



MEETING PROCEDURE LOCAL LAW

Meeting Procedure Local Law No, 1, 2013

24 June 2013



GREATER
DANDENONG
City of Opportunity

GREATER DANDENONG CITY COUNCIL

LOCAL LAW NO. 1, 2013

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PART 1 - INTRODUCTION

1. Title

This Local Law will be known as the Meeting Procedure Local Law No.1, 2013.

2. Purpose

The purpose of Local Law No.1, 2013 is to:

- a) regulate proceedings and provide for orderly and fair conduct at all Council meetings, Special Committee meetings, Advisory Committee meetings, and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Local Law are to apply; and
- b) maintain open, efficient and effective processes of the government of the Council and assist with keeping the preparation of the agenda consistent from meeting to meeting; and
- c) regulate proceedings for the election of the Mayor and Chairpersons of various committees; and
- d) regulate the use and prohibit unauthorised use of the common seal; and
- e) revoke Council's Meeting Procedure Local Law No. 1 of 2010.

3. Authorising Provision

This Local Law is made under section 111(1) of the Local Government Act 1989.

4. Operational Date and Area of Operation

This Local Law:

- a) comes into operation on 24 June 2013; and
- b) operates throughout the whole of the municipal district of Council in accordance with section 121 (1) of the Act.

5. Commencement and Revocation Dates

- a) Upon the coming into operation of this Local Law, Council's Meeting Procedure Local Law No. 1 of 2010, is revoked.
- b) This Local Law ceases to operate on 24 June 2023 unless revoked sooner by Council resolution.

PART 2 – NOTICES AND AGENDAS

6. Date, Time and Place of Meetings

Council will fix the dates, times and place of all Council meetings for a twelve month period at the Annual Meeting of Council which is to be held no earlier than the last Saturday in November and no later than the 31 December in each year or from time to time as required.

The date, time and place of all Council meetings must be made available to the public.

See clause 8 - Notice of Meeting - Public

7. Altering Meeting Dates, Time and Venue

Council may, by resolution, at an Ordinary meeting or a Special meeting, alter the day, time and place upon which an Ordinary meeting will be held, and must provide reasonable notice of the change to the public.

See clause 8 - Notice of Meeting - Public

8. Notice of Meeting - Public

Reasonable notice of Council meetings must be given to the public by advertising in local newspapers and on Council's website.

Advertising can be done as a schedule of meetings either annually, or at various times throughout the year, or just prior to each meeting.

Reasonable notice of Council meetings is considered to be at least 72 hours before a Meeting.

9. Notice of Meeting - Councillors

The notice for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent by courier, post, electronic medium or otherwise delivered to each Councillor's place of residence or usual place of business (if applicable) or as otherwise specified by the Councillor.

A notice of any meeting incorporating or accompanied by an Agenda of the business to be dealt with must be served on every Councillor at least 72 hours before the meeting.

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

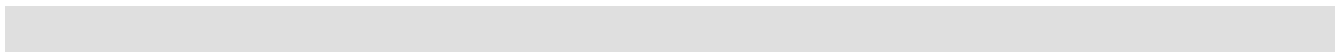
10. Meetings Open to the Public

In accordance with section 89 (1) of the Local Government Act 1989 all meetings of Council must be open to members of the public unless a specific resolution is made to close the meeting to members of the public pursuant to section 89 (2) of the Act.

See clause 11 - Meetings Closed to the Public

11. Meetings Closed to the Public

Council may resolve that a Council meeting be closed to members of the public if the meeting is discussing:

- a) personnel matters;
 - b) the personal hardship of any resident or ratepayer;
 - c) industrial matters;
 - d) contractual matters;
 - e) proposed developments;
 - f) legal advice;
 - g) matters affecting the security of Council property;
 - h) any other matter which Council or the Special Committee considers would prejudice Council or any person; or
 - i) a resolution to close the meeting to members of the public.
- 

PART 3 – QUORUM

12. Quorum – Council Meeting

The quorum for any Council meeting must be half plus one, which is the majority of the number of Councillors.

13. Quorum – Advisory or Special Committee

The quorum for any Advisory or Special Committee must be half plus one, which is the majority of the number of Committee Members with voting rights, which is the majority of the number of Committee Members with voting rights.

14. Failure to Raise a Quorum

If a quorum is not present within thirty (30) minutes of the time appointed for the commencement of any Meeting or adjournment, those Councillors present, or if there are no Councillors present the Chief Executive Officer or in his or her absence a Senior Officer, must adjourn the Meeting for a period not exceeding seven (7) days from the date of the adjournment.

See clause 102 &103– Adjournments

15. Inability to Maintain a Quorum

If during any Meeting or any adjournment of a Meeting, a quorum cannot be achieved and maintained, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or in his or her absence a Senior Officer, must adjourn the Meeting for a period not exceeding seven (7) days from the date of the adjournment.

See clause 102 &103– Adjournments

16. Inability to Maintain a Quorum due to Declarations of Interests

If during any Meeting it becomes apparent to the Chairperson that it will not be possible to maintain a quorum due to the number of Councillors who have disclosed a conflict of interest in an item of business and will be unable to vote, that item of business will lie on the table and be considered at the next available Meeting when a quorum can be reached or alternatively until the Chief Executive Officer is able to obtain an exemption from the Minister.

PART 4 – CALL OF THE COUNCIL

17. Call of the Council

If a quorum of Council cannot be formed and maintained due to the absence of Councillors, the Minister or the Chief Executive Officer will require all Councillors to attend a Call of the Council meeting. This is reflected in section 85 of the Local Government Act 1989.

A Call of the Council meeting must be treated as a Special meeting.

The Minister responsible for administering the Act (or a person appointed by the Minister) is entitled to attend and speak at a Call of the Council meeting which he or she has required Councillors to attend.

If a Call of the Council has been required, immediately after the opening of the Meeting:

- a) the Chief Executive Officer must call the name of:
 - i) the Mayor; and
 - ii) each Councillor in alphabetical order;
- b) each person present must answer to his or her name;
- c) all excuses for absence must be considered; and
- d) as to each excuse, the question:

"Is the excuse of Cr _____ a reasonable excuse to the satisfaction of Council?"

must be put to the vote of Council.

