affixed; and
 - 19.4.2 the date on which the common seal was affixed.
-

19.5 COMMON SEAL – SEALING CLAUSE

The following wording applies to any document to which the common seal is affixed:

The COMMON SEAL of the
HEPBURN SHIRE COUNCIL

was affixed on this

.....day of.....20XX

on the authority of the Council and signed by:

..... Mayor

..... Chief Executive Officer

20. CERTIFICATION OF LOCAL LAW

Local Law No 1 – Meeting Procedures and Common Seal (2014) was made by resolution of the Hepburn Shire Council on 18 November 2014

The COMMON SEAL of the
HEPBURN SHIRE COUNCIL
was affixed on this
18th day of November 2014
on the authority of the Council and signed by:



Kate Ross

..... Mayor

[Signature]

..... Chief Executive Officer

Council resolved to give notice of its intention to make this Local Law at its meeting held on 19 August 2014 and this was duly advertised as follows:

Victoria Government Gazette – 28 August 2014
The Courier, Ballarat – 23 August 2014
The Advocate – 27 August 2014
Council website – 21 August 2014

Council resolved to adopt this Local Law at its meeting held on 18 November 2014 and this was duly advertised as follows:

Victoria Government Gazette – 27 November 2014
The Courier, Ballarat Courier – 22 November 2014
The Advocate – 26 November 2014
Council website – 28 November 2014

21. DEFINITIONS

Unless inconsistent with the subject matter, the following words and phrases having the meaning indicated:

Words	Meaning
Act	<i>Local Government Act 1989</i>
Advisory Committee	an Advisory committee established by Council pursuant to section 86(1) of the Act
Agenda	a notice of a meeting setting out the business to be transacted at the meeting
Assembly of Councillors	as defined in section 3(1) of the Act: A meeting of an Advisory Committee where at least one (1) Councillor is present; or A planned or scheduled meeting at which at least half the Councillors and at least one Officer is present, and at which matters are considered that are intended or are likely to be the subject of a Council decision or the exercise of a delegated authority.
Authorised Officer	a person appointed by Council under section 224 of the Act
Business Days	Monday to Friday of each week except for Public Holidays
Chair	refers to the Chairperson
Chairperson	refers to the Chairperson of a meeting and includes an acting, a temporary and a substitute Chairperson
Chief Executive Officer	Chief Executive Officer of Council or any person acting in that position
Clause	clause of this Local Law
Committee	a Special Committee
common seal	common seal of Council
conflict of interest	direct or indirect interest of the kind described in section 77A of the Act
Council	Hepburn Shire Council

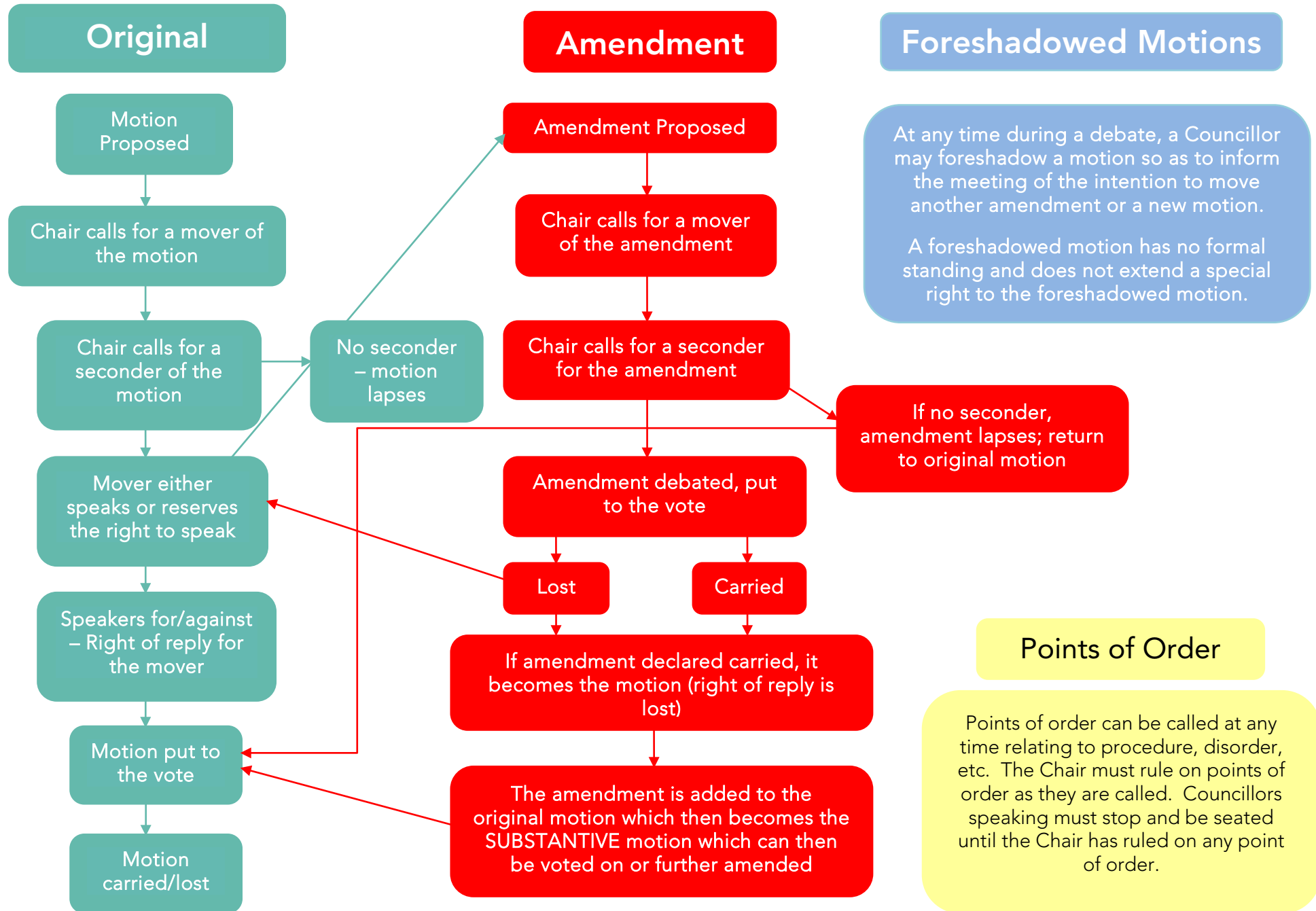
Words	Meaning
Councillor	a Councillor of Council who has taken the oath of office in accordance with section 63 of the Act
Council Meeting	Includes a meeting at which the Mayor is elected, an Ordinary Meeting and Special Meeting of Council but does not include an Assembly of Councillors
Deputy Mayor	a Councillor who has been elected to the position of Deputy Mayor to act on behalf of the Mayor in his or her absence
division	a formal count of those for and against a motion
Mayor	the Mayor of Council and any other Councillor acting as Mayor.
meeting	an Ordinary or Special Meeting of Council
Member	a Councillor or a member of a Committee who is entitled to vote on motions (other than on matters which he or she has a conflict of interest) that are dealt with at the meeting
Minister	Minister responsible for the administration of the Act.
minutes	record of proceedings of a meeting
motion	a proposal framed in a way that will result in the opinion of Council being expressed or a Council decision being made
Notice of Motion	a notice setting out the text of a motion which a member proposes to move at a meeting
Notice of Rescission	a Notice of Motion to rescind a resolution made by Council
Procedural Motion	a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure
Officer	employee of Council
offence	an act or default contrary to this Local Law
Penalty Unit	as prescribed in the <i>Sentencing Act 1992</i>

