



Governance

Local Law No 2

2014

(Incorporating Meeting Procedure and Use of Common Seal)

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PART 1 - INTRODUCTION

1. Title

This Local Law is the Murrindindi Shire Council's Local Law No. 2, "Governance Local Law". It is referred to hereunder as "this Local Law".

2. Period of Operation

This Local Law commences to operate on 4 July 2014 and ceases to operate on 4 July 2024 unless revoked earlier. Upon its commencement, Local Law No. 3 of 2011 (Meeting Procedures and Common Seal) is revoked.

3. Purpose

The objectives of this Local Law are to:

- 3.1 Regulate the proceedings for the election of the Mayor and Deputy Mayor;
- 3.2 Regulate proceedings of Ordinary and Special meetings of Council and Meetings of Special Committees and Advisory Committees of Council;
- 3.3 Regulate and control the use of Council's common seal;
- 3.4 Promote and encourage community participation in the local government system;
- 3.5 Provide a mechanism through its formal meeting procedure to ensure effective and efficient Council decisions are made in a manner which acknowledges the role of local government within the Australian system of Government;
- 3.6 Provide for the administration of the Council's powers and functions;
- 3.7 Provide penalties for non observance of the provisions of this Local Law;
- 3.8 Authorise the charging of fees as permitted by the Act for the provision of information; and
- 3.9 Generally maintain the peace, order and good government of the municipal district.

4. Authorising Provisions

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

5. Commencement and End Dates

- 5.1 This Local Law comes into operation on the day following the publication of the making of it in the *Government Gazette* pursuant to section 119(3) of the Act.
- 5.2 This Local Law operates throughout the municipal district of Council.
- 5.3 Ends on the 10th anniversary of the day in which it commenced operation

6. Repeal

On the commencement of this Local Law, Council's Governance Local Law No. 3 (Meetings & Common Seal) 2011, Local Law No. 3 sealed on 27 July 2011, is revoked

7. Definitions

This Local Law operates throughout the whole of the municipal district. Unless inconsistent with the subject matter, the following words and phrases in this Local Law have the meaning indicated:

WORD(S)	MEANING
Act ("the Act")	<i>The Local Government Act 1989.</i>
Advisory Committee	An Advisory Committee established by Council.
Agenda	The notice of a Meeting setting out the business to be transacted at the Meeting.
Assembly of Councillors	Has the same meaning as defined in s.76AA of the Act
Authorised Signatory	Includes the Chief Executive Officer, any General Manager and any Councillor.
Business days	Monday to Friday inclusive of each week except for Public Holidays
Chair	The Chair of the Meeting and includes an acting, temporary or substitute Chair.
Chief Executive Officer	The Chief Executive Officer of Council and includes a person acting as Chief Executive Officer
Clause	A clause of this Local Law
Committee meeting	A meeting of a Special Committee
Common seal	The common seal of Council.
Council	Means Murrindindi Shire Council
Council Meeting (or 'Meeting')	Any Ordinary Meeting or Special Meeting of Council.
Councillor	A Councillor of Murrindindi Shire Council
Deputy Mayor	The Deputy Mayor of Council and any person acting as Deputy Mayor
Formal Motion	A motion set out in Formal Motions Procedure and Effect table pages 32-34
General Manager	A member of staff occupying a second-level position in the core part of the organisational structure of Council.
Mayor	The Mayor of Council and includes a person acting as the Mayor.
Motion	A proposal framed in a way that will result in the opinion of the Council being expressed or a Council decision being made
Meeting	An Ordinary Meeting or a Special Meeting of Council, a Special Committee meeting or an Advisory Committee meeting.
Member	A Councillor or member of a Special Committee

WORD(S)	MEANING
Minutes	The collective record of proceedings and decisions of a meeting
Municipal district	The area from time to time comprising the municipal district of Council
Notice of Motion	A notice setting out the text of a motion which is proposed to be moved at the next relevant Meeting.
Offence	A wilful act or default contrary to the Local Law.
Officer	A person employed on Council staff.
On Notice	Placed on notice
Ordinary Meeting	An Ordinary Meeting of Council, at which only general business may be transacted.
Penalty Unit	Has the same meaning as in the <i>Sentencing Act 1991</i> .
Petition	Is a written request for action to be taken by Council, signed by two or more petitioners
Point of order	A procedural point, not involving the substance of a matter before a Meeting.
Procedural Motion	Means 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
Resident	A person who has a place of residence within the municipal district
Senior Officer	Has the same meaning as prescribed in the Act
Special Committee	A special committee established pursuant to Section 86 or 87 of the Act.
Special Meeting	Meeting convened under section 84 of the Act.

8. Situations and matters not addressed

Where a situation or matter is not addressed in this Local Law, the Council may determine a course of action by resolution.

9. Conflicts with the Local Government Act 1989

Where any clause of this Local Law conflicts with *the Local Government Act 1989*, that Act has precedence.

PART 2 - ELECTION OF MAYOR

10. Election of the Mayor

A meeting to elect the *Mayor* must be held:

- 10.1 as soon as practicable after the fourth Saturday in October but no later than 30 November in years between general elections of Councillors; and
- 10.2 as soon as practicable after the office of *Mayor* otherwise becomes vacant.

11. Chief Executive Officer Role

The Chief Executive Officer shall facilitate the election of the Mayor in accordance with the provisions of the *Act* and will:

- 11.1 Prepare and distribute the Agenda for the Meeting;
- 11.2 Chair the meeting until appointment of a temporary Chair or the Election of the Mayor has been conducted;
- 11.3 Have no voting rights.

12. Order of Business

At the Special Meeting to Elect the Mayor the Agenda may include but is not limited to:

- 12.1 Prayer and reconciliation statement;
- 12.2 Apologies and requests for leave of absence;
- 12.3 Conflicts of Interest;
- 12.4 Where it is the first such meeting after a general election, the taking of the oath of office by each Councillor before the Chief Executive Officer, in accordance with section 63 of the *Act*;
- 12.5 Fixing the Term of Office of the Mayor;
- 12.6 Election of the Mayor;
- 12.7 Election of the Deputy Mayor;
- 12.8 Appointment of Portfolio Councillors;
- 12.9 Special Committees of Council and other appointments;
- 12.10 Determining the meeting cycle of Council;
- 12.11 Appointment of Council's official newspapers.

13. Method Of Voting

The election of the Mayor must be carried out by a show of hands at a meeting open to the public.

14. Procedure for Election of the Mayor

- 14.1 The Chief Executive Officer or temporary Chair shall invite nominations for the office of Mayor and confirm that all nominees are willing to stand.
- 14.2 Any nomination for the office of *Mayor* must be seconded.
- 14.3 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*:
 - 14.3.1 If there is only one nomination the candidate nominated must be deemed to have been duly elected.
 - 14.3.2 In the event of no candidate receiving an absolute majority of the votes the candidate with the fewest number of votes must be declared to be a defeated candidate. If because of an equality of votes no candidate can be declared to be a defeated candidate a second vote will be taken. If after the second vote there is still an equality of votes and no candidate can be declared to be a defeated candidate, the defeated candidate will be determined by lot. In conducting the lot the names of all candidates that have the least number of votes must be placed in a container. The first name drawn will be deemed to be the defeated candidate.
 - 14.3.3 No further nominations must be accepted and the Councillors present at the Meeting must then vote for one of the remaining candidates by a show of hands.
 - 14.3.4 If one (1) of the remaining candidates receives an absolute majority of the votes, he or she must be declared to have been duly elected. If none of the remaining candidates receives an absolute 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 by a show of hands must be repeated until one (1) of the candidates receives an absolute majority of the votes. That candidate must be declared to have been duly elected.
 - 14.3.5 In the event of two (2) remaining candidates having an equality of votes and one (1) of them having to be declared duly elected, the result will be determined by lot. In conducting the lot, the names of the remaining candidates, having an equality of votes, will be placed in a container. The first name drawn will be deemed to have been duly elected.
 - 14.3.6 The Chief Executive Officer or temporary Chair will conduct the lot.