If a Councillor does not attend within 30 minutes after the time fixed for a Call of the Council meeting, or remain at the Meeting, the Chief Executive Officer must immediately advise the Minister in writing. The Minister will then determine whether the Councillor's excuse for not attending is reasonable, and will also determine whether the Councillor is capable of remaining in office.

PART 5 – MINUTES

18. Keeping of Minutes

The Chief Executive Officer is responsible for arranging the keeping of the minutes on behalf of Council.

Each item in the minutes must be clearly headed with a subject title and allocated a minute number. Minutes must be consecutively, commencing at one (1) at the beginning of each four (4) year cycle of Council.

The minutes must be signed by the Chairperson of the Meeting at which they have been confirmed.

19. Content of Minutes

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

- a) the date and time the Meeting was commenced, adjourned, resumed and concluded;
- b) the names of Councillors and whether they are PRESENT, an APOLOGY, or LEAVE OF ABSENCE or other details as provided;
- c) the names of members of Council staff in attendance with their organisational titles;
- d) arrivals and departures times (including temporary departures) of Councillors during the course of the Meeting;
- e) each motion and amendment moved, including the mover and seconder of the motion or amendment;
- f) the outcome of every motion and amendment, that is whether it was put to the vote and the result (namely, CARRIED, LOST, WITHDRAWN, LAPSED FOR THE WANT OF A SECONDER, or AMENDED);
- g) where a division is called, a table of the names of every Councillor and the way their vote was cast (either FOR or AGAINST);
- h) details of a failure to achieve or maintain a quorum; and any adjournment whether as a result or otherwise;
- i) a summary of all committee reports and or deputations made to Council;
- j) a summary of reports from Councillors/Delegates and any responses provided at the Meeting
see clause 35 - Reports from Councillors and Delegates & Councillor Questions
- k) the time and reason for any adjournment of the Meeting or suspension of Standing Orders;
- l) closure of the Meeting to members of the public and the reason for such closure;
- m) disclosure of any conflicts of interest made by a Councillor or member of staff; and
- n) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the Meeting or the reading of the minutes.

20. Confirmation of Minutes

During preparation of the Minutes, Council officers may, from time to time, correct minor typographical errors, without changing the intent of those minutes. A Council resolution is not required to correct minor typographical errors.

Confirmation of the minutes of a meeting is a formal declaration that the minutes are an accurate record of that meeting. Note: Debate on items is not recorded within the minutes but is available via webcast on www.greaterdandenong.com for one month after each meeting.

Advice that the minutes are available must be provided to all Councillors no later than 72 hours before the next scheduled Meeting.

At every meeting of Council the minutes of the preceding meeting(s) must be listed on the Agenda for confirmation.

Minutes must be confirmed by resolution of Council. The motion confirming the minutes can be moved and seconded by any Councillor who was present at the meeting and believes the minutes to be an accurate record of that meeting

Following confirmation of the minutes, with or without amendment, they must be signed by the Chairperson of the Meeting at which they were confirmed.

21. Objection to Confirmation of Minutes

If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:

- a) state the item or items with which he or she is dissatisfied;
- b) propose a motion clearly outlining the alternative wording to amend the minutes; and

The item(s) objected to must be considered separately in the order in which it (or they) appear in the minutes.

No discussion or debate on the confirmation of the minutes will be permitted, except where their accuracy as a record of the proceedings of the Meeting to which they relate, is questioned.

22. Deferral of Confirmation of Minutes

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

PART 6 – BUSINESS OF A MEETING

23. Order of Business Listed on an Agenda

The order in which business is listed on the Agenda is determined by the Chief Executive Officer and should be kept consistent from Meeting to Meeting. This should not preclude the Chief Executive Officer from altering the order of business from time to time to enhance the fluent and open process of the government of Council.

See clause 23 – Order of Business listed on Agenda

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

Unless otherwise resolved by Council the order of business at an Ordinary meeting will be listed as follows:

- a) Attendance/Apologies (including Leaves of Absence);
- b) Offering of Prayer;
- c) Presentation or Statement by Mayor (Optional) – *see clause 25*
- d) Confirmation of minutes of previous Meetings – *see clause 20*;
- e) Deputations - *see clause 27*;
- f) Disclosure of Conflicts of Interest - *see clauses 28*;
- g) Officers' reports including: - *see clause 30*
 - i) Documents for Sealing;
 - ii) Documents for Tabling; and
 - iii) Petitions/Joint Letters - *see clause 32*;
- h) Notices of Motions - *see clause 34*;
- i) Reports from Councillors/Delegates and Councillor Questions - *see clause 35*
- j) Question Time – Public - *see clause 33*; and
- k) Urgent Business - *see clause 36*.

24. Attendances/Apologies (including Leave of Absence)

A Councillor is required to seek leave of absence from Council if they will knowingly be absent from a scheduled Ordinary meeting.

A request for a leave of absence must be in writing (letter or email) and submitted to the Chief Executive Officer and state the dates of each meeting for which a leave is sought and reason for the leave. In accordance with the Local Government Act (1989), Council must not unreasonably refuse to grant leave.

Requests for leave of absence must be received by 12 noon, at least three (3) business days prior to the Council meeting at which leave is sought.

If this is not possible, written apologies should be submitted to the Chief Executive Officer at the earliest possible time before non-attendance at any Council meeting.

A copy of any apology should also be provided to the Mayor, the Executive Assistant to the Mayor and the Governance Unit. Emails and faxes are acceptable.

An appropriate notice would include the following:

I am unable to attend the scheduled Ordinary meeting of Council to be held on {Insert date} and request that my apology be tendered.

Section 69 (1)(g) of the Act states that an extraordinary vacancy will be created if a Councillor is absent from four (4) consecutive Ordinary meetings without leave obtained from the Council.

25. Mayoral Presentation

From time to time, the Mayor may give a short presentation or make a statement relating to issues of interest or importance to the City.

