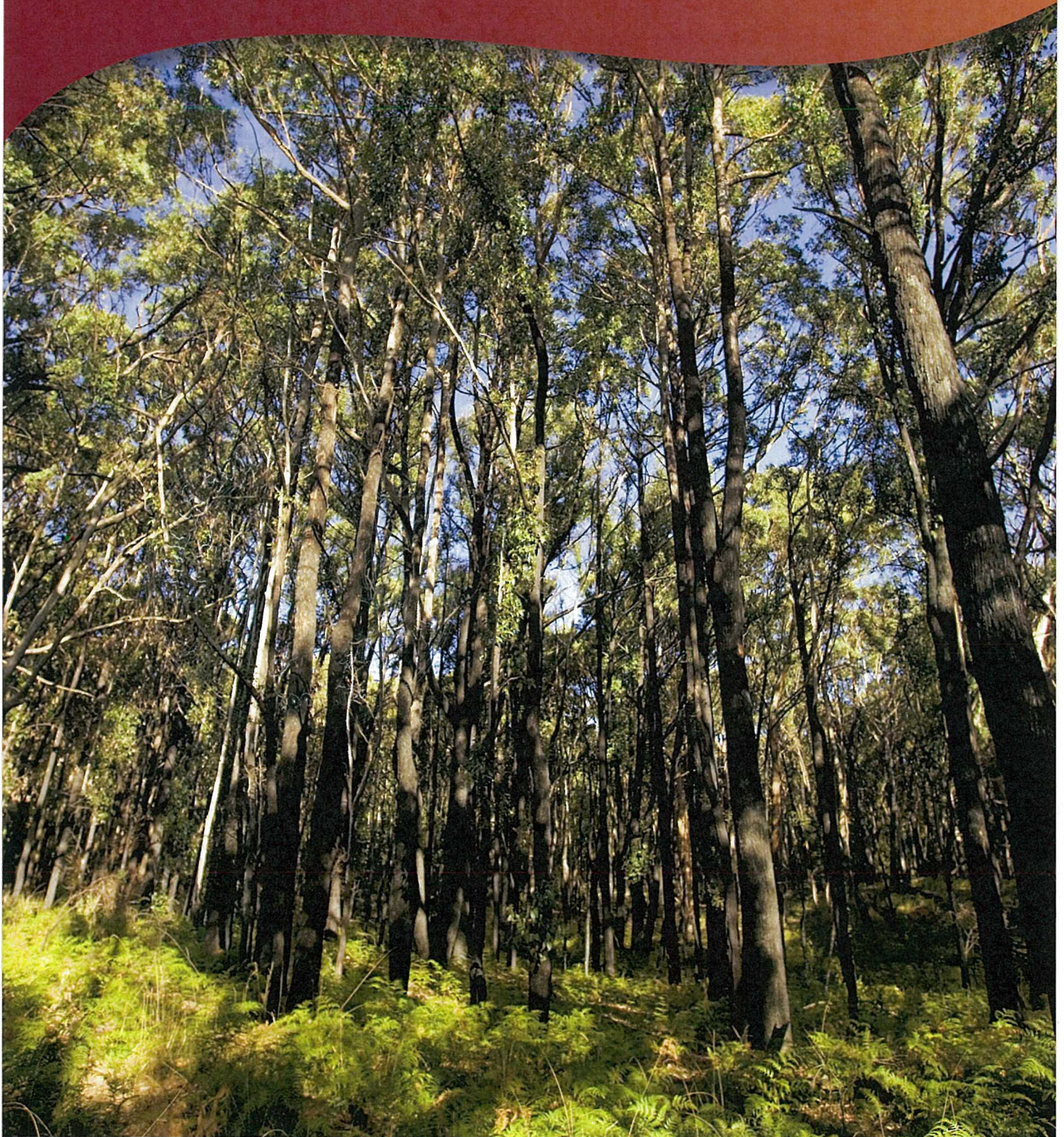




**Macedon
Ranges**
Shire Council

Macedon Ranges Shire Council Meeting Procedure Local Law No. 11



Macedon Ranges Shire Council

Meeting Procedure Local Law No.11 2017

I certify that this is a true copy of a Local Law made by the Macedon Ranges Shire Council on the 20 December 2017, in accordance with the requirements of Section 119 of the Local Government Act 1989 (the Act)

The notices required to be given by Section 119(2) of the Act were given in the Victorian Government Gazette No G45 of the 9 November 2017 page 2413 and in newspapers circulating in the municipal district during the week beginning the 6 November 2017

The notices required to be given by Section 119(3) of the Act were given in the Victorian Government Gazette No G1 of the 4 January 2018 page 11 and in newspapers circulating in the municipal district during the week beginning the 8 January 2017

A copy of the Local Law was sent to the Minister for Local Government on the 8 January 2018

The Local Law came into operation on the 5 January 2018 and will expire on the 5 January 2028

Margot Stork
Chief Executive Officer

The Common Seal of the Macedon Ranges
Shire Council was hereby affixed on the
.....*5 January*.....2018

Chief Executive Officer.....
Margot Stork

Mayor.....
Cr Jennifer Anderson



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Part 2: PRELIMINARY

1 Title

This Local Law is the Council's Meeting Procedure Local Law No. 11 and is referred to below as "this Local Law".

2 Objectives of this Local Law

The objectives of this Local Law are:

- (a) to provide for the election of the Mayor;
- (b) to establish procedures to ensure the orderly and effective conduct of Council meetings;
- (c) to establish procedures to ensure the orderly and effective conduct of special committee meetings;
- (d) to facilitate community participation in Council decision making processes; and
- (e) to regulate the control and use of the Council's common seal.