15. Election of the Deputy Mayor or Chair of a Special Committee

The election by Council of a Deputy Mayor will follow the same procedure as that for the election of the Mayor save that the Mayor will conduct the lot.

16. Election of Chairs and Delegates

- 16.1 In determining:
 - 16.1.1 The Chair for an Advisory Committee or a Special Committee; or
 - 16.1.2 Delegates to another organisation Council must follow, as nearly as is practicable, the procedure for election of Mayor.
- 16.2 This clause is subject to:
 - 16.2.1 The requirements of section 73 of the *Act* (Precedence of the Mayor) in relation to the chairing of Meetings; and
 - 16.2.2 The requirements of section 90 of the *Act* in relation to voting.

17. Statement by the Mayor and Deputy Mayor

Upon completion of the election process, the Chief Executive Officer shall invite the incoming Mayor and Deputy Mayor to address the Council.

PART 3 - MEETING PROCEDURES**18. General**

- 18.1 In all cases not otherwise provided for herein, the rules, forms and usages of the Victorian Parliament are to apply, so far as they are applicable, to the proceedings of Council.
- 18.2 Where a circumstance has not been provided for in this Local Law, or it is unclear how it should be dealt with, Council may determine the matter by resolution.
- 18.3 Council may, by resolution, adopt policies which complement this Part and which facilitate the conduct of Meetings or the conduct and actions of Councillors in the proper and appropriate fulfilment of their role and function in the public office of Councillor.
- 18.4 The Oath of Office must be recited by the Chair at the beginning of all Council Meetings.

19. Dates and Times of Meetings

The Council:

- 19.1 Shall fix the day, time and place of all Ordinary Meetings, by resolution;
- 19.2 May, by resolution at an Ordinary Meeting or a Special Meeting, determine or alter the day, time and place of any meeting; and

20. Special Meetings

- 20.1 A special meeting may be called by either:
 - 20.1.1 The Mayor or at least three Councillors may by a written notice to the Chief Executive Officer; or
 - 20.1.2 By resolution of Council.

- 20.2 The notice necessary to call a Special Meeting must be delivered to the Chief Executive Officer in sufficient time to enable reasonable notice to be given to Councillors and members of the public.
- 20.3 The date specified in the notice or resolution must be such as to allow the Council to provide the seven days public notice of a meeting and have regard to any need for preparatory investigations to enable the business to be undertaken.
- 20.4 The Chief Executive Officer must call the Special Meeting as specified in the notice.
- 20.5 Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice may be transacted.

21. Emergency Meeting

In the case of emergency or extraordinary circumstances the Chief Executive Officer may call or postpone a meeting of the Council without the required 7 days notice. Council will give such notice that is practicable in accordance with section 89 (4) of the *Act*.

22. Notice of Meeting and Agenda

- 22.1 For the purposes of section 89(4) of the *Act*, the Chief Executive Officer must give reasonable notice to the public of any Council Meeting.
- 22.2 Notice for an Ordinary Meeting of Council will be given 7 days prior unless circumstances do not permit.
- 22.3 Notice for a Special Meeting of Council will be given minimum 4 days prior, period less than 48 hours may, however, be justified if exceptional circumstances exist.
- 22.4 Notice of the date, time and place of a meeting will be advertised on Council's website, by advertisement in a local newspaper and by placement of the meeting advice on the notice board at the Shire Offices unless urgent or extraordinary circumstances prevent compliance with this clause.
- 22.5 The Chief Executive Officer must send the Agenda for an Ordinary Meeting to every Councillor, electronically or at his or her residential address or such other address as nominated by that Councillor, not less than 48 hours before the time fixed for the holding of the Meeting.
- 22.6 A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with will be available on Council's website minimum 48 hours prior unless exceptional circumstances exist.

23. Business of a lapsed meeting

If a Council meeting lapses, the undisposed business must, unless it has already been disposed of at a Special Meeting, be included in the agenda for the next ordinary meeting.

24. Closed Meetings of Council

- 24.1 All meetings of Council must be open to members of the public.
- 24.2 Council may resolve that its meeting be closed to members of the public if the meeting is discussing:
 - 24.2.1 personal matters;
 - 24.2.2 the personal hardship of any resident or ratepayer;
 - 24.2.3 industrial matters;
 - 24.2.4 contractual matters;
 - 24.2.5 proposed developments;
 - 24.2.6 legal advice;
 - 24.2.7 matters affecting the security of Council property;
 - 24.2.8 any other matter which Council or the Special Committee considers would prejudice Council or any other person;
 - 24.2.9 a resolution to close the meeting to members of the public.
- 24.3 Council may also resolve to allow the public to remain in the gallery when deciding on any of the above items, provided that there will be no debate.

Part 4 - CHAIRING OF MEETINGS**25. Chair**

- 25.1 After the election of the Mayor is determined, the Mayor must assume the position of Chair.
- 25.2 The Mayor must chair all Council Meetings at which he or she is present.

26. Acting Chair in Mayors Absence

- 26.1 If the Mayor is absent from a Council Meeting, the Deputy Mayor must take the Chair.
- 26.2 If the Deputy Mayor is also absent the Chief Executive Officer must take the Chair and invite nominations from the Councillors present for a temporary Chair. If there is more than one nomination the Chief Executive Officer will act as Returning Officer for the election of a temporary Chair. If there is more than one nomination the procedure for determining the temporary Chair will be in accordance with clause 13.
- 26.3 The Chair may vacate the Chair for the duration of any item under discussion, whereupon the Deputy Mayor or temporary Chair must take the Chair until such item has been determined.

Part 5 – QUORUM

27. Council Meeting, Special Committee Meetings & Advisory Committee Meetings

- 27.1 A quorum is a majority of the number of Councillors within the whole of Council as constituted or members of a Special Committee which the whole Special Committee as constituted comprises, present at the Meeting.
- 27.2 Business must not be conducted at any Council Meeting or a Special Committee Meeting unless a quorum is present.

28. Inability to Gain a Quorum

- 28.1 If a quorum is not present within 30 minutes of the time appointed for the commencement of a Council Meeting:
- 28.1.1 the Meeting lapses;
- 28.1.2 the Chair or in his/her absence the Chief Executive Officer must convene another Council Meeting to be held within 14 days of the adjourned Meeting and ensure that the Agenda for it is identical to the Agenda for the Meeting which has lapsed; and
- 28.1.3 the Chief Executive Officer must give all Councillors notice of the reconvened Meeting.
- 28.2 This requirement does not apply in respect of any Councillor who has been granted leave of absence pursuant to section 69 of the *Act* and who has not requested the Chief Executive Officer, in writing, to continue to give notice of Meetings to be held during the period of leave of absence.

29. Inability to Maintain a Quorum

- 29.1 If a quorum cannot be maintained after a Council Meeting has commenced the Chair must adjourn the Meeting, and then reconvene the Meeting within 30 minutes after it was adjourned, in which case:
- 29.1.1 if a quorum is then present the Meeting must resume; or
- 29.1.2 if a quorum is not then present and if, after using his or her best endeavours to restore a quorum, the Chair is unsuccessful, the Chair must announce that the Meeting has lapsed, whereupon the Meeting lapses.
- 29.2 If a Meeting lapses the undisposed business must, unless it has already been disposed of at a Special Meeting, be included in the Agenda for the next Ordinary Meeting.
- 29.3 Despite the loss of a quorum in the circumstances set out in this clause, the business transacted at the Meeting to that point will remain valid and be capable of being acted upon.