26. Changes to the Order of Business

Once an Agenda has been prepared and sent to Councillors, the order of the business for that Meeting may only be altered by resolution of Council. This includes the request for an item to be brought forward.

See clauses 100 & 101 - Suspension of Standing Orders

27. Deputations

A deputation wishing to be heard at a meeting of Council must make a written request to the Chief Executive Officer who will refer the request to Council for consideration.

In order for requests to be considered, they must be submitted ten (10) working days prior to the next Ordinary meeting of Council.

If Council agrees to hear a deputation, it will not hear more than two speakers on behalf of any deputation and time limits will be set as to the length of the address prior to the meeting.

Councillors may question the deputation on matters raised before Council for the purpose of clarification, but no discussion will be entered into.

The Chief Executive Officer must, in writing, advise the signatory of the written request (or, if more than one, the first signatory), of the date, time, venue and time limits applying for Council to hear the deputation.

28. Conflict of Interests

Section 77A of the Act defines when a Councillor or Member of a Special Committee will have a conflict of interest. The onus is on the Councillor or Member to identify any conflicts of interest in matters before Council or Special Committee.

Councillors and Members of Special Committees must comply with the requirements of Section 79 of the Act.

A Councillor or Member of a Special Committee who has a conflict of interest in a matter before Council:

- a) should complete a 'Disclosure of Conflict of Interest Form' and lodge it with the Chief Executive Officer prior to the commencement of the Meeting;
- b) must disclose any conflict of interest which he/she has in an item of business at the time specified on the Agenda;

- c) must disclose the nature of the conflict of interest immediately before the consideration of the relevant matter;
- d) must leave the Chamber prior to discussion on the matter;
- e) must notify the Chairperson that he/she are leaving the Chamber; and
- f) must remain outside the Chamber or any other area in view or hearing of the Chamber until the vote has been taken.

In the event that the Chairperson has disclosed a conflict of interest he/she must vacate the Chair and a temporary Chairperson must be nominated and elected.

See clauses 134 Absence of Mayor from Meetings

Where a Councillor or Member has vacated the room after disclosing a conflict of interest, the Councillor or Member must be called back into the room before the meeting can advance to the next item of business.

A member of Council staff must comply with section 80B and 80C of the Act (as well as section 79 in his or her capacity as a Member of a Special Committee).

29. Correspondence Inward

Unless otherwise directed by Council, the Chief Executive Officer must determine what inwards correspondence should be placed before Council for its decision or information.

Correspondence addressed to any Councillor personally which requires a decision of or a direction from Council must be referred by that Councillor to the Chief Executive Officer.

No correspondence can be read in full at any Council meeting unless the Chairperson allows that an item or items of correspondence be so read.

30. Presentation of Officer Reports

Officer reports will not be read in full at any Council meeting unless Council resolves to the contrary.

31. Reports of Committees

Any Report of a Special Committee composed solely of Councillors must contain a recommendation or recommendations to Council and be included in the Agenda for the next convenient meeting of Council.

32. Petitions/Joint Letters

Petitions and Joint Letters are regularly received and tabled at Ordinary meetings of Council for noting and:

- a) petitions and joint letters received by Councillors and/or council officers must be lodged with the Chief Executive Officer for inclusion in the Agenda no later than noon at least three (3) business days before the meeting; and
- b) petitions or joint letters received after the deadline will be held over for inclusion in the Agenda of the next Ordinary Meeting of Council.
- c) A petition or joint letter must:
 - i). be in legible and permanent writing; and
 - ii) not be defamatory, indecent, abusive or objectionable in language or content; and
 - iii) not relate to matters beyond the powers of Council; and

- iv) bear the whole of the petition or request upon each page of the petition; and
- v) consist of single pages of paper and must not be pasted, stapled, pinned or otherwise affixed to any other piece of paper;
- d) any petitions or joint letters that do not comply with sub-clause (c) or of this Local Law will not be tabled at a Council meeting;
- e) a petition or joint letter may nominate a person to whom a reply must be sent, but if no person is nominated Council may reply to the first signatory which appears on the petition; and
- f) any person who fraudulently signs a petition or joint letter which is presented to Council is guilty of an offence.

See clause 113 & 114 - Offences and Penalties.

33. Question Time – Public

- a) There must be a question time at every Ordinary meeting to enable members of the public to address questions to Council. Questions are limited to a maximum of three (3) questions per individual.
- b) All such questions must be received in writing on the prescribed form or as provided for on Council's website and at Ordinary meetings of Council. Where there are more than three (3) questions received from any one individual person, the Chief Executive Officer will determine the three (3) questions to be read and answered at the meeting.
- c) All such questions must be received by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer no later than:
 - i) fifteen (15) minutes following the commencement time of the Ordinary meeting if questions are submitted in person; or
 - ii) noon on the day of the Ordinary meeting if questions are submitted by electronic medium.
- d) A question will only be read to the meeting if the Chairperson and/or Chief Executive Officer has determined that the question:
 - i) does not relate to a matter of the type described in section 89(2) of the Act;
 - ii) does not relate to a matter in respect of which Council has no power to act;
 - iii) is not defamatory, indecent, abusive or objectionable in language or substance, and is not asked to embarrass a Councillor or Council officer; and
 - iv) is not repetitive of a question already asked or answered (whether at the same or an earlier meeting). ~~and~~
- e) If the Chairperson and/or Chief Executive Officer has determined that the question shall not be read to the Meeting, then the Chairperson and / or Chief Executive Officer:
 - i) must advise the Meeting accordingly; and
 - ii) will make the question available to Councillors upon request.
- f) The Chief Executive Officer or delegate must read to the Meeting the name of the person who has submitted a question.