3 The power to make this Local Law

The Council's power to make this Local Law is contained in sections 5, 91, 111 and 114 of the *Local Government Act 1989*.

4 Commencement and Revocation

- (a) This Local Law comes into operation on 5 January 2018.
- (b) This Local Law ceases to operate on the tenth anniversary of the date on which it comes into operation.
- (c) Upon this Local Law coming into operation, the Council's Meeting Procedure Local Law No. 9 which expired on the 3 August 2017 is revoked.

5 Definitions

In this Local Law, unless inconsistent with the context:

Act	Means the Local Government Act 1989.
Agenda	Means the notice of meeting setting out the business to be transacted at the meeting
Authorised Officer	Means a member of Council staff appointed under section 224 of the Act, who is authorised by the Council to carry out specific functions under this Local Law
Broadcast	Means the visual or aural transmission of proceedings on any medium, including radio, television and the internet.

Carried	Means that the relevant motion or amendment is determined in the affirmative.
Chairperson	Means the person who chairs a meeting and includes the Mayor who chairs a Council meeting.
Chief Executive Officer	Means the Chief Executive Officer or Acting Chief Executive Officer appointed under section 94 of the Act. If the Chief Executive Officer or Acting Chief Executive Officer is absent or unable to perform a function required under this Local Law, the Director of Corporate Services must perform that function.
Council	Means Macedon Ranges Shire Council.
Councillor	Means a Councillor of the Council.
Council Meeting	Includes ordinary and special meetings of the Council.
Majority	Means a number of votes that is more than one-half of the number of Councillors or members in attendance in the meeting when the vote is taken.
Member	Means a member of a special committee.
Minister	Means the Minister responsible for administering the Act.
Penalty unit	Means penalty units as prescribed in the <i>Sentencing Act 1991</i> .
Quorum	Means the minimum number of Councillors or members who must be present in order to constitute a valid meeting of the Council or committee.
Recording	Means a recording of proceedings made using any device that is capable of recording speech or actions, including a tape recorder, video camera, mobile phone and portable computer.
Special Committee	Means a special committee established by the Council under section 86 of the Act.
In writing / written	When referring to a notice of motion, amendment or rescission submitted by a Councillor, includes a notice that is conveyed by an electronic means and that can be identified as originating from the Councillor. This includes an email from a Councillor's Council email address. When referring to a notice issued by the Council, includes a notice that is published on the Council website or a notice issued by a member of Council staff authorised to issue the notice and sent from an email address with a Council domain address.

Part 3: ELECTION OF MAYOR

6 Meeting to conduct an election

- (a) An election to fill a vacancy must be conducted under this Part:
 - (i) when a vacancy in the position of Mayor is required to be filled under section 71 of the Act; and
 - (ii) when a Chairperson of a special committee needs to be elected.
- (b) This Part does not apply to the Chairperson of a special committee if the Council has appointed a person to be the chair of the special committee.
- (c) At any meeting to elect the Mayor the Chief Executive Officer must open the meeting and preside until the meeting elects a temporary chairperson or appoints the Chief Executive Officer to oversee the process.
- (d) At any meeting of a special committee to elect a Chairperson, a member of the committee who will not be a nominee for Chairperson must be the temporary chairperson.
- (e) At the conclusion of an election under this Part, the member elected to be Mayor or Chairperson shall take the chair.
- (f) Any election by Council of a Deputy Mayor or acting Chair of a Council Meeting will follow the same procedure as that for an election of the Mayor

7 Determining the election of Mayor

- (a) Upon the meeting appointing or electing a temporary *Chairperson*:
 - (i) the temporary *Chairperson* must invite nominations for the office of Mayor (each of which must be seconded). If there is only one (1) nomination, the nominated candidate must be declared to be elected;
 - (ii) if there is more than one (1) nomination, the temporary Chairperson must conduct an election in the following manner;
 - (a) each Councillor present at the meeting and wishing to vote must vote for one (1) of the candidates and if one (1) candidate receives a majority of the votes, that candidate must be declared to be elected;
 - (b) if no candidate receives a majority of the votes, the candidate with the fewest number of votes must be declared to be a defeated candidate. Each Councillor present at the meeting and wishing to vote must then vote for one (1) of the remaining candidates;
 - (c) if one (1) of the remaining candidates receives a majority of the votes, that candidate must be declared to be elected. If none of the remaining candidates receives a majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one (1) of the candidates receives a majority of the votes. That candidate must then be declared to be elected;

- (d) if none of the remaining candidates receives a majority and two (2) or more candidates have an equal number of fewest votes, each Councillor present at the meeting who wishes to vote must vote for one (1) of the candidates with the equal fewest votes. The candidate who receives the fewest of those votes must be declared to be a defeated candidate.
- (e) if after conducting a vote to declare a candidate defeated under paragraph (d), two (2) or more candidates receive the equal fewest votes, the determination of which of those candidates must be declared to be defeated must be determined by lot.
- (f) if at any stage of the election there are only two (2) remaining candidates and the candidates have an equality of votes the determination of which of those candidates will be declared to be elected must be determined by lot.
- (g) if a lot must be conducted under this clause, the Chief Executive Officer shall arrange for the conduct of the lot and the following provisions must apply:
 - (h) each candidate will draw one (1) lot;
 - (i) the order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal number of votes except that if two (2) or more such candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names; and
 - (j) as many identical pieces of paper as there are candidates who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine which is a defeated candidate, the word "Defeated" shall be written on one (1) of the pieces of paper, and the candidate who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates). If the lot is being conducted to determine which candidate is to be duly elected, the word "Elected" must be written on one (1) of the pieces of paper, and the candidate who draws the paper with the word "Elected" written on it must be declared to have been duly elected.
- (b) Any election by Council of a Deputy Mayor will follow the same procedure as that for a Mayor.