30. Inability to gain or maintain a quorum due to conflicts of interest

Where a quorum cannot be gained or maintained due to conflicts of interest among the majority of Councillors, the Chief Executive Officer, or in his or her absence a senior officer, may adjourn the item under consideration to enable dispensation for the affected Councillors to be obtained from the Minister administering the *Act*.

31. Adjournment of meetings

- 31.1 Where a quorum is present, the Council may resolve to adjourn any meeting and must include the reason for the adjournment in the resolution.
- 31.2 No discussion is allowed on any motion for adjournment of the Meeting, but if on being put the motion is defeated, the subject then under consideration or the next on the Agenda or any other that may be allowed precedence must be discussed before any subsequent motion for adjournment is moved.

32. Notice of adjourned meeting

- 32.1 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.
- 32.2 If it is impracticable for the notice given under sub-clause (2) to be in writing, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

Part 6 - CONFLICTS OF INTEREST**33. Conflict of Interest**

- 33.1 Section 77A of the *Act* defines a conflict of interest as having a direct or indirect interest in the matter.
- 33.2 The determining of a conflict of interest is a matter for the individual Councillors to consider, having due regard for:
 - 33.2.1 the direction provided in the *Act*; and
 - 33.2.2 any legal advice obtained by the individual Councillor.
- 33.3 In accordance with section 79 of the *Act* a Councillor or member of a special committee must:
 - 33.3.1 Disclose the conflict of interest at the beginning of a Council meeting (except where the conflict of interest relates to a matter which will be considered in a Council meeting closed to the public in accordance with the *Act*); or
 - 33.3.2 Immediately prior to consideration of the matter; or
 - 33.3.3 Advising the Chief Executive Officer in writing before the meeting;
 - 33.3.4 Classify the interest as Direct (section 77B) or specifying the type of indirect interest under section 78, 78A, 78B, 78C, 78D or 78E; and
 - 33.3.5 Describe the nature of the interest;
 - 33.3.6 Where a Councillor or member of a special committee has two or more conflicts of interest on matters being considered consecutively, they must disclose the interests prior to the first matter being heard;

- 33.3.7 Where any Councillor has made a declaration the Chair should pause after announcing any matter in relation to which a declaration has been made to allow a declaration prior to consideration of the matter;
- 33.3.8 A failure by the Chair to pause does not remove any obligation on an individual Councillor to make a declaration in accordance with the *Act*.
- 33.3.9 While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must:
- 33.3.9.1 Leave the room and notify the Mayor or the Chair of the special committee that he or she is doing so; and
- 33.3.9.2 Remain outside the room and any gallery or other area in view or hearing of the room.
- 33.3.10 The Mayor or the Chair of the special committee must cause the Councillor or member of a special committee to be notified that he or she may return to the room after consideration of the matter and all votes on the matter.
- 33.3.11 All declarations must be recorded in the minutes.

Part 7 - BUSINESS OF MEETINGS

34. Order of Business

- 34.1 The order of business of Council meetings will be determined by the Chief Executive Officer to facilitate and maintain open and effective processes of government. In determining the agenda the Chief Executive Officer shall consider:
- 34.1.1 The general attitude of Council;
- 34.1.2 The interests of the community and community groups;
- 34.1.3 The sensitivity of issues;
- 34.1.4 The need to address any correspondence received requesting a matter to be heard by Council;
- 34.1.5 Any other relevant factor which may impact on the fluent and open processes of the government of the Council.

35. Change to the Order of Business

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

36. Urgent or other business

- 36.1 Where the agenda for an Ordinary Meeting or Special Meeting makes provision for urgent and other business, business which is not listed in the agenda may only be raised by a resolution of the Council. Business shall not be admitted unless it:
- 36.1.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and
 - 36.1.2 the matter cannot safely or conveniently be deferred until the next Ordinary Meeting or Special Meeting; and
 - 36.1.3 Council resolve by a majority of those present to admit (without the required notice) an item considered to be urgent business.
- 36.2 The process for raising urgent business will be as follows:
- 36.2.1 Councillor will indicate to the Chair his or her intention to request consideration of an item of urgent business.
 - 36.2.2 When called upon by the Chair, the Councillor must state the nature of the business and the nature of urgency, also explaining why it could not have been incorporated on the initial Agenda or reasonably deferred to a subsequent Council Meeting.
 - 36.2.3 After this brief explanation by the Councillor, the Chair will call on the Councillor to move that the item be considered.
 - 36.2.4 Once moved and seconded the motion to include an item of Urgent business may be debated like any other normal motion.
 - 36.2.5 Once an urgent item has been admitted, the Councillor must first move the motion in its entirety. If the motion is seconded the normal debate will pursue. If it is not seconded the motion lapses for want of a seconder.
 - 36.2.6 If requested by the Chair, the motion must be written and presented to the Chair when moved and seconded.
 - 36.2.7 If the motion to consider the additional item of urgent business is not carried, no further discussion can occur.
- 36.3 The Chief Executive Officer, in consultation with the Mayor, may prepare a written supplementary report on any item of business that has arisen since the preparation of the Agenda. Councillors must receive a copy of any supplementary report at least 24 hours before the time fixed for holding the Meeting.

37. Reports of Councillors

- 37.1 A Councillor may present a Portfolio report. Where a Councillor is a delegate to another body as part of his or her portfolio this report may also include an update on the business of that body.
- 37.2 A Councillor may present a report on any matter related to his or her role as a Councillor.
- 37.3 A Councillor may make such reports by:
 - 37.3.1 submitting a written report to the Chief Executive Officer in sufficient time for him or her to include it in an agenda and issue the notice of meeting required;

37.3.2 advising the Chief Executive Officer in writing of his or her intention to deliver a verbal report and a summary of the content with sufficient time for the Chief Executive Officer to include it in an agenda and issue the notice of meeting; or

37.3.3 table a written report or make a verbal report at the appropriate time during an Ordinary Meeting.

37.4 A Councillor may speak to a written report which she or he has submitted.

38. Presentation of Staff Reports

38.1 A report from a member of the Council staff shall not be read in full at any Council Meeting unless the Council resolves to do so.

38.2 Before a written report is considered by Council, and any motion moved in relation to the report, the Chair can use his/her discretion to invite a member of Council staff to introduce the report in no more than two minutes, its background of the reasons for any recommendation which appears.

38.3 The Chair can exercise his/her discretion as to whether to accept a question from a Councillor to a Council officer and the Council officer may take the question on notice.

39. Reports of Committees

39.1 A report from a Special Committee or Advisory Committee is to be tabled when a Committee's recommendations require Council's endorsement.

39.2 A report from a Special Committee is not required on matters delegated to the Special Committee for decision.

39.3 The report shall be succinct and outline the specific items for resolution.

39.4 A report from any Special Committee or Advisory Committee must be adopted by resolution of the Council before its recommendations can be acted upon.

39.5 The procedure for considering a report of a Special Committee or Advisory Committee will be the same as the procedure for moving a motion.

39.6 Upon the adoption of a report by the Council, each recommendation contained in the report as adopted becomes a resolution of the Council.

39.7 Other than when required under 39.1, minutes and/or reports from a Special Committee or Advisory Committee are to be tabled at the discretion of the Chief Executive Officer.

40. Production of Documents

40.1 A Councillor may, at a Council Meeting, require the production of any documents kept in the municipal offices that are directly relevant to the business being considered at the Meeting.

40.2 The Chief Executive Officer must use his or her best endeavours to produce the documents at the Meeting or, if this is not feasible, as soon as practicable after that time.