- g) The Chief Executive Officer or delegate must read the text of the question and the Chairperson, Chief Executive Officer or delegate may then direct that question to be answered by a nominated Councillor or member of Council staff. A maximum of 300 words per question (which includes preamble and question) will be read aloud.
- h) No debate on or discussion of a question or an answer will be permitted other than for the purposes of clarification.
 - i) A Councillor or member of Council staff nominated to answer a question may:
 - ii) seek clarification of the question from the person who submitted it;
 - iii) seek the assistance of another person in answering the question; and
 - iv) defer answering the question, so that the answer may be researched and a written response be provided within ten (10) working days following the Meeting (the question thereby being taken on notice).
- j) Question time is limited in duration to not more than sixty (60) minutes. If it appears likely that this time is to be exceeded then a resolution from Council will be required to extend that time if it is deemed appropriate to complete this item.

Council may resolve to bring forward the commencement of Question Time – Public so that the item is considered before Officer’s Reports. If this occurs, then questions from the public must be submitted no later than five (5) minutes after the commencement time of the Ordinary meeting if they are being submitted in person or by noon on the day of the Ordinary meeting if being submitted by electronic medium.

34. Notices of Motion

- a) A Notice of Motion must be in writing, dated and signed by the intending mover and lodged with the Chief Executive Officer no later than noon at least three (3) business days before the meeting.
- b) A Notice of Motion cannot be accepted by the Chairperson unless the full text of motion has been listed on the Agenda for the Council meeting at which it is proposed to be moved.
- c) Where a Notice of Motion seeks to substantially affect the level of Council services, commit Council to expenditure in excess of \$3,000 that has not been included in the adopted Budget, commit Council to any contractual arrangement, or is likely to require more than five (5) days work by a member of Council staff, then a formal report must be prepared and presented to Council in response to the Notice of Motion. Where practicable the report should be presented to next Ordinary meeting of Council.
- d) The Chief Executive Officer must cause all Notices of Motion to be numbered sequentially, dated and entered in the Notice of Motion register in the order in which they were received.
- e) Except by leave of Council, Notices of Motion before any Council meeting must be considered in the order in which they were entered in the Notice of Motion register.
- f) If a Councillor who has given a Notice of Motion:
 - i) is absent from the Meeting; or
 - ii) fails to move the motion when called upon by the Chairperson.

any other Councillor may himself/herself move the motion. If the Notice of Motion is not moved (and seconded) it lapses.
- g) If a Councillor proposing a Notice of Motion wishes to amend the Notice of Motion he/she may do so by seeking leave of Council to amend the Notice of Motion prior to it being seconded.

- h) Another Councillor can put forward an amendment for consideration, which must be dealt with in accordance with *clauses 59, 60, 61, 62, 63, 64 and 65* of this local law, except for confirmation of a previous resolution.
- i) If a Notice of Motion, whether amended or not, is lost, a similar motion cannot again be put before Council for a period of three (3) calendar months from the date it was lost.
- j) A Notice of Motion cannot be submitted in relation to a matter that was the subject of a rescission motion within three (3) calendar months of the rescission motion having been dealt with.
- k) A preamble to a Notice of Motion is an explanatory statement that explains the purpose of the Notice of Motion. A Councillor lodging a Notice of Motion must ensure that the content of any preamble provided remains factual.

35. Reports from Councillors/Delegates & Councillor Questions

Councillor Reports

At each Ordinary meeting, Councillors will have the opportunity to speak on any meetings, conferences or events which they have recently attended.

The duration of any report from a Councillor will be limited to four (4) minutes.

If a Councillor chooses to speak, the name of the conference/event and the Councillor will be recorded in the minutes for that Meeting. If a Councillor requires any additional information to be listed in the minutes the Councillor must table the additional information at this point in the Meeting.

Councillors may use this opportunity to table a list of conferences/events that they have attended since the last Ordinary meeting of council for inclusion in the minutes without speaking on the item.

Any reports that require tabling must be provided to the minute taker at the conclusion of the Meeting in a clear and legible, format.

Councillor Questions

There must be a question time at every Ordinary meeting to enable Councillors to address questions to members of Council staff.

Questions may be asked with or without notice but must not:

- i) relate to a matter of the type described in section 89(2) of the Act;
- ii) relate to a matter in respect of which Council has no power to act;
- iii) be defamatory, indecent, abusive or objectionable in language or substance, or be asked to specifically embarrass another Councillor or Council officer;
- iv) be repetitive of a question already asked or answered (whether at the same or an earlier Meeting); or
- v) raise an issue which might more appropriately be dealt with by way of Notice of Motion.

An answer will only be given if the Chairperson has determined that the relevant question does not breach any of points i)-v) above.

A Councillor may contribute to an answer to a question made by a member of Council staff.

A member of Council staff is not obliged to answer a question without notice.

A member of Council staff who elects to answer a question without notice by indicating that he/she requires further time to research his/her answer must ensure that a response is provided to Councillors within ten (10) working days following the meeting.

Council may:

- i) of its own volition; or
- ii) upon the advice of a member of a council staff;

resolve to close the Meeting to members of the public in order that an answer to a question asked by a Councillor may be given.

Debate or discussion of questions or answers is not permitted and all questions and answers must be as brief as possible.

36. Urgent Business

- a) Business which has not been listed on the Agenda may only be raised as urgent by resolution of Council.
- b) Notwithstanding anything to the contrary in this Local Law, a Councillor (with the agreement of the meeting) may at a Council meeting submit or propose an item of business if the matter relates to business which does not:
 - i) substantially affect the levels of Council service or;
 - ii) commit Council to expenditure exceeding \$3,000 and not included in the adopted Budget; or
 - iii) establish or amend Council policy; or
 - iv) commit Council to any contractual arrangement; or
 - v) require pursuant to other policy determined by Council from time to time, the giving of prior notice.
- c) Business must not be admitted as urgent business unless it:
 - i) relates to or arises out of a matter which has arisen since distribution of the Agenda; and
 - ii) cannot safely or conveniently be deferred until the next Council meeting.

37. Time Limit for Meetings

A Council meeting must not continue after 11.00pm unless a majority of Councillors present vote in favour of its continuance.

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.

See clause 101 Adjourning the Meeting

PART 7 – ADDRESSING THE MEETING

38. Addressing the Meeting

Any Councillor or person who addresses the Meeting must stand to speak and direct all remarks through the Chair.