8 Precedence of Mayor at Meetings

- (a) Pursuant to Section 73 of the Act, the Mayor takes precedence at all municipal proceedings within the municipal district and must chair all meetings of the Council at which they are present. If the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the Acting Mayor.

Part 4: MEETING PREPARATION

Calling meetings

9 Calling and scheduling council meetings

- (a) The dates, times and places of ordinary meetings will be fixed by the Council from time to time.
- (b) Subject to the requirements of sub-clause (a), the date, time or place of an ordinary Council meeting may be altered by resolution of the Council.
- (c) In accordance with sections 84 and 84A of the Act, a special meeting of the Council may be called by:
 - (i) a resolution of the Council;
 - (ii) a written notice from the Mayor;
 - (iii) a written notice from three Councillors; or
 - (iv) the Chief Executive Officer within 14 days after the declaration of the result of a general election.

10 Public notice

- (a) In accordance with section 89 of the Act, public notice will be given at least seven (7) days before:
 - (i) an ordinary or special meeting of the Council; or
 - (ii) a meeting of any special committee comprised entirely of Councillors.
- (b) If an extraordinary circumstance prevents the giving of seven (7) days' notice, the Chief Executive Officer will provide as much notice as is practicable and the nature of the extraordinary circumstance will be specified in the minutes.
- (c) If a special committee is not comprised entirely of Councillors, the Chairperson must provide reasonable notice of a meeting of the special committee to the public.

11 Agenda

- (a) This clause applies to Council meetings and meetings of special committees that are comprised entirely of Councillors.
- (b) At least five (5) days before a meeting is scheduled to occur, an agenda must be:
 - (i) delivered to each Councillor's residence or usual place of business or if determined by Council by electronic means; and
 - (ii) published on the Council's website.

- (c) An agenda must include:
 - (i) a description of the date, time and place of the meeting;
 - (ii) a description of the matters to be considered at the meeting;
 - (iii) any validly lodged notice of motion, amendment or rescission; and
 - (iv) reports prepared for consideration at the meeting.
- (d) If it is not possible to comply with sub-clause (b) for any reason, the Chief Executive Officer must ensure delivery and publication of the agenda as soon as is reasonably possible.
- (e) If a Councillor is on leave or absent from the municipality, an agenda does not have to be delivered to the Councillor unless he or she has requested delivery.

12 Adjourned meeting notices

- (a) If a Council or special committee meeting is adjourned to another day for any reason:
 - (i) clause 11(a) and 11(c) apply to the adjourned meeting; and
 - (ii) clause 11(b) applies to the adjourned meeting to the extent that it is reasonably practicable.

13 Giving a notice of motion

A 'notice of motion' is a formal notice by a Councillor or Member of their intention to propose a motion to be resolved upon at a meeting. The process is a direct method for a Councillor or Member to ensure a particular matter is brought before the meeting. The clauses of this Division outline the formal process to be followed.

Councillors and Members will also give consideration to the following advice in the 'Good Governance Guide' produced by the MAV, VLGA and LGPro on the appropriate use of notices of motion:

[A notice of motion] can be a useful way for a councillor or member to raise an issue, which doesn't require advice or a lot of consideration on a council agenda. For example, it might involve asking the council to recognise a significant achievement of a local community member which is already generally well-known.

If a Councillor or Member proposes to use a notice of motion for a significant item, consideration should be given to a motion requesting that a report on the matter be presented to a subsequent meeting.

- (a) A Councillor may give a notice of motion on any matter the Councillor wants to be considered at an ordinary Council meeting.
- (b) A notice of motion given by a Councillor must be given in writing to the Chief Executive Officer no later than 5.00 pm on the seventh (7) day before the meeting at which it is to be proposed to be considered.

- (c) A member of a special committee may give a notice of motion on any motion the member wants to be considered at a meeting of the special committee.
- (d) A notice of motion given by a member must be given in writing to the Chief Executive Officer in sufficient time for the Chief Executive Officer to include it in the agenda for the meeting at which it is proposed to be considered.

14 Notice may be rejected

- (a) The Chief Executive Officer must reject a notice of motion if:
 - (i) it appears to be contrary to the Act or any other law;
 - (ii) it is vague or unclear in its intention; or
 - (iii) it is not lodged in accordance with clause 13.
- (b) If the Chief Executive Officer rejects a notice of motion, he or she must:
 - (i) notify the Councillor or member of the reason for the rejection; and
 - (ii) if reasonably possible before the agenda is published, give the Councillor or member an opportunity to amend the notice.

15 Notice must be listed on the agenda

- (a) A notice of motion from a Councillor must be included on the agenda for the next ordinary Council meeting, unless it has been rejected under clause 14.

Notice of amendment or rescission

16 Giving a notice of amendment or rescission

- (a) A Councillor or member may give notice of a motion to amend or rescind a resolution of the Council or special committee provided that the resolution has not been acted on.
- (b) A notice of amendment or rescission:
 - (i) must specify the resolution that it proposes to amend or rescind;
 - (ii) must be clear in its intent;
 - (iii) must be in writing; and
 - (iv) must be given to the Chief Executive Officer no later than 5.00pm on the seventh (7th) day before the meeting at which it is to be proposed.
- (c) The Chief Executive Officer must reject a notice of amendment or rescission that does not comply with sub-clauses (a) and (b).
- (d) The Chief Executive Officer or an appropriate member of Council staff is entitled to implement a resolution of the Council or special committee at any time after the close of the meeting at which it was made. A resolution

of the Council or special committee will therefore be deemed to be acted on if:

- (i) its contents have or substance has been communicated in writing to any person whose interests are materially affected by it; or
- (ii) statutory processes have commenced

so as to vest enforceable rights in or obligations on Council or any other person.