Part 8 - MINUTES

41. Contents of Minutes

- 41.1 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 Special Committee Meeting (as the case may be) and these minutes must record:
- 41.1.1 the date, place, time and nature of the meeting;
 - 41.1.2 the name of the Councillors and/or members present and the name of the Councillors and or members who have submitted apologies or have been granted leave of absence;
 - 41.1.3 the declaration of any conflict of interest made by a Councillor, including the classification of the interest under the *Act* and the nature of the interest declared;
 - 41.1.4 the declaration of any conflict of interest made by a Council officer or contractor who has provided advice to the Council in relation to a matter being considered at the meeting, including the classification of the interest under the *Act* and the nature of the interest declared;
 - 41.1.5 arrivals and departures (including temporary departures of Councillors and/or members during the course of the meeting);
 - 41.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder) and motions and amendments withdrawn by resolution of by leave of the meeting;
 - 41.1.7 each motion and amendment moved including procedural motions, along with the mover and seconder of each motion and amendment;
 - 41.1.8 where a valid division is called, the names of every Councillor present and the way their vote was cast, either FOR or AGAINST;
 - 41.1.9 the failure to achieve or maintain a quorum;
 - 41.1.10 the time and reason for any adjournment of the meeting or suspension of standing orders, including any adjournment as a result of a failure to gain or maintain a quorum;
 - 41.1.11 details of any deputations made to the Council;
 - 41.1.12 any advance notice of motion given by a Councillor at the meeting; closure of the meeting to members of the public in accordance with the provisions of section 89(2) of the *Act*;
 - 41.1.13 the names of Council officers formally in attendance (not including officers who are merely attending as members of the public gallery);
 - 41.1.14 the names of any persons or groups formally in attendance;
 - 41.1.15 the time at which the meeting was closed; and
 - 41.1.16 any other matter which the Chief Executive Officer thinks should be recorded to reflect questions and/or matters raised by Councillors.

42. Recording of Meetings

- 42.1 A person must not operate photographic, audio or video recording equipment or any other recording device at any Council Meeting without first obtaining the consent of the Chair. Such consent may at any time during the course of such meeting be revoked by the Chair.

43. Confirmation of Minutes

- 43.1 At every Ordinary Meeting of the Council the minutes of the preceding meeting(s) shall be confirmed by resolution as follows:
- 43.1.1 if the Minutes have been delivered to each Councillor at least 48 hours before the Meeting, a motion can be passed for confirmation of the Minutes; or
- 43.1.2 if the Minutes have not been so delivered, a motion may be proposed to allow any adjournment to allow time for the Minutes to be read after which a motion can be passed for confirmation of the Minutes.
- 43.1.3 When the confirmation of minutes is called on, the Chair shall ask:
"Is any item of the minutes opposed?"
- 43.1.4 Where no Councillor indicates opposition, the Chair shall seek a mover and seconder for the confirmation of the minutes.
- 43.1.5 No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- 43.1.6 If a Councillor is dissatisfied with the accuracy of the Minutes, then the Councillor must:
- 43.1.6.1 state the item or items with which he or she is dissatisfied; and
- 43.1.6.2 propose a motion clearly outlining the alternative wording to amend the Minutes;
- 43.1.6.3 the Councillor objecting must move a motion clearly outlining the proposed alternative wording to amend the minutes;
- 43.1.6.4 a seconder for the motion of objection must be sought and found;
- 43.1.6.5 the mover of the motion of objection may then speak;
- 43.1.6.6 the seconder of the motion may then speak, or defer his or her right to speak until later in the debate;
- 43.1.6.7 the motion shall then be opened to debate; and
- 43.1.6.8 at the conclusion of debate, the motion must be put to the vote;

43.1.7 When all objections to the minutes have been determined, the Chair shall say as necessary:

"The question is that the minutes be confirmed" or

"The question is that the minutes, as amended, be confirmed", and shall put the question to the vote.

43.2 Once the Minutes are confirmed, the last page must be certified by the Chair.

44. *Deferral of Confirmation of Minutes*

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

Part 9 - MOTIONS AND DEBATE

45. *Chairs Duty*

45.1 The Chair must not accept any motion or amendment, which is:

45.1.1 Defamatory; or

45.1.2 Objectionable in language or nature; or

45.1.3 Vague or unclear in intention; or

45.1.4 Outside the powers of the Council; or

45.1.5 Irrelevant to the item of business on the agenda and has not been admitted as urgent or other business; or

45.1.6 Purports to be an amendment but is not.

46. *Addressing the Meeting*

Except for the Chair, any Councillor or person who addresses the Meeting must direct all remarks through the Chair.

47. *Speaking to Subject Matter*

A Councillor must not digress from the subject matter of the motion, amendment or business under discussion.

48. *Public Addressing the Meeting*

A person other than a Councillor or Officer must not address the Council Meeting until a resolution approving such has been carried by a majority of Councillors present at the Meeting or as a deputation or public question preapproved by the Chief Executive Officer.

49. Interruptions, Interjections and Relevance

- 49.1 A Councillor must not be interrupted except by the Chair or upon a point of order.
- 49.2 If a Councillor is interrupted by the Chair or upon a point of order, he or she must remain silent until the Chair has ceased speaking, or the point of order has been determined.
- 49.3 A Councillor must not digress from the subject-matter of the motion or business under discussion.
- 49.4 The mover of a motion must not introduce fresh matter when exercising any right of reply.
- 49.5 At the discretion of the Chair questions from Councillors to Council Officers or to other Councillors may be disallowed if it is considered they are asked for purposed other than the simple soliciting of information.

50. Form of Motion

- 50.1 A motion or amendment must:
 - 50.1.1 Relate to the powers or functions of Council;
 - 50.1.2 Be in writing, if requested by the Chair, except in the case of Urgent Business; and
 - 50.1.3 Be relevant to an item of business on the agenda.

51. Moving a Motion

- 51.1 The procedure for any motion is:
 - 51.1.1 The mover must state the motion without speaking to it;
 - 51.1.2 The Chair must call for a seconder unless the motion is a call to enforce a point of order or a formal motion that does not require a seconder;
 - 51.1.3 If a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
 - 51.1.4 The Chair may call for discussion;
 - 51.1.5 If the motion is seconded, the Chair must ask: "Is the motion opposed";
 - 51.1.6 If no Councillor indicates opposition, the motion must be declared to be carried without being voted on and will be treated as being passed unanimously;
 - 51.1.7 If a Councillor indicates opposition, then the Chair must request:
 - 51.1.7.1 The mover to address the Council on the motion (who may, without speaking on the motion, reserve his or her address until later in debate); and
 - 51.1.7.2 The seconder to address the Council on the motion (who may, without speaking on the motion, reserve his or her address until later in debate); and
 - 51.1.7.3 Any Councillor opposed to debate the motion; and

51.1.7.4 Any other Councillors for and against the motion to debate in turn.

51.1.8 Except for the raising of a point of order, right of reply or closing comment or with leave of the Chair, no Councillor may speak more than once on any motion.

52. *Moving an amendment*

- 52.1 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.
- 52.2 An amendment should only seek to make the original motion clearer to the meeting and must not change the intent of the original motion. The Chair may offer to treat a proposed amendment which changes the intent of the original motion as a foreshadowed motion.
- 52.3 An amendment must be relevant to the motion upon which it is moved and not negate the original motion.
- 52.4 An amendment may be moved at any time prior to a motion being put to the vote.
- 52.5 A motion to confirm a previous resolution of the Council cannot be amended.

53. *Who may propose an amendment*

An amendment may be proposed or seconded by any Councillor, other than the mover or seconder of the original motion.

54. *Who may debate an amendment*

A Councillor may address the meeting once on any amendment, whether or not he or she has spoken to the original motion but debate must be confined to the terms of the amendment.

55. *How many amendments may be proposed*

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

56. *An amendment once carried*

If the amended motion is carried, it then becomes the question before the Chair.

57. Speaking to a motion or amendment

- 57.1 Councillors may only speak once on any motion or amendment, except that the mover of a motion may:
- 57.1.1 make a closing comment where the motion or amendment is unopposed; or
 - 57.1.2 exercise a right of reply after debate on a motion, but not an amendment.
- 57.2 Nothing in clause 57.1 prevents a Councillor from calling a point of order or seeking to offer a personal explanation.