A Chairperson may address a Meeting, however if the Chairperson wishes to debate a particular motion or move any motion or amendment on any matter under discussion the Chairperson must advise Council of that intention and vacate the Chair on such occasions for the duration of the item under discussion.

If the Chairperson vacates the Chair, a temporary Chairperson must be appointed and take the Chair until the item has been voted on.

See clause 135 – Absence of Mayor from Meetings

Any person addressing the Chair must refer to the Chairperson as:

Mayor; or

Mr Mayor; or

Madam Mayor; or

Chair;

Mr Chairperson; or

Madam Chairperson; or

as the case may be.

Councillors and members of Council staff in speaking must address each other by their titles of Councillor or Officer as the case may be.

PART 8 – MEETING PROCEDURES

DIVISION 1 – VOTING

39. Voting - How Determined

To determine an item before a Meeting, the Chairperson will call for any opposition from voting. If there is no opposition then the motion will be deemed as carried. If there is opposition, then debate will ensue as outlined in *clause 55*.

A Councillor has the right to abstain from voting. A Councillor who abstains from voting and remains in the Chamber will be deemed to have voted against the motion. Abstaining from voting does not constitute cause for debate. Any abstention from voting will be recorded in the minutes.

40. Voting - By Show of Hands

Unless Council resolves otherwise, voting on any matter will be by a clear show of hands so that the Chairperson can easily record the count.

41. Request for a Division

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

The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

42. Procedure for a Division

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

When a division is called for, the Chairperson must:

- a) first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of his or her hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer) must record in the minutes, the names of those Councillors voting in the affirmative; and
- b) then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of his or her hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer) must record in the minutes, the names of those Councillors voting in the negative.

43. Between the Original Vote and the Division

No Councillor is prevented from changing his/her original vote at the voting on the division, and the voting by division will determine Council's resolution on the motion.

44. Vote to be Taken in Silence

Except when a Councillor demands a division, Councillors must remain seated in silence while a vote is being taken.

45. Recount of Vote

The Chairperson may direct that the vote be re-counted as often as may be necessary to be satisfied of the result.

46. Declaration of Vote

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

47. Casting Vote

In the event of an equality of votes, the Chairperson has a casting vote, except in cases where the Act provides that a matter or amendment is to be determined by lot.

See clause 133 – Determining by Lot

48. Recording of Opposition to Motion

Any Councillor may ask that his/her opposition to a motion adopted by the Meeting be recorded. It must then be recorded in the minutes of the Meeting.

49. Motion to be Read Again

Before any matter is put to the vote, a Councillor may require that the question, motion or amendment be read again.

The Chairperson, without being so requested, may direct the Chief Executive Officer (or other person authorised by the Chief Executive Officer) to read the question, motion or amendment to the Meeting before the vote is taken.

DIVISION 2 – MOTIONS & AMENDMENTS

50. Notice of Motion

See clause 34 – Notices of Motion

51. Form of Motion

A motion or an amendment must:

- a) relate to the powers or functions of Council;
- b) be in writing, if requested by the Chairperson; and
- c) except in the case of urgent business, be relevant to an item of business on the Agenda.

A motion or amendment must not be defamatory or objectionable in language or nature.

The Chairperson may refuse to accept any motion or amendment which contravenes this clause.

52. Motion Not to be Withdrawn Without Consent (Leave of Council)

A motion or amendment cannot be withdrawn without Council consenting to the withdrawal by resolution.

53. Moving a Motion

The procedure for any motion or amendment is:

- a) the mover must, state the nature of the motion or amendment, and then move it without speaking to it;
- b) the Chairperson must call for a seconder unless the motion is a call to enforce a Point of Order; and
- c) if the motion is not seconded, the motion will lapse for want of a seconder.

54. Unopposed Motion or Amendment

If a motion or an amendment is seconded the Chairperson must first ask if there are any questions and then if there is any opposition. *See clause 39 - Voting.*

If no Councillor indicates opposition, it must be declared to be carried.

The mover of any motion once confirmed may, by leave of the Chairperson, talk to that motion for two (2) minutes.

55. Course of Debate of Opposed Motion

If any Councillor indicates opposition to a motion which has been seconded:

- a) the Chairperson must call the mover to address Council upon it;

Time limit - five (5) minutes

- b) after the mover has spoken the Chairperson must call upon the seconder to address the Meeting;

Time Limit- three (3) minutes

- c) after the seconder has addressed the meeting (or after the mover if the seconder does not wish to speak) the Chairperson must call upon the first opposition to address the Meeting;

Time Limit - three (3) minutes

- d) after the mover, seconder and first opposition have had the opportunity to address the Meeting the Chairperson will call for speakers for and against the motion in alternate sequence until the sequence of speakers is exhausted.

Time Limit – two (2) minutes

- e) a Councillor may speak once on the motion except for the mover of the motion who has a right of reply after which the motion must be put to the motion to the vote.

Time Limit - two (2) minutes

See clause 56 – Right of Reply

- f) motions must be clear and unambiguous and not be defamatory or objectionable in language or nature.

A Councillor calling the attention of the Chairperson to a Point of Order is not regarded as speaking to the motion.

See clause 92– Points of Order

56. Right of Reply

The mover of an original motion which has not been amended may, once debate has been exhausted, exercise a right of reply to matters raised during the debate.

After right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

A Councillor must not digress from the subject matter of the motion or business under discussion. No new debate is or matters are to be introduced with a right of reply.

57. Moving an Amendment

A motion having been moved and seconded may be amended by the minute taker 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.

Any Councillor moving an amendment to a recommendation will be allocated thirty (30) seconds to explain the reasons for the amendment.

The statement must be an explanation only and will not entertain the benefits or detriments of the amendment or the substantive motion.

58. Agreed Alterations to a Motion

With the leave of the Chairperson, both the mover and seconder a motion may agree to an alteration to the original motion proposed by any other Councillor.

This would not then necessitate the recording of an amendment into the minutes of the meeting as the alteration would then form part of the substantive motion.