- (e) The lodgement and acceptance by the Chief Executive Officer of a notice of amendment or rescission does not prevent the Chief Executive Officer or an appropriate member of Council staff from giving notice to any person that a notice to rescind or amend has been lodged.

17 Notice must be listed on the agenda

- (a) Unless a notice of amendment or rescission has been rejected under clause 16, it must be included on the agenda for the next available meeting of the Council or special committee.
- (b) If more than one notice of amendment or rescission is received in regard to a particular matter, the notices must be listed on the agenda in the order they were received.

General Matters regarding Notices of Motion and Notices of Rescission and Amendment

18 Conduct of Debate

Debate on Notices of Motion and Notices of Rescission and Amendment shall be conducted in accordance with Part 6

19 Majority to rescind a resolution

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

20 If lost or lapsed

If a notice of motion or motion for rescission or amendment is lost or lapses for want of a seconder, a similar motion may not be put before the Council or special committee for at least three (3) months from the date it was last lost or lapsed, unless the Council or special committee resolves that the motion be re-listed at a future meeting.

21 If not moved

If a notice of motion or motion for rescission or amendment is not moved at the meeting for which it is listed, it lapses.

22 May be moved by any Councillor

A notice of motion or notice for rescission or amendment listed on an agenda may be moved by any Councillor or member present but may not be amended.

23 When not required

- (a) A motion for rescission or amendment is not required where Council wishes to change policy.
- (b) Notwithstanding sub-clause (a), the following standards should generally apply if the Council wishes to change policy:
 - (i) 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 the Council; and
 - (ii) 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.

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

Part 5: GENERAL CONDUCT OF MEETINGS

General matters

24 Matters not provided for

Where a situation has not been provided for under this Local Law, the Council or special committee may determine the matter by resolution.

25 Addressing the meeting

- (a) Councillors and members must conduct themselves in a courteous and respectful manner during meetings.
- (b) Any person addressing the Chair should refer to the Chairperson as:
 - (i) Madam Mayor;
 - (ii) Mr Mayor;
 - (iii) Mayor 'surname ';
 - (iv) Madam Chairperson; or
 - (v) Mr Chairperson; as the case may be.
- (c) All Councillors, other than the Mayor, should be addressed as Cr (name).
- (d) All members of Council staff should be addressed as Mrs, Ms, Miss or Mr (name).

Business of meetings

26 Order of business

- (a) An agenda for a meeting of a special committee which is not comprised solely of Councillors must be prepared by or on behalf of the Chief Executive Officer, and be provided to each member at least 48 hours before the meeting.
- (b) Subject to this Local Law, the order of business of meetings of the Council and special committees will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- (c) The Chief Executive Officer may include any matter on an agenda for consideration by the meeting.
- (d) Once an agenda has been published, the order of business for the meeting may only be altered by resolution of the meeting.

27 Urgent business

- (a) At an ordinary Council meeting, business that is not included in the agenda must not be considered unless a majority of Councillors present at the meeting resolve to admit the business.
- (b) Despite sub-clause (a), a matter that is not included in the agenda for an ordinary Council meeting must not be considered at the meeting if it will:
 - (i) directly and significantly affect the exercise of a person's rights;
 - (ii) alter the Council Plan or the Budget; or
 - (iii) commit the Council to any direct expenditure.
- (c) At a special Council meeting, business that has not been included on the agenda may only be considered if all the Councillors are present and unanimously resolve that the matter is urgent (as required by section 84 of the Act).
- (d) At a special committee meeting, business that is not included in the agenda must not be considered unless the committee solely comprises all the elected Councillors, in which case sub-clauses (a) and (b) apply.

Minutes

28 Keeping of minutes

- (a) The Chief Executive Officer must ensure that minutes of Council and special committee meetings are kept in accordance with section 93 of the Act.
- (b) The draft (unconfirmed) minutes of Council meetings, excluding those parts of meetings that are closed to the public, must be published on the Council's website within five (5) working days after the relevant meeting.

29 Confirmation of minutes

- (a) The Chief Executive Officer must ensure that the draft (unconfirmed) minutes of Council meetings are submitted to the next ordinary Council meeting for confirmation.
- (b) 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.
- (c) If a Councillor is dissatisfied with the accuracy of the minutes, then the Councillor must propose a motion specifying the alternative wording to amend the minutes.
- (d) Any amendment to the (unconfirmed) minutes that is accepted by the Council during the confirmation process shall be retrospectively made to the original minutes, which will then replace the 'unconfirmed minutes' published on the Council website.

Quorums

30 Defining a quorum

- (a) In accordance with section 91 of the Act, a quorum for a meeting of the Council or a special committee is a majority of the members of the Council or special committee.

31 Inability To Gain A Quorum

If after 30 minutes from the scheduled starting time of any Council or special committee meeting, a quorum cannot be obtained:

- (a) those Councillors or members present; or
- (b) if there are no Councillors or members present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, an authorised officer,

may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.

32 Inability To Maintain A Quorum

If during any Council or special committee meeting or any adjournment of such meeting, a quorum cannot be maintained:

- (a) those Councillors or members present; or
- (b) if there are no Councillors or members present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, an Authorised Officer,

may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.

33 Inability To Achieve Or Maintain A Quorum Due To Conflicts of Interests Of Councillors

If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by a majority of Councillors or members, the Chief Executive Officer, or, in his or her absence, an Authorised Officer, may:

- (a) set the item aside and proceed to the next item of business; or
- (b) adjourn the meeting for a length of time sufficient to enable dispensation for the affected Councillors or members to be obtained from the Minister administering the Act.