58. Priority of address

If two or more Councillors wish to speak at the same time, the Chair will determine the order of speakers.

59. Right of Reply or Closing Comment

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

60. No Right of Reply for Amendments

No right of reply is available where an amendment is before the Council.

61. Alteration of Motions

- 61.1 The wording of a motion before the Chair may be modified, with the approval of the mover and seconder and the leave of the Council.
- 61.2 Such modification will not be treated as an amendment to the motion and the modified motion will be recorded in the Minutes of the meeting as the motion put by the Chair.

62. Withdrawal of Motions

Before any motion is put to the vote, it may be withdrawn with leave of the Meeting.

63. Chair May Separate motions

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

64. Motions and Amendments in Writing

- 64.1 All motions and amendments, except procedural motions, must be in writing, when requested by the Chair.
- 64.2 Where a recommendation in an agenda is to be moved as the actual motion, the motion will be deemed to have been put in writing.
- 64.3 Where a Councillor intends to move a motion which is not substantially the same as a recommendation in an agenda, the motion to be moved shall be in writing.
- 64.4 The Chair may suspend the meeting while a motion or amendment is being written or may request the Council to defer the matter until the motion or amendment has been written, allowing the meeting to proceed.

65. Repeating a motion and/or Amendment

The Chair may request a Councillor to read and confirm the motion or amendment to the meeting before the vote is taken.

66. Debate must be relevant to the Question

- 66.1 Debate must always be relevant to the question before the Chair, and if not, the Chair may request the speaker to confine debate to the subject motion.
- 66.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may require the speaker to not speak further in respect of the matter then before the Chair.

67. Speaking times

- 67.1 A Councillor must not speak longer than the time set out below unless granted an extension by resolution:
 - 67.1.1 the mover of a motion or amendment - 5 minutes
 - 67.1.2 the mover of a motion exercising a right of reply - 2 minutes
 - 67.1.3 any Councillor for the purposes of a Councillor Report -3 minutes
 - 67.1.4 any other Councillor on any other matter - 3 minutes
- 67.2 A motion for the extension of time will, if carried, allow a Councillor a further 3 minutes to speak but no further extension must be permitted.

68. Extension of Speaking Times

- 68.1 An extension of speaking time may be granted by resolution of the Council.
- 68.2 A motion for an extension of speaking time cannot be accepted by the Chair if another speaker has commenced his or her debate.
- 68.3 Any extension of speaking time must not exceed 3 minutes.

69. Foreshadowing motions

- 69.1 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.
- 69.2 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.
- 69.3 A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the Meeting.
- 69.4 The Chief Executive Officer is not required to have foreshadowed motions recorded in the Minutes until the foreshadowed motion is formally moved, but may do so if it is considered that this would improve clarity in recording the outcomes of the Meeting.

70. Personal Explanation

- 70.1 A Councillor or an Officer may, at any Council Meeting and at a time decided by the Chair, make a personal explanation for a period not exceeding two (2) minutes on any statement made (whether made at a Council Meeting or not) affecting that Councillor or Officer.
- 70.2 A personal explanation must not be debated.

Part 10 - NOTICE OF MOTION**71. Procedure**

- 71.1 A Notice of Motion must be in writing signed by a Councillor and be lodged with the Chief Executive Officer by 12 noon one week prior to the scheduled Ordinary Meeting of Council. Any Notice of Motion received after that time must, unless withdrawn in writing, be included on the agenda for a Meeting of Council in the following month.
- 71.2 A Councillor may also give a Notice of Motion at a Council meeting. In this case, the item will be listed at the following Council meeting, together with an officer's comment.

72. Rejection of Vague notices

- 72.1 The Chief Executive Officer may reject any notice of motion which is vague or unclear in intention but shall:
- 72.1.1 give the Councillor who lodged it an opportunity to amend it prior to rejection, where it is practicable to do so; and
- 72.1.2 Notify Councillor who lodged it of the rejection and reasons for the rejection.

73. Listing Notices on an Agenda

- 73.1 Unless the notice of motion specifies a particular meeting date, the Chief Executive Officer shall list the notice of motion and where more than one, in the order they were received, on the next appropriate meeting agenda.
- 73.2 A notice of motion cannot be accepted by the Chair unless it has been listed on the agenda for the meeting at which it is proposed to be moved.

74. Register of Notices

- 74.1 The Chief Executive Officer shall cause all notices of motion to be sequentially numbered, dated and entered in the Notice of Motion Register, in the order in which they were received.
- 74.2 Except by leave of the Council, each notice of motion before any meeting shall be considered in the order in which they were entered in the Notice of Motion Register.

75. May be moved by any Councillor

Where 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 Chair, any other Councillor present may move the motion.

76. Must be moved as Listed and may be Amended

- 76.1 A Notice of Motion must be moved in the form of words listed in the Agenda and requires a seconder.
- 76.2 Once moved, a notice of motion may be amended, except where the notice of motion is to confirm a previous resolution of the Council.
- 76.3 Where a notice of motion to confirm a previous resolution of the Council cannot be carried in its original form, it is lost.
- 76.4 Where a notice of motion to confirm a previous resolution of the Council is lost, this does not have the effect of rescinding or otherwise invalidating the original motion.
- 76.5 Where a notice of motion has been given but is not moved at the relevant meeting, the notice of motion lapses.

77. If Lost

Unless the Council resolves to re-list at a future meeting a notice of motion which has been lost, a similar motion shall not be put before the Council for at least three months from the date it was last lost.

Part 11 - NOTICE OF AMENDMENT OR RESCISSION

78. Notice if Amendment or Rescission

- 78.1 A Councillor may propose a motion to amend or rescind a decision of Council provided:
- 78.1.1 a notice is delivered to the Chief Executive Officer within 24 hours of the Meeting at which the decision was made outlining:
- 78.1.1.1 The decision proposed to be amended or rescinded; and
- 78.1.1.2 The Meeting and date when the decision was made; and
- 78.1.1.3 The previous motion has not been acted upon.
- 78.2 No action or further action must be taken to implement a resolution of which a notice to rescind or amend has been given.

79. Rejection of Notice where Decision Acted Upon

- 79.1 The Chief Executive Officer may reject any notice of amendment or rescission which relates to a decision of the Council which has been acted upon.
- 79.2 The Chief Executive Officer may seek legal advice to assist her or him in determining whether a notice of amendment or rescission should be rejected under clause 80.1.

80. Majority to Amend or Rescind

For a decision of the Council to be amended or rescinded, the motion for amendment or rescission must be carried by four or more Councillors.

81. When not required

- 81.1 Where the Council intends to review, amend or update its policies, a notice of amendment or rescission of an earlier decision is not required. The new decision, despite being inconsistent with the earlier decision, reflects the Council's changed policy position and does not rescind or amend the earlier decision.
- 81.2 Notwithstanding clause 81.1, the following standards should generally apply where the Council wishes to change policy:
- 81.2.1 Where 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
- 81.2.2 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.
- 81.3 The Council may determine the extent to which these standards should be followed, which will depend on the circumstances of each case.

82. Listing Notices on an Agenda

- 82.1 A notice of amendment or rescission shall be in writing, signed by the submitting Councillor and be lodged with the Chief Executive Officer to allow sufficient time for her or him to list it in an agenda and issue the notice of meeting required.
- 82.2 Unless the notice of amendment or rescission specifies a particular meeting date, the Chief Executive Officer shall list the notice of amendment or rescission and where more than one, in the order they were received, on the next appropriate meeting agenda, together with a brief report outlining the criteria under which a decision may be amended or rescinded.
- 82.3 A notice of amendment or rescission cannot be accepted by the Chair unless it has been listed on the agenda for the meeting at which it is proposed to be moved.