No notice need be given of any amendment.

59. No Right of Reply for Amendments

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

60. 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.

61. Who May Debate an Amendment

A Councillor may address the Meeting once on any amendment, whether or not they have spoken to the original motion, but debate must be confined to the term of the amendment.

62. How Many Amendments may be proposed

Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time.

63. Second or Subsequent Amendments

A second or subsequent amendment cannot be moved until the immediately preceding amendment is disposed of.

If any Councillor intends to move a second or subsequent amendment he or she must give notice of that intention prior to the right of reply being exercised.

A Councillor cannot move more than two (2) amendments in succession.

64. An Amendment once Carried

If an amendment is adopted it becomes the substantive motion and, as such, must be put to the vote by the Chairperson but only after Councillors who did not speak to the original motion have exercised their right to do so.

65. Foreshadowing a Motion

At any time during debate, a Councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the Meeting, but this does not extend any special rights to the foreshadowed motion.

A foreshadowed motion may be prefaced with a statement that in the event a particular motion before the Chair is resolved in a certain way a Councillor intends to move an alternative or additional motion.

A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the Meeting.

The Chief Executive Officer or other person authorised by the Chief Executive Officer would not be expected to record a foreshadowed motion in the minutes until the foreshadowed motion is formally moved, but may do so if thought appropriate.

66. Withdrawal of a Motion

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

67. Separation of a Motion

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

Where a motion contains several parts/segments or is complicated, it may be separated to avoid difficulties, particularly if different Councillors have differing views about various parts of the motion.

68. Deferral of a Motion

Council may defer an item until later in the Meeting or until another Meeting as appropriate if further consideration or clarification is required prior to a decision being made. The decision to defer a motion is a substantive motion, and may be debated.

69. Motions in Writing

If a Councillor is wishing to move an alternate motion, and where the motion is lengthy, complicated or the exact intention of the motion is unclear, the Chairperson may request the Councillor to submit their motion in writing.

The Chairperson may suspend the Meeting while the motion is being written or request Council to defer the matter until the motion has been written, allowing the Meeting to proceed uninterrupted.

70. Debating a Motion

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

If after being told to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may disallow the speaker any further opportunity to debate or comment in respect to the matter before the Chair.

Adequate debate is required where a matter is contentious in nature. In such a case, every Councillor must be given the opportunity to debate.

See clause 85 – Speaking Times

71. Debate from the Chair

The Chair of the meeting should seek to refrain from debate on motions. The Chair may however choose to exercise a right to speak in favour or against a motion and where this is the case, the Chair will stand to speak to distinguish between this role and that of the Chair.

Where the Chair wishes to move or second a motion, they must temporarily vacate the Chair before the motion is considered by Council.

72. Adjourned Debate

A motion to adjourn debate is a procedural (formal) motion;

“That the debate be adjourned”

The motion may state a date and time for resumption of the debate. Debate can be adjourned indefinitely.

The effect of the motion is that the particular matter being debated is adjourned, but that the Meeting still continues to deal with all other business.

If debate is adjourned indefinitely, some indication must be given to the Chief Executive Officer as to when the matter should be re-listed, otherwise it will be decided at the discretion of the Chief Executive Officer, or upon the subsequent resolution of Council, whichever occurs first.

See clauses 75, 76, 77, and 81 – Procedural (Formal) Motions

73. Resumption of Adjourned Debate

The business to which the debate relates must be placed on the Agenda of the Meeting to which it is adjourned. Adjourned business should have priority over any other business except formal business.

If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless he/she has already spoken to the motion or amendment.

74. Rescission Motion Notification

A Rescission Motion is a motion to reverse a previous decision of Council.

Any Councillor may propose a Notice of Rescission Motion at the next subsequent meeting provided:

- a) the resolution proposed has not been acted on (*see clause 75*). For this reason, Councillors must foreshadow to the CEO their INTENTION to move a Rescission Motion before 12.00 noon on the day after the original pertaining motion was moved.
- b) the Notice of Rescission Motion is received by the Chief Executive Officer in writing no later than 12 noon the Wednesday prior to the next subsequent meeting.
- c) all elected members have had 72 hours prior notice of the notice of rescission.

A Rescission Motion listed on the agenda may be moved by any Councillor present but may not be amended.

A motion to rescind or alter a previous resolution must be passed by a majority of elected members.

A second or subsequent notice to rescind or alter an earlier resolution must not be accepted by the Chief Executive Officer until a period of three (3) months (ninety (90) days) has elapsed since the date of the Meeting at which the original motion of rescission or alteration was dealt with, unless Council resolves that the matter be dealt with at a future meeting.

75. When a Resolution is Acted Upon

A resolution, or part thereof, will be considered as having been acted on:

- a) once its details have been formally communicated in writing (which includes electronic communications) to either internal or external parties affected by or reliant on the resolution; or
- b) where a statutory procedure has been carried out, so as to vest enforceable rights in or obligations on Council or any other person.

While the Chief Executive Officer or other relevant member of Council staff may initiate action or cause action to be initiated on any Council resolution, or part thereof, at any time after the close of the Meeting at which it was carried, generally no action will be taken until 12.00 noon following the day of the meeting at which the motion was moved.

However, if an ***intention to rescind a motion*** is formally foreshadowed to the Chief Executive Officer or other member of Council staff no later than noon on the day following the resolution, then the Chief Executive Officer or relevant member of Council staff will ensure that no action in relation to that resolution, in full or in part, is taken unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

Where a resolution can be broken down into parts and some parts of the resolution have not been acted upon, then any proposed change to those remaining parts is to be treated as an amendment of the resolution unless the substance of the change is to reverse the resolution when considered as a whole.

DIVISION 3 – PROCEDURAL (FORMAL) MOTIONS

A procedural motion is one dealing with the conduct of the Meeting itself, and takes precedence of a substantive motion.

The procedure for and result of any procedural motion takes effect in accordance with Appendix 1.

76. Moving a Procedural Motion

Unless otherwise prohibited, a procedural motion may be moved at anytime and must be dealt with immediately by the Chairperson.