34 Notice Of Adjourned Meeting

The Chief Executive Officer must provide written notice of a meeting adjourned under clause 31, 32 or 33 but where this is not practicable because time does not permit that to occur, then, provided every reasonable attempt is made to contact every Councillor or member, notice by telephone, facsimile, email, in person or by some other means is sufficient.

35 Time limits for Meetings

- (a) An ordinary or special Council meeting must not continue after 10.30 pm unless a majority of Councillors present vote in favour of its continuance.
- (b) In the absence of such continuance, the meeting must stand adjourned to a time, date and place to be then and there announced by the Chairperson.
- (c) The Council may adjourn any meeting.
- (d) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

Suspension of standing orders

36 Suspension of standing orders

The Council or a special committee may, by resolution, suspend standing orders for:

- (a) the purposes of enabling a full discussion of an issue;
- (b) the purposes of allowing a member of the public to address the meeting;
- (c) the purposes of providing for public question time; or
- (d) any other reasonable purpose determined by the meeting.

37 Arrangements when standing orders suspended

- (a) During a period when standing orders are suspended, no decision, motion or other formal proceeding may be allowed, other than:
 - (i) the raising of a point of order; or

- (ii) a motion to resume standing orders.
- (b) The minutes of a meeting do not have to include a detailed account of matters considered during a period when standing orders are suspended.
- (c) The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of the Council. An appropriate motion would be:

"That standing order be suspended to enable discussion on....."

- (d) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

Public participation

38 Addressing meetings

- (a) At an ordinary meeting of the Council or at a meeting of a special committee, standing orders may be suspended to enable any member of the public to address the meeting.
- (b) A member of the public addressing the Council or a special committee must extend due courtesy and respect to the Councillors or members and the Council or special committee, and must take direction from the Chairperson.
- (c) Unless otherwise resolved by the Council or special committee the maximum speaking time for a member of the public addressing the Council or committee is three (3) minutes.

39 Public question time

- (a) Any member of the public may submit up to two questions to an ordinary Council meeting. Questions from a member of the public:
 - (i) must be in writing and state the name and address of the person submitting the question and generally be in a form approved or permitted by the Council; and
 - (ii) may relate to a matter of business on the agenda or another matter that is generally accepted to be within the jurisdiction of the Council, either directly or indirectly.
- (b) Questions will be collected from the gallery by a member of Council staff generally within 30 minutes after the commencement of the meeting.
- (c) If the Council has received a question from the public under paragraph (a), the Council must suspend standing orders at an appropriate time for the question to be read.
- (d) The Mayor or a member of Council staff nominated by the Mayor may read a question to those present.

- (e) The Mayor or nominated Council staff member may reject a question that does not comply with paragraph (a), or if it:
 - (i) relates to a matter outside the duties, functions and powers of the Council;
 - (ii) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - (iii) relates to personnel matters;
 - (iv) relates to the personal hardship of any resident or ratepayer;
 - (v) relates to industrial matters;
 - (vi) relates to contractual matters;
 - (vii) relates to proposed developments;
 - (viii) relates to legal advice;
 - (ix) relates to matters affecting the security of Council property; or
 - (x) relates to any other matter which the Council considers would prejudice the Council or any person.
- (f) Notwithstanding the provisions of sub-clause (e) the Council will endeavour to, and where appropriate shall, answer questions from the public that relate to these matters in a way that does not disclose confidential information and or compromise any other parties.
- (g) The Mayor may nominate a Councillor or member of Council staff to respond to a question.
- (h) All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification.
- (i) If multiple questions related to a decision made by the Council or a matter to be considered by the Council at the meeting are asked and it is appropriate to do so, the Mayor or nominated staff member may collectively summarise these questions and make reference to the decision or the impending consideration of the matter.
- (j) If a question cannot be dealt with adequately or appropriately during public question time, the Mayor or a nominated staff member may advise the Council that they will provide a written answer in response to the question.

40 Petitions and joint letters

- (a) A member of the public may give a petition or a joint letter to a Councillor or the Chief Executive Officer.
- (b) A petition or joint letter must:
 - (i) state the name of the person forwarding the petition and an address to which notice of the Council's response may be forwarded;

- (ii) contain the name, full address (either postal or electronic) and signature of each person signing the petition or letter;
 - (iii) clearly state the request or describe the action that the Council is asked to undertake on each page of the petition or in the joint letter (whichever is applicable);
 - (iv) not include any statement that is offensive, defamatory or disrespectful to the Council or any Councillor or member of Council staff;
 - (v) be legible, in ink or other permanent marker and not pencil;
 - (vi) not contain alterations; and
 - (vii) not have any letters or other documents attached to it.
- (c) A petition or joint letter generated via an online or electronic process that does not contain the signatures of the persons who are represented as having supported it will be accepted only if it complies with all other provisions of sub-clause (b).
 - (d) A petition or joint letter that complies with the provisions of sub-clause (b) must be tabled at an ordinary Council meeting at the first reasonable opportunity.
 - (e) A petition may only be presented to an ordinary Council meeting by a Councillor, and it is incumbent on the Councillor to acquaint himself or herself with the contents of the petition or joint letter and to ascertain that it complies with sub-clause (b).
 - (f) A Councillor presenting a petition or joint letter to the Council must write his or her name at the beginning of the petition or joint letter.
 - (g) A petition or joint letter tabled at a Council meeting may be dealt with as follows:
 - (i) a motion may be proposed to accept the petition or joint letter and that it lay on the table until the next ordinary Council meeting or a future meeting specified by the Council (at which a report on the matter will be presented); or
 - (ii) a motion may be proposed to accept and note the petition or joint letter and resolve to deal with it earlier or refer it to another process.