83. Register of Notices

- 83.1 The Chief Executive Officer shall cause all notices of amendment or rescission to be sequentially numbered, dated and entered in the Notice of Amendment or Rescission Register, in the order in which they were received.
- 83.2 Except by leave of the Council, each notice of amendment or rescission before any meeting shall be considered in the order in which they were entered in the Notice of Amendment or Rescission Register.

84. May be moved by any Councillor

- 84.1 Where a Councillor who has given a notice of amendment or rescission is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor present may move the motion.
- 84.2 Where a notice of amendment or rescission has been given but is not moved at the relevant meeting, the notice of amendment or rescission lapses.

85. Cannot be Amended

A notice of amendment and rescission cannot be amended.

86. If Lost

Unless the Council resolves to re-list at a future meeting a notice of amendment or rescission which has been lost, a similar motion shall not be put before the Council for at least three months from the date it was last lost.

Part 12 - FORMAL MOTIONS

87. Formal Motions

- 87.1 Unless otherwise prohibited, a formal motion may be moved at any time and must be dealt with immediately by the Chair.
- 87.2 The mover of a formal motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.
- 87.3 A formal motion cannot be moved by the Chair.
- 87.4 Unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.
- 87.5 Unless otherwise provided, a formal motion cannot be amended.

Refer to the following table ***Formal Motions Procedure and Effect***

FORMAL MOTIONS PROCEDURE AND EFFECT

FORMAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Adjournment of debate to later hour/date	That this matter be adjourned until	Any Councillor	Yes	Any matter	(a) During the election of the Chair (b) When another Councillor is speaking	Motion and amendments postponed to the stated time/date	Debate continues unaffected
Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor	Yes	Any matter	(a) During the election of the Chair (b) When another Councillor is speaking (c) When the matter is one in respect of which a call of Council has been made	Motion and amendments postponed but may be resumed: (a) At the same meeting upon motion to resume (b) At any later Meeting if on the Agenda	Debate continues unaffected
Adjournment of meeting to later hour/date	That the meeting be adjourned until	Any Councillor	Yes	Any meeting	(a) During the election of the Chair (b) When another Councillor is speaking	Meeting adjourns immediately until the stated time (or date)	Debate continues unaffected

FORMAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Adjournment of Meeting indefinitely	That this Meeting be adjourned until further notice	Any Councillor	Yes	Any matter	(a) During the election of the Chair (b) When another Councillor is speaking (c) During a meeting which is a call of the Council	Meeting adjourns until further notice	Debate continues unaffected
The Closure	That the question be now put	A Councillor who has not moved, seconded or spoken to the motion or any amendment of it	No	Any matter	During nominations for Chair (NB A closure motion shall not be accepted by the Chair unless the Chair considers there has been sufficient debate for and against the original motion or amendment)	Motion or amendment in respect of which the closure carried is put to the vote immediately	Debate continues unaffected

FORMAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Laying the question on the table	That the matter lie on the table	A Councillor who has not moved, seconded or spoken to the motion or any amendment of it	Yes	Any matter	(a) During the election of the Chair (b) During a Meeting which is a call of the Council	Motion and amendments not further discussed or voted on until: (a) Council resolves to take the question from the table at the same Meeting (b) Matter is placed on an Agenda and the Council resolves to take the question from the table	Debate continues unaffected
Proceeding to the Next Business	That the Meeting proceed to the next business	A Councillor who has not moved, seconded or spoken to the matter which the motion relates	Yes	Any matter	(a) During the election of the Chair (b) During a Meeting which is a call of the Council	(a) If carried in respect to a formal motion , its effect is to remove that motion from consideration (b) If carried in respect to an amendment, its effect is to dispose of the amendment and debate resumes upon the substantive motion	Debate resumed at point of interruption

Part 13- POINTS OF ORDER

88. Points of Order

- 88.1 The **point of order** may be taken on the ground that a matter is:
 - 88.1.1 contrary to this Local Law;
 - 88.1.2 defamatory;
 - 88.1.3 irrelevant;
 - 88.1.4 outside Council's functions or powers;
 - 88.1.5 improper; or
 - 88.1.6 frivolous or vexatious.
- 88.2 Expressing a difference of opinion or contradicting a speaker is not a point of order.

89. Procedure

- 89.1 A Councillor raising a point of order must :
 - 89.1.1 state the point of order; and
 - 89.1.2 the clause, paragraph or provision constituting the point of order.
- 89.2 The Chair will decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.
- 89.3 The Chair is the final arbiter of all points of order.

90. Chair may adjourn to Consider

- 90.1 The Chair may adjourn the meeting to consider a point of order otherwise she or he must rule on it as soon as it is raised.
- 90.2 All other matters before the Council are to be suspended until the point of order is decided.

91. Dissent from Chairs Ruling

- 91.1 The ruling of the Chair upon any point of order is not open to any discussion and will be final and conclusive.

Part 14 - VOTING

92. How Motion Determined

- 92.1 To determine a motion, the Chair shall wait for debate or comment to be exhausted and then first call for those in favour of the motion and then those opposed to the motion, and shall then declare the result to the meeting.
- 92.2 For the purposes of voting at a Council Meeting, the Chair must put the motion or amendment first in the affirmative, then in the negative.

93. By show of Hands

Voting at a meeting which is open to the public must be by a show of hands as per section 90(1) of *the Act*.

94. Vote to be taken in silence

Except that a Councillor may call a division, Councillors must remain seated in silence while a vote is being taken.

95. Recount of Vote

The Chair may require that the vote be re-counted as often as may be necessary for him or her to satisfy himself or herself of the result.

96. Casting Vote

- 96.1 In the event of an equality of votes, subject to the *Act* and this Local Law, the Chair has a second vote.
- 96.2 Clause 96.1 does not apply in the event of an equality of votes in respect of the election of the Mayor, or in cases where the *Act* provides that a matter is to be determined by lot.

97. Procedure for a Division

- 97.1 A division may be requested by any Councillor on any matter, except that a request to the Chair for a division on any matter determined by secret ballot shall not be accepted.
- 97.2 The request must be made to the Chair either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.
- 97.3 A division is a new vote on the matter before the Council and the outcome of the division shall decide the question, motion or amendment. A Councillor may change her or his previous vote when a division is called.

- 97.4 When a division is called for, the Chair shall:
- 97.4.1 Ask for a show of hands by those Councillors wishing to vote for the motion and state the names of those Councillors.
 - 97.4.2 Ask for a show of hands by those Councillors wishing to vote against the motion and state the names of those Councillors.
 - 97.4.3 Declare the result of the division.
- 97.5 In addition to the outcome of the division, the names of all Councillors who voted for the motion and all Councillors who voted against the motion must be recorded in the official minutes of the meeting.

98. No Discussion once declared

Once a vote on any question has been declared no further discussion relating to the question is allowed, except on a notice of rescission, or where a resolution has been rescinded. Nothing in this clause is intended to prevent the movement of a subsequent motion, which supports or complements the original resolution and does not change the intent of the original motion.

Part 15 - PETITIONS

99. Petitions

- 99.1 A Petition:
- 99.1.1 must be in a legible and permanent form of writing, typing or printing;
 - 99.1.2 must not be defamatory, indecent, abusive or objectionable in language or substance; and
 - 99.1.3 must not relate to a matter beyond the powers of Council.
- 99.2 Every page of a petition must bear the wording of the petition or request.
- 99.3 Council will liaise and provide response to the head petitioner only unless otherwise resolved by Council.
- 99.4 The Chief Executive Officer shall list all petitions received on the agenda of the next appropriate Ordinary meeting. The listing shall include a description of the purpose of the petition and the number of signatories to it.
- 99.5 With the leave of the Council, any Councillor may table a petition not listed on the agenda of a meeting.
- 99.6 No motion may be made on any petition until the next Ordinary Meeting, except if the matter or issue is already listed for consideration of Council on the Agenda for the Meeting at which it is presented in accordance with this Local Law, or if Council determines by a majority of those present that the matter is urgent and should be dealt with at the Meeting at which it is presented or by a Special Committee.