A Procedural Motion does not require the Chair's call.

77. Who Can Move a Procedural Motion

The mover/seconded of a procedural motion must not have moved, seconded or spoken to the question or any amendment of it before the Chair.

A procedural motion cannot be moved by the Chairperson.

78. Debate and Amendments to Procedural Motions

Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.

Note: Deferral of a motion is not a procedural (formal) motion and maybe debated – see clause 68

Unless otherwise provided a procedural motion cannot be amended.

79. The Previous Question

A Motion 'That the motion now not be put'

- i) Is a procedural motion which if carried is automatically disposed of (until it is placed on the Agenda for a later meeting) and the Meeting may then proceed to the next business without any further discussion or amendment;*
- ii) Is prohibited when an amendment is before Council,; and*
- iii) If lost, allows debate to continue unaffected.*

80. The Closure (That the motion be put)

A motion 'That the motion be now put'

- i) Is a procedural motion which if carried, requires that the original motion must be put the vote immediately, without any further debate, discussion or amendment;*
- ii) If carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and if lost allows debate on the original motion to continue; and*
- iii) If lost, allows debate to continue unaffected.*

The Chairperson has the discretion to reject such a motion for closure if the motion proposed has not been sufficiently debated. A vote should not be taken until after the mover as been given their right of reply.

81. Proceed to Next Business

A motion 'That the meeting proceed to the next business'

- i) Is a procedural motion which if carried in respect of an original motion, requires that the Meeting move immediately to the next business without any further debate, discussion, amendment or vote being taken on it;*
- ii) If carried in respect to an amendment, Council considers the motion without reference to the amendment;*

- ii) *If lost, allows debate to continue unaffected.*

82. Adjournment of Debate

A motion 'That the motion and amendments now before the meeting be adjourned until a *later hour or date*'

- i) Is a procedural motion which if carried in respect of an original motion or amendment, requires that the Meeting dispose of the matter before the Chair so that debate can resume at a later hour and or date and the meeting move on to the next business; and
- ii) If lost, allows debate to continue unaffected.

83. Adjournment of Meeting

A motion 'That the meeting be adjourned until a *later hour or date*'

- i) Is a procedural motion which if carried in respect of an original motion or amendment, requires that the Meeting be adjourned to a later hour and or date; and
- ii) If lost, allows debate to continue unaffected.

84. That the Question Lie on the Table

A motion 'That the question lie on the table'

- a) *Is a procedural motion which if carried in respect of an original motion or amendment, ceases any further discussion or voting on the matter until Council either:*
 - i) resolves to take the question from the table at the same Meeting; or
 - ii) places the matter on an Agenda and Council resolves to take the question from the table; and
- b) If lost, allows debate to continue unaffected.

Refer to Appendix 1 for the procedures for, and effect of, procedural (formal) motions

DIVISION 4 – SPEAKING TO THE MEETING

85. Speaking Times

A Councillor must not speak longer than the time set out below, unless granted an extension by the Chairperson:

- a) a mover of a motion – five (5) minutes
- b) the seconder of a motion – three (3) minutes
- c) any other Councillor – three (3) minutes
- d) the mover of a motion when exercising their right of reply – two (2) minutes

Following a Council resolution on an unopposed motion, a Councillor may speak for the duration of time set out below:

- a) the mover– two (2) minutes
- b) any other Councillor once confirmed – two (2) minutes

86. Extension of Speaking Time

An extension of speaking time may be granted by the Chairperson but only one (1) extension is permitted for each speaker on any question.

87. Length of Extension

Any extension of speaking time must not exceed three (3) minutes.

88. Cases in Which Councillor Must Rise When Speaking

Except in the case of sickness or infirmity, a Councillor must rise when speaking at a Council meeting.

The Chairperson may remain seated when speaking at a Council meeting.

It is unnecessary to rise when speaking at a Committee meeting.

89. Interruptions, Interjections and Relevance

A Councillor must not be interrupted except by the Chairperson or upon a Point of Order or personal explanation.

If a Councillor is interrupted by the Chairperson or upon a Point of Order or personal explanation when he or she must remain silent until the Councillor raising the Point of Order has been heard and the question disposed of.

See clause 91 – Points of Order and clause 70 – Debating a motion

90. Priority of Address

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

91. Councillors Not to Speak Twice to Same Motion or Amendment

Except that the mover of an unamended motion has the right of reply and that any Councillor may take a Point of Order or offer a personal explanation, a Councillor must not speak more than once to the same motion or amendment.

DIVISION 5 – POINTS OF ORDER

92. Points of Order

A Point of Order is taken when a person formally draws the attention of the Chair of the Meeting to an alleged irregularity in the proceedings such as a speaker's remarks being irrelevant to the subject matter or to an act of disorder or a Councillor allegedly being out of order.

A Councillor who is addressing the Meeting must not be interrupted unless called to order when he or she must remain silent until the Councillor raising the Point of Order has been heard and the question disposed of.

A Point of Order must be taken by stating 'Point of Order' and the matter complained of. The Point of Order must be taken immediately after it has been brought to the attention of the Chair.

A Point of Order takes precedence over all other business, including procedural motions.

93. Consideration of Point of Order

When called to order, a Councillor must sit down and remain silent until the Point of Order is decided unless he or she is requested by the Chairperson to provide an explanation.

94. Chairperson to Decide Point of Order

The Chairperson may adjourn the Meeting to consider a Point of Order but must otherwise rule upon it as soon as it is taken.

All matters before Council are to be suspended until the Point of Order is decided.

95. Disagreeing with Chairperson's Ruling

The decision of the Chairperson in respect to a Point of Order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present at the Meeting support a motion of dissent.

96. Motion of Dissent

When a motion of dissent is moved and seconded, the Chairperson must leave the Chair and a temporary Chairperson must take his or her place.

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

The temporary Chairperson then puts the motion in the following form:

"That the Chairperson's ruling be upheld".