Disruptions

41 Chairperson may call a member to order

- (a) The Chairperson may call to order any Councillor or member:
 - (i) who is disruptive or acting in an unruly manner during a meeting; or
 - (ii) who makes a statement that is offensive, insulting or defamatory.
- (b) Without detracting from sub-clause (a), the Chairperson may call to order any Councillor who is acting contrary to the Councillor Code of Conduct in

a Council meeting or a meeting of a special committee comprised solely of Councillors.

- (c) If the Chairperson calls a Councillor or member to order, the Chairperson may direct the Councillor or member:
 - (i) to cease the actions for which the Councillor or member has been called to order; or
 - (ii) to retract a statement or apologise for a statement or action.
- (d) If a Councillor or member fails to comply with a direction under sub-clause (c), the Chairperson may direct the Councillor or member to leave the meeting for a specified time.
- (e) The direction by the Chairperson under sub-clause (d) may be overruled by a resolution of the meeting.
- (f) Unless paragraph (e) applies, a Councillor or member who is directed by the Chairperson to leave the meeting for a specified time must comply with that direction.

42 Mayor may remove a member of the public

- (a) The Chairperson may direct a member of the public to leave a meeting if, in the opinion of the Chairperson, the person is disrupting the orderly conduct of the meeting.
- (b) A person directed to leave a meeting under sub-clause (a) must not return to the meeting unless authorised by the Chairperson.
- (c) Any person who fails to comply with a direction of the Chairperson under this clause is guilty of an offence.

Penalty: 5 penalty units.

43 Mayor may adjourn a meeting

- (a) The Chairperson may adjourn a meeting at any time if a disruption is preventing the meeting from conducting its business in an orderly manner.
- (b) Unless otherwise resolved by the Council or special committee, an adjournment under subclause (a) will be for a period of 15 minutes.

Recording meetings

44 Council may record meetings

- (a) The Council may resolve to broadcast its ordinary and special meetings in any form.
- (b) Despite sub-clause (a), a meeting that is closed to the public under section 89 of the Act must not be broadcast or a recording made available to the public in any form.

45 No recording or broadcasting without authority

It is an offence, without the authority of the Council or special committee (as the case may be):

- (a) to make or distribute a recording of any Council or special committee meeting; or
- (b) to broadcast any Council or special committee meeting.

Penalty: 10 penalty units if the offence only relates to a meeting that is open to the public.

20 penalty units if the offence relates to any part of a meeting that is closed to the public under section 89 of the Act.

Part 6: CONDUCT OF DEBATE

General debate matters

46 Conflict of interest

- (a) As required by section 79 of the Act, any Councillor or member who has a conflict of interest in a motion or amendment must:
 - (i) disclose the conflict of interest immediately before the matter is considered; and
 - (ii) leave the meeting while the matter is debated and voted upon.

47 Rejecting a motion

- (a) The Chairperson must reject any motion or amendment which:
 - (i) is offensive or defamatory;
 - (ii) is outside the powers of the Council or special committee or otherwise contrary to the Council's legal obligations or is not relevant to the item of business on the agenda and has not been admitted as urgent business under clause 27; or
 - (iii) purports to be an amendment but would have the effect of negating the principal intent of the motion it seeks to amend.
- (b) If it appears to the Chief Executive Officer that a proposed motion or amendment is contrary to the Council's legal obligations, the Chief Executive Officer must advise the Chairperson in a timely manner in accordance with section 94A(1)(da) of the Act.

48 Lapsed motion or amendment

- (a) If a motion or amendment lapses under this Local Law:
 - (i) the motion or amendment is no longer debated or voted upon at that meeting;

- (ii) if it is an amendment, debate on the principal motion resumes; and
 - (iii) if it is a motion, the meeting proceeds to the next matter on the agenda.
- (b) Nothing in this Local Law prohibits a lapsed motion from being considered at a later meeting of the Council or special committee.

Motions and amendments

49 Moving a motion

- (a) In relation to moving a motion:
- (i) the Councillor or member moving the motion must state the motion without speaking to it;
 - (ii) the motion must be seconded by another Councillor or member; and
 - (iii) if a motion is not seconded, it lapses.
- (b) The Chairperson may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason. The Chairperson may suspend the meeting while a motion is being written or request that the matter be deferred until later in the meeting.
- (c) If a motion is moved and seconded, the Chairperson must ask if the motion is opposed by any Councillor or member, and:
- (i) if the motion is not opposed the Chairperson must declare the motion carried; or
 - (ii) if the motion is opposed the Chairperson must invite the members to debate the motion.
- (d) Before a motion or amendment is declared carried (if not opposed) or put to the vote, a Councillor or member may with leave of the Chairperson ask for clarification from the Chairperson or the Councillor or member moving the motion or amendment of:
- (i) the principal intent; or
 - (ii) some other aspect
- of the motion or amendment

50 Debating the motion

- (a) When debating a motion:
- (i) the mover of the motion is invited to speak first;
 - (ii) the seconder of the motion is invited to speak second, however he or she may reserve the right to speak later in the debate;
 - (iii) the Councillor or member who opposed the motion is invited to speak third; and

- (iv) any other Councillors or members may speak for or against the motion.
- (b) When inviting other Councillors or members to speak to the motion the Chairperson must ask for speakers for and against the motion in turn, however no Councillor or member may be refused the right to speak because there is no contrary speaker.
- (c) No Councillor or member may speak more than once in debating a motion, except where the mover of the motion has a right of reply.
- (d) Debate must always be relevant to the motion and the Chairperson may:
 - (i) request a speaker to confine debate to the subject motion; or
 - (ii) direct a speaker to cease speaking if he or she continues to debate irrelevant matters. The speaker must then cease speaking.
- (e) Once the debate has been exhausted, the mover of the motion is entitled to exercise a right of reply, but may not raise any new matter.
- (f) Immediately after the mover's right of reply, the Chairperson must put the motion to a vote without further discussion or debate.
- (g) A Councillor or member with leave of the Chairperson may briefly make comment on a motion adopted by the Council or special committee for the purposes of informing the gallery and or highlighting the significance of the decision.