100. Signing Petitions

Any person who fraudulently signs a petition which is presented to the Council is guilty of an offence.

101. Petitioners Speaking to Petitions

If a petitioner wishes to speak to a petition then the petitioner must do so as part of the Open Forum process outlined in "Part 16 – Public Participation".

102. Response

- 102.1 Petitions not related to a planning permit application or planning scheme amendment matters will then be forwarded to the appropriate General Manager for action.
- 102.2 Any Petition concerning a planning permit application or planning scheme amendment will be referred to the relevant Manager for consideration through the planning process.
- 102.3 Council officers will respond acknowledging the matter and providing procedural advice within 10 working days of the Ordinary Meeting of Council.

Part 16 – PUBLIC PARTICIPATION**QUESTIONS OF COUNCIL AND OPEN FORUM****103. Open Forum and Questions Of Council Time To Be Held**

- 103.1 The Council will hold Open Forum and Questions of Council Time for up to 30 minutes duration at the beginning of each Ordinary Meeting to allow public submissions and questions of Council. Extension of time may be granted by resolution of Council.
- 103.2 Open Forum is an opportunity for the general public to present to Council on a matter listed on the Agenda or any other matter.
- 103.3 Questions of Council are an opportunity for the general public to submit a question prior to the Ordinary Meeting and receive a response from Council in the Questions of Council time.

104. Open Forum and Questions of Council Guidelines

- 104.1 Questions of Council time and Open Forum will not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 89(2) of the Act.
- 104.2 No more than two questions will be accepted from any person at any one meeting.
- 104.3 Submissions as part of Open Forum and Questions of Council may be on any matter except if it:
 - 104.3.1 is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;

- 104.3.2 relates to Council personnel matters;
 - 104.3.3 relates to the personal hardship of any resident or ratepayer;
 - 104.3.4 relates to commercially sensitive matters;
 - 104.3.5 relates to a matter declared to be confidential under section 77 of the *Act*; or
 - 104.3.6 relates to any other matter which the Council considers would prejudice the Council or any person.
- 104.4 Where the Chief Executive Officer does not accept a question, the submitter is to be informed, both verbally and in writing, of the reason or reasons for which their question was not accepted.
- 104.5 The Chair reserves the right to cease a submission as part of Open Forum if he or she deems the submission inappropriate.
- 104.6 Copies of all questions allowed by the Chief Executive Officer will be provided in writing to all Councillors.
- 104.7 A submission or question submitted in writing by a member of the public, which has been disallowed by the Chief Executive Officer will be provided to any Councillor on request.

OPEN FORUM

105. Prior Notice Preferable

- 105.1 It is preferable for any member of the public who wishes to be heard at Open Forum to give prior notice:
- 105.1.1 in written form;
 - 105.1.2 contain the name, address and email or contact telephone number of the person to be heard;
 - 105.1.3 in a form approved or permitted by the Council (Template available on Council's Website);
 - 105.1.4 in a letter to the Chief Executive Office, PO Box 138, Alexandra 3714; or
 - 105.1.5 in an email to councilmeeting@murrindindi.vic.gov.au; or
 - 105.1.6 hand delivery to the Council's Office at Alexandra, Yea or Kinglake.
- 105.2 It is preferable for any group or association that wishes to be heard at Open Forum to nominate a spokesperson for an issue upon which the group or association may wish to be heard.

106. Open Forum Procedure

- 106.1 The Chair will allocate a maximum of 5 minutes to each person who wishes to address Council.
- 106.2 The Chair or Chief Executive Officer will first invite any person who has given prior notice to present to Council.
- 106.3 The Chair or Chief Executive Officer will then invite members of the gallery who would like to present to Council.
- 106.4 The Chair or Chief Executive Officer have the discretion to alter the order of persons to be heard.
- 106.5 The person in addressing the Council:
 - 106.5.1 must confine their address to the 5 minute allocation of time;
 - 106.5.2 shall extend due courtesy and respect to the Council and the processes under which it operates; and
 - 106.5.3 shall take direction from the Chair whenever called upon to do.
- 106.6 There will be no discussion or debate with the attendees to Open Forum however Councillors may ask questions of clarification of the attendee.
- 106.7 Standing Orders do not need to be suspended to allow discussion for the purposes of clarification.

107. Response

- 107.1 Response to a submission or question raised during the submission in Open Forum may be provided immediately as part of the Open Forum time at the discretion of the Council.
- 107.2 The matter will be referred to the relevant General Manager for investigation and response if required.
- 107.3 Council officers will respond acknowledging the question and providing procedural advice and/or the response within 10 working days of the Ordinary Meeting of Council.

QUESTIONS OF COUNCIL**108. Prior notice of Questions of Council**

- 108.1 Council must receive prior notice of Questions to be heard as part of Questions of Council time.
- 108.2 Questions must be received exactly as intended to be read.
- 108.3 Questions submitted to the Council must be:
 - 108.3.1 in written form;
 - 108.3.2 contain the name, address and email or contact telephone number of the person submitting the question;
 - 108.3.3 in a form approved or permitted by the Council (Template available on Council's website);
 - 108.3.4 addressed to the Chief Executive Officer; and

108.3.5 submitted no later than 4:00pm on the day prior to the next Ordinary Meeting by:

108.3.5.1 letter to the Chief Executive Office, PO Box 138, Alexandra 3714 (letter must be with Council by 4:00pm on the day prior to the Council meeting); or

108.3.5.2 email to councilmeeting@murrindindi.vic.gov.au; or

108.3.5.3 hand delivery to the Council's Office at Alexandra, Yea or Kinglake.

109. Question Time Procedure

- 109.1 The Chair or Chief Executive Officer will read each question submitted and accepted, unless denied under section 104.
- 109.2 The Chair or Councillor at the request of the Chair will provide a response to the question.
- 109.3 No question will be read unless the person who submitted the question is in the gallery at the time it is due to be read, or at the discretion of the Chair or Chief Executive Officer.
- 109.4 All questions and answers shall be as brief as possible, and no discussion shall be allowed other than at the Chair's discretion.
- 109.5 Standing Orders do not need to be suspended to allow discussion for the purposes of clarification.

110. Response

- 110.1 Following a question and response being heard, the matter will be referred to the relevant General Manager for investigation and response if required.
- 110.2 Council officers will respond acknowledging the question and providing procedural advice and/or the response within 10 working days of the Ordinary Meeting of Council.

Part 17- CONDUCT AND DISCIPLINE

111. Disorderly Expression or Objectionable Remark

- 111.1 If a Councillor or an Officer uses any expression or remark that is disorderly or offensive to any other Councillor or Officer, the Chair must require the offending Councillor or Officer to withdraw the expression or remark and make a satisfactory apology to the Meeting.
- 111.2 A Councillor or Officer required to withdraw an expression or remark must do so immediately without qualification or explanation.

112. Suspensions

Council by resolution may suspend from a Meeting, and for the balance of the Meeting, any Councillor whose actions have disrupted the business of Council, and have impeded its orderly conduct.

113. Gallery to be Silent

Any person in the Public Gallery must not, during a Council Meeting, interject or take part in the debate and must preserve silence at all times other than where people are permitted to address the Meeting as provided elsewhere in this Local Law.

114. Improper and Disorderly conduct

If a person in the Public Gallery is called to order by the Chair and thereafter again acts in breach of this Local Law, the Chair may order him or her to leave.