Words	Meaning
petition	A formal written application headed 'Petition', typed or printed without erasure, signed by at least 12 people whose names and physical addresses also appear and on which each page of the petition bears the wording of the whole of the petition
senior officer	as prescribed in the Act: the Chief Executive Officer, any officer who has management responsibilities and reports directly to the Chief Executive Officer and any other member of Council staff whose total annual remuneration exceeds \$100,000
Special Committee	a Special Committee established by Council under section 86 of the Act
Statutory Meeting	a meeting of Council held for the election of the Mayor and Deputy Mayor, and where necessary, for the taking of the Oath or Affirmation of Office by Councillors
Written or in writing	includes duplicated, lithographed, photocopied, photographed, transmitted by facsimile, transmitted electronically by email, printed or typed

Headings and explanatory notes do not form part of this Local Law. They are provided to assist understanding of the Local Law.

22. APPENDICES

APPENDIX 1 – MOTIONS AND AMENDMENTS – PROCESS CHART



Foreshadowed Motions

At any time during a debate, a Councillor may foreshadow a motion so as to inform the meeting of the intention to move another amendment or a new motion.

A foreshadowed motion has no formal standing and does not extend a special right to the foreshadowed motion.

Points of Order

Points of order can be called at any time relating to procedure, disorder, etc. The Chair must rule on points of order as they are called. Councillors speaking must stop and be seated until the Chair has ruled on any point of order.

PPENDIX 2 – PUBLIC QUESTION TIME FORM

PUBLIC QUESTION TIME FORM

During Public Participation Time Council allows for the tabling of petitions by Councillors and Officers and 30 minutes for the purpose of:

- Responding to questions that have been submitted by members of the public;
- Allowing members of the public to address Council.

Members of the public are invited to submit written questions on this form to the Chief Executive Officer by 12 noon on the day of the Ordinary Meeting of Council.

If you wish to address Council you must provide a brief synopsis of your address in writing to the Chief Executive Officer by 12 noon on the day of the Ordinary Meeting of Council.

Completed Public Question Time Forms can be submitted at your nearest Customer Service Centre or by emailing shire@hepburn.vic.gov.au with the words 'Public Question' in the subject line.

Public Question Time Forms received after 12 noon will be held over to the next Ordinary Meeting of Council.

DATE OF MEETING	
NAME	
ADDRESS	
TELEPHONE	
ORGANISATION (if applicable)	

SUBJECT OF QUESTION _____

Please note the number of questions that any person may ask at each meeting is limited to two. You need to be present in the public gallery at the meeting in order to ask your question.

QUESTION 1	
QUESTION 2	

Please note: Your name and suburb will be included in Council's minutes which are available on Council's website.

Privacy Statement

Hepburn Shire Council acknowledges and respects the privacy of individuals. Personal information collected by Council is used for municipal purposes as specified in the *Local Government Act 1989*. The information provided on this form will be used for the production of Council minutes, which are public documents.