51 Moving an Amendments

- (a) Any Councillor or member debating the motion, except the mover and seconder of the motion, may move an amendment to the motion.
- (b) There is no limit on the number of amendments that may be proposed to a motion. However, no amendment may be proposed while another amendment is being proposed or debated.
- (c) An amendment:
 - (i) must be relevant to the motion; and
 - (ii) must not have the effect of negating the principal intent of the motion.
- (d) An amendment must be seconded by another Councillor or member. If an amendment is not seconded, it lapses.
- (e) If an amendment is moved and seconded, the Chairperson must invite the Councillors or members to debate the amendment in the same order and manner as a motion under clause 50(a), except that the mover of an amendment does not have a right of reply.
- (f) A Councillor or member speaking to an amendment is not deemed to be speaking to the motion, so speaking to an amendment does not alter a Councillor's or member's right to speak to the principal motion.

- (g) If an amendment is carried then the motion is altered accordingly and becomes the matter before the meeting.

52 Foreshadowing motions or amendments

- (a) At any time during debate, a Councillor or member may foreshadow his or her intention to move a motion or amendment at a later stage in the meeting. This does not extend any special right to the foreshadowed motion.
- (b) A foreshadowed motion is not required to be recorded in the minutes until or unless it is proposed.

53 Withdrawal of motion or amendment

Before any motion or amendment is put to the vote it may be withdrawn by the mover with leave from the meeting.

54 Separation of motions

Where a motion contains more than one part the Chairperson may decide to put the motion to the vote in separate parts.

Speaking times

55 Speaking times

- (a) Unless a motion for extension of time has been passed, a Councillor or member must not speak longer than the time set out below:
 - (i) the mover of a motion or an amendment: five (5) minutes and any other Councillor or member three (3) minutes; and
 - (ii) the mover of a motion exercising a right of reply: two (2) minutes

56 Extension of speaking time

- (a) An extension of speaking time for any member may be granted by resolution of the meeting.
- (b) A motion to extend speaking time must not be permitted after another Councillor or member has commenced speaking.
- (c) An extension of speaking time:
 - (i) must not exceed three (3) minutes;
 - (ii) may only be granted once for each speaker on a motion or amendment.

Voting

57 Voting process

- (a) All members of the Council or of a special committee are entitled to a single vote on each motion and each amendment, except:

- (i) when the Chairperson is entitled to a second vote under section 90(1)(e) of the Act; or
 - (ii) when a member of a special committee is not entitled to vote because of a decision of the Council under section 87(8) of the Act.
- (b) When putting a motion or amendment to a vote, the Chairperson will first call for those in favour of the motion and then those opposed to the motion.
 - (c) Unless the meeting resolves otherwise, all voting must be by a show of hands.
 - (d) If a majority of the Councillors or members in the meeting votes in favour of the motion or amendment the Chairperson must declare the motion or amendment carried.
 - (e) As provided in section 90 of the Act, if exactly half the Councillors or members in the meeting vote in favour of a motion or amendment the Chairperson may cast a second vote to determine whether the matter is carried.
 - (f) If the motion or amendment is not carried under this clause, the Chairperson must declare the motion or amendment lost.
 - (g) Any Councillor or member may request that the way they voted on a motion or amendment be recorded in the minutes.

58 Secret ballot

- (a) As provided in section 90 of the Act, voting in a meeting that is open to the public must not be by secret ballot.

59 Division

- (a) Any Councillor or member may request a division:
 - (i) immediately before a vote is taken under clause 57; or
 - (ii) immediately after a vote is taken under clause 57.
- (b) A division must not be requested after the next item of business has commenced.
- (c) If a division is requested, the Chairperson must conduct a vote in the manner specified in clause 57(c), and the names of Councillors or members voting for or against the motion or amendment must be recorded in the minutes.
- (d) If a prior vote has been taken on the motion or amendment, a Councillor or member is not prevented from changing his or her original vote at the division.
- (e) Once a vote has been taken under a division, no further vote may be taken on the relevant motion or amendment in that meeting.

Points of order

60 Raising a point of order

- (a) A Councillor or member may raise a point of order if he or she considers that:
 - (i) the Act or this Local Law is not being complied with; or
 - (ii) a Councillor or member should be called to order under clause 41.
- (b) A Councillor or member raising a point of order must:
 - (i) state the point of order; and
 - (ii) state the relevant clause or provision supporting the point of order.
- (c) A Councillor or member raising a point of order is not deemed to be speaking to the motion or amendment before the meeting.
- (d) All other matters before the Council or special committee are suspended until the point of order is decided.

61 Chairperson to decide

- (a) The Chairperson must decide all points of order without entering into discussion or debate.
- (b) The Chairperson may adjourn the meeting to consider a point of order or otherwise must rule on it as soon as it is raised.
- (c) The decision of the Chairperson in respect to a point of order is final and conclusive unless the meeting dissents.