115. Removal from the Meeting

The Chair, or Council in the case of a suspension, may ask any Authorised Officer or member of the Police Force to remove from the Meeting any person who acts in breach of this Local Law or whom the Chair has ordered to be removed from the Public Gallery under the provisions of this Local Law.

116. Chair May Adjourn Disorderly Meeting

If the Chair is of the opinion that disorder in the vicinity of the Meeting 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 proper.

Part 18 - SUSPENSION OF STANDING ORDERS**117. Suspension of Standing Orders**

- 117.1 The provisions of this Local Law may be suspended for a particular purpose by resolution of Council.
- 117.2 The suspension of such provisions (standing orders) may only be used to enable full discussion of any issue without the constraints of formal Meeting procedure.
- 117.3 The purpose of such suspension is to enable the formalities of Meeting procedure to be temporarily suspended while an issue is discussed.
- 117.4 Such suspension should not be used purely to dispense with the processes and protocol of the government of Council.
- 117.5 Once the discussion has taken place and before any motions can be put, standing orders must be resumed.

118. No Motions may be accepted during Suspension of Standing Orders

No motion may be accepted by the Chair or be lawfully dealt with during any suspension of standing orders.

Part 19 - SPECIAL COMMITTEES AND ADVISORY COMMITTEES

119. Application Generally

- 119.1 Except as provided in this Part, if Council establishes a Special Committee composed solely of Councillors, Parts 3 to 17 of this Local Law applies with any necessary modifications.
- 119.2 For the purposes of sub-clause (1), a reference in Parts 3 to 17 to:
 - 119.2.1 a Council Meeting is to be read as a reference to a Meeting of the Special Committee and /or Advisory Committee;
 - 119.2.2 a Councillor is to be read as a reference to a member of the Special Committee and /or Advisory Committee; and
 - 119.2.3 the Mayor is to be read as a reference to the Chair of the Special Committee and /or Advisory Committee.

120. Application Specifically

- 120.1 Where the Council establishes a Special Committee or an Advisory Committee:
 - 120.1.1 the Council may issue written guidelines to that Committee which determine that any provision(s) of Parts A - C is or are (as appropriate) not to apply; or
 - 120.1.2 the Special Committee or Advisory Committee may, with the approval of the Council resolve that any provision(s) of Parts A - C is or are (as appropriate) not to apply, whereupon to the extent permissible under law, the provision(s) shall not apply until the Council resolves, or the Special Committee or Advisory Committee, with the approval of the Council resolves, otherwise.

Part 20- ASSEMBLIES OF COUNCILLORS

121. When Constituted

As per *the Local Government Act, Section 80A* – (Requirements to be observed by an Assembly of Councillors) states:

- 121.1 At an Assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:
 - 121.1.1 The names of all Councillors and members of Council staff attending;
 - 121.1.2 The matters considered; and
 - 121.1.3 Any conflict of interest disclosures made by a Councillor attending.
- 121.2 The Chief Executive Officer must ensure that the written record of an Assembly of Councillors is as soon as practicable:
 - 121.2.1 reported at an ordinary meeting of the Council; and
 - 121.2.2 incorporated in the minutes of that Council meeting.

122. Action Required

- 122.1 Any Councillor participating in an assembly of councillors must determine whether they have a conflict of interest in any matter being discussed at that assembly and if so:
- 122.1.1 disclose that conflict of interest in the manner required by the *Act*;
 - 122.1.2 leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council [s.80A(3)];
 - 122.1.3 A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
- 122.2 The Chief Executive Officer must make written records of all assemblies of Councillors and ensure that these written records are maintained and made available to the public, as specified in the *Act*.

Part 21 - COMMON SEAL**123. Council's Common Seal**

- 123.1 The common seal is the corporate signature of Council, and exists in the form of a stamp.
- 123.2 It evidences Council's corporate will, and authenticates decisions taken and acts performed by Council.
- 123.3 The Chief Executive Officer must ensure the security of the Council's common seal at all times.

124. Use of the Common seal

- 124.1 The common seal must be affixed to a document only for the purpose of giving effect to a decision which has been:
- 124.1.1 Made by Council resolution;
 - 124.1.2 Made by resolution of a Special Committee to which power to use the common seal has been delegated; or
 - 124.1.3 Made by the Chief Executive Officer or a General Manager under delegation.
- 124.2 The common seal must have in it the words "Murrindindi Shire Council".
- 124.3 Every document to which the common seal is affixed must be signed by the Chief Executive Officer and a Councillor.
- 124.4 Where Council authorises the Common Seal to be affixed to any document, the Chief Executive Officer must ensure that a Common Seal register is maintained which records each time the Common Seal is affixed to a document and:
- 124.4.1 A description of the document to which the seal was affixed;
 - 124.4.2 The date on which the Common Seal was affixed; and

- 124.4.3 The date of the authorising Council resolution or “Sealed under Delegation”.
- 124.5 Any person who uses the common seal or any device resembling the common seal other than in accordance Part 19 is guilty of an offence.

Part 22 - ENFORCEMENT AND PENALTIES

125. Offences under this Local Law

- 125.1 It is an **offence**:
- 125.1.1 For a Councillor to not withdraw an expression or remark considered by the Chair to be offensive or disorderly and to not satisfactorily apologise when called upon twice by the Chair to do so.
- PENALTY: 20 Penalty Units**
- 125.2 For any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave the Council Chamber when requested by the Chair to do so.
- PENALTY: 20 Penalty Units**
- 125.3 any person to fail to obey a direction of the Chair in relation to the conduct of the Meeting and the maintenance of order.
- PENALTY: 20 Penalty Units**
- 125.4 any person to append to a petition a signature purporting to be that of any other person or in the name of any other person.
- PENALTY: 10 Penalty Units**
- 125.5 Is a Councillor to fail or refuse to leave the Council Chamber after being suspended from a Meeting.
- PENALTY: 20 Penalty Units**
- 125.6 Any person Uses the Council's Common Seal without authority; or
- PENALTY: 20 Penalty Units**
- 125.7 Uses any replica of the Council's Common Seal without authority.
- PENALTY: 20 Penalty Units**

126. Infringement Notice

- 126.1 As an alternative to prosecution, an Authorised Officer may, in accordance with *section 117 of the Act* and the provisions of the *Infringements Act 2006*, issue an infringement notice or Official Warning on a person who in the opinion of the Authorised Officer has contravened this Local Law.
- 126.2 An Authorised Officer may issue an infringement notice.
- 126.3 Where an authorised officer is not present at the commitment of any offence under this Local Law, the Chief Executive Officer may direct the issuance of an infringement notice for that offence.

127. Payment of Penalty

- 127.1 A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Murrindindi Shire Council, Perkins Street, Alexandra 3714.
- 127.2 To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- 127.3 A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

Resolution for making this Local Law was agreed to by the Murrindindi Shire **Council** on and

THE COMMON SEAL of the)
MURRINDINDI SHIRE COUNCIL was)
hereunto affixed in the presence of:)
)

"I certify that this is a true copy of the Governance Local Law 2 made by the Murrindindi Shire Council on in accordance with the requirements of the *Local Government Act 1989*.

The notices required to be given by Section 119(2) of the Act appeared in the Government Gazette on and in the Alexandra Standard and Yea Chronicle on

The notices required to be given by Section 119(3) of that Act were given in the Government Gazette No. G31 on at page and in the Alexandra Standard and Yea Chronicle on, the Marysville Triangle on

A copy of the Local Law was sent to the Minister for Local Government in a letter dated

The Local Law commenced operation on and will expire on unless revoked earlier.

SIGNED CEO

Certification Under National Competition Policy

Maddocks, Lawyers, for the Murrindindi Shire Council, have certified in correspondence dated that, "In our view, the Local Law does not restrict competition, complies with 'Legislative Review Principle' of National Competition Policy and does not engage clause 2(j) of Schedule 8 to the *Local Government Act 1989*".