62 Dissenting a decision

- (a) A Councillor or member may move a motion of dissent from the Chairperson's decision on a point of order.
- (b) A motion of dissent on a point of order will take precedence over all other business and if carried must be acted on instead of the ruling given by the Chairperson.
- (c) A motion of dissent in relation to a point of order is not a motion of dissent in the Chair. The Chairperson remains in the Chair and may exercise a second vote if exactly half the members vote in favour of the motion of dissent.

Procedural motions

63 Procedural motions generally

- (a) Subject to sub-clause (b), a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson. A procedural motion may propose:
 - (i) to adjourn a debate;

- (ii) to set aside a question;
 - (iii) to put the question; or
 - (iv) to adjourn the meeting.
- (b) A procedural motion must not be moved:
- (i) during the election of the Chairperson; or
 - (ii) while any Councillor or member is speaking.
- (c) A procedural motion cannot be moved:
- (i) by the Chairperson; or
 - (ii) by a Councillor or member who has moved, seconded or spoken on the motion or amendment to which the procedural motion relates.
- (d) A procedural motion must be seconded.

64 Adjourning a matter

- (a) A Councillor or member may move that the matter be adjourned.
- (b) If a motion to adjourn a matter under this clause is passed the motion under consideration and any amendments proposed to that motion are adjourned.
- (c) A motion under sub-clause (a) may specify that the matter be adjourned until a specific meeting or until a specific time or place.
- (d) If a motion under sub-clause (a) does not state when debate will be resumed, it may be included on the agenda for another meeting:
 - (i) if resolved by the Council or special committee; or
 - (ii) at the discretion of the Chief Executive Officer.
- (e) A motion under this clause may be debated, but may only be amended in respect to the time and place when debate will be resumed.

65 Setting aside a question

- (a) A Councillor or member may move that the question be NOT put.
- (b) A motion under sub-clause (a) that relates to a motion:
 - (i) if carried, prevents the motion from being dealt with and the meeting proceeds to the next matter; or
 - (ii) if lost, allows debate on the motion to continue.
- (c) A motion under sub-clause (a) that relates to an amendment:
 - (i) if carried, prevents the amendment from being dealt with and the meeting proceeds with debate on the motion; or

- (ii) if lost, allows debate on the amendment to continue.
- (d) A motion under this clause must not be debated.

66 Putting the question

- (a) A Councillor or member may move that the question be now put.
- (b) A motion under sub-clause (a):
 - (i) if carried, requires the motion or amendment that is currently before the meeting to be voted upon immediately; or
 - (ii) if lost, allows debate on the motion or amendment to continue.
- (c) The Chairperson may reject a motion to put the question if the Chairperson considers that the matter is contentious and has not been adequately debated.
- (d) A motion under this clause must not be debated.

67 Adjourning a meeting

- (a) A Councillor or member may move that the meeting be adjourned.
- (b) A motion under sub-clause (a) may specify when the meeting will resume, which may be:
 - (i) at a specific time, date and place;
 - (ii) at the conclusion of another scheduled meeting; or
 - (iii) at a time to be determined by the Chief Executive Officer.
- (c) A motion to adjourn a meeting may be debated, but may only be amended in respect to the time and place when meeting will be resumed.

Part 7: COMMON SEAL

68 Purpose of this Part

- (a) To regulate the use of the common seal of the Council under section 5(3)(c) of the Act, and to prohibit unauthorised use of the common seal or any device resembling the common seal.

69 Authority

- (a) The authority to affix the common seal shall be given either specifically or generally by resolution of the Council.
- (b) Subject to sub-clause (a), the Chief Executive Officer has the power to affix the common seal to any instrument or other document which gives effect to any decision of the Chief Executive Officer or other member of Council staff, whether taken by or under statute or pursuant to any instrument of delegation.

70 Signature to accompany common seal

- (a) Every instrument or other document to which the seal is affixed must be signed by one Councillor and the Chief Executive Officer.

71 Unauthorised use of the common seal

- (a) A person must not, unless authorised under this Local Law or authorised by the Council:
 - (i) use the common seal;
 - (ii) sign any document to which the common seal is affixed.
- (b) The Chief Executive Officer must ensure the security of the Council's common seal at all times.

Part 8: ENFORCEMENT AND PENALTIES

72 Infringement notices

- (a) An Authorised Officer may, as an alternative to prosecution, issue an infringement notice in respect to an offence under this Local Law.
- (b) An infringement notice must specify:
 - (i) the nature of the offence;
 - (ii) the time and place where the offence was committed (if known);
 - (iii) the provision of this Local Law that has been breached;
 - (iv) the amount of the infringement penalty;
 - (v) how the infringement penalty may be paid; and
 - (vi) the date by which the infringement penalty must be paid.
- (c) An infringement notice must advise the person to whom it is addressed:
 - (i) that they have a right to disregard the infringement notice;
 - (ii) that if they disregard the infringement notice, the Council may initiate action in a court; and
 - (iii) the maximum and minimum penalty that may be imposed by a court.
- (d) The date by which an infringement penalty must be paid must not be less than 28 days after the date of the infringement notice.

73 Infringement penalties

- (a) The infringement penalty in respect of a failure to comply with a direction of the Chairperson to leave a meeting under clause 41, is one (1) penalty unit.

- (b) The infringement penalty in respect of an offence under clause 45 regarding the unauthorised broadcasting, recording or distribution of a recording of a Council or special committee meeting:
 - (i) is two (2) penalty units if the offence only relates to a meeting that is open to the public; or
 - (ii) is five (5) penalty units if the offence relates to any part of a meeting that is closed to the public under section 89 of the Act.
- (c) The infringement penalty in respect of the use of the Council's common seal without authority in contravention of clause Part 7, clause 71, is two (2) penalty units.