- a) If the vote is in the affirmative, the Chairperson resumes the Chair and the meeting proceeds.
- b) If the vote is in the negative, the Chairperson resumes the Chair, reverses his or her previous ruling and then proceeds.

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

See clause 134 – Absence of Mayor at Meeting

97. Personal Explanation

A Councillor may, at a time convenient to Council, make a brief personal explanation in respect of any statement (whether made at a Council meeting or not) affecting him or her as a Councillor.

A personal explanation arising out of a statement at a Council meeting must be made as soon as possible after that statement was made.

A personal explanation must not be debated except upon a motion to censure the Councillor who has made it.

98. Ordering Withdrawal of Remark

Whenever any Councillor makes use of any expression or remark that is disorderly or capable of being applied offensively to any other Councillor or member of Council staff, the offending Councillor must be required by the Chairperson to withdraw the expression or remark and to make a satisfactory apology to the Meeting.

The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, abusive or offensive in language or substance

A Councillor required to withdraw a remark must do so immediately without qualification or explanation.

Any Councillor using defamatory, indecent, abusive or offensive language, and having been twice called to order or to apologise for such conduct and refusing to do so, is guilty of an offence.

See clause 114 & 115 – Offences and Penalties

99. Call for Supporting Documentation

A Councillor may request at a Council meeting to immediately make available any documents kept in the municipal offices and relevant to the business being considered.

Upon any request being made, the Chief Executive Officer must use his or her best endeavours to make available the documents.

DIVISION 6 – SUSPENSION OF STANDING ORDERS

100. Suspension of Standing Orders to Change Order of Business

The provisions of this Local Law may be suspended for a particular purpose by resolution of Council.

The suspension of Standing Orders should be used to change the order of business and bring items listed in the Agenda forward if required and it is in the best interest of the flow of business for that Meeting.

An appropriate motion would be:

‘That Standing Orders be suspended to bring item___ forward’.

Once the item has been disposed of and before the next item can be heard the resumption of Standing Orders will be necessary. An appropriate motion would be:

‘That Standing Orders be resumed’

101. Suspension of Standing Orders for the Purpose of Discussion

The provisions of this Local Law may be suspended for a particular purpose by resolution of Council.

The suspension of Standing Orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

An appropriate motion would be:

‘That Standing Orders be suspended to enable discussion on_____’.

Once the discussion has taken place and before any motion can be put the resumption of Standing Orders will be necessary.

An appropriate motion would be:

‘That Standing Orders be resumed’

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

DIVISION 7 – ADJOURNMENTS

102. Adjourning the Meeting

Once a Meeting is declared open, Council may, from time to time, resolve to adjourn the Meeting if:

- a) a quorum is not present within half an hour after the time appointed for the Meeting or;
- b) if at any time throughout a meeting a quorum is lost or;
- c) if the Meeting becomes excessively disorderly and order cannot be restored or;
- d) to allow for additional information to be present to a Meeting or;
- e) any other situation where an adjournment could aid the progress of the Meeting.

A Meeting cannot be adjourned for a period exceeding seven days from the date of the adjournment.

An appropriate motion would be:

“That the Meeting be adjourned until a _____” time and date specified, which does not exceed seven (7) days.

No discussion is allowed on any motion for adjournment of the Meeting, but if on being put the motion is lost, the subject then under consideration of the next on the Agenda or any other matter that may be allowed precedence must be resolved before any subsequent motion for adjournment is made.

103. Notice for Adjourned Meeting

If a Meeting is adjourned, the Chief Executive Officer must ensure that the agenda for such a meeting is identical to the Agenda for the Meeting which was resolved to be adjourned.

Except where a Meeting is adjourned until later on the same day, the Chief Executive Officer must give all Councillors written notice of a new date for the continuation of the adjourned Meeting and every reasonable attempt must be made to advise the public of the new Meeting date.

Where it is not practical to provide written notice to Councillors because time does not permit that to occur then provided a reasonable attempt is made to contact each Councillor, by telephone, electronic medium, or in person will be sufficient.

104. Lapsed Meeting

A Meeting is deemed to have lapsed if a meeting does not commence and therefore no resolution can be carried to adjourn the Meeting.

105. Undisposed Business of a Lapsed Meeting

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

The business of the lapsed Meeting must be dealt with prior to any other business, and in the same order as the original Meeting papers.

PART 9 – BEHAVIOURAL CONDUCT DURING COUNCIL MEETINGS

106. Conduct - Councillors

Councillors must conduct themselves in a courteous, orderly and respectful manner, and must respect the authority of the Chair at all times. Councillors must adhere to the Code of Conduct - Councillors at all times.

107. Gallery to be Silent

Visitors must not interject or take part in the debate and silence must be maintained by members of the public in the gallery at all times.

108. Call to Order/Removal from Council Chamber

The Chairperson may call to order any person present in the Council Chamber whose actions are disruptive to the business of Council, and are impeding on its orderly conduct. If thereafter a person continues to act in breach of this Local Law, the Chairperson may order him or her to leave the Council Chamber for a period of time or for the remainder of the Meeting.

Any person who refuses to leave the Council Chamber after being ordered to do so by the chairperson is guilty of an offence.

See Clauses 114 & 115 - Offences and Penalties

The Chairperson may ask any Authorised Officer or member of the Police Force to remove from the Council Chamber any person who acts in breach of this Local Law or whom the Chairperson has ordered to be removed from the chamber.

109. Chairperson May Adjourn Disorderly Meeting

If the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Meeting, he or she may adjourn the Meeting to a later time on the same day, or to some later day prior to the next Ordinary meeting.

See clause 102 - Adjourning the Meeting

110. Conduct of Public Meeting

The provisions of this Local Law applicable to Ordinary meetings apply to meetings of ratepayers, residents and/or citizens and other public meetings called by the Mayor or Council, with appropriate modifications.

This clause does not prevent any person from addressing a meeting if permitted to do so by the Chairperson.

PART 10 – PROCEDURE NOT PROVIDED IN LOCAL LAW

111. Procedure Not Provided in Local Law

In all cases not specifically provided for by this Local Law, resort must be had to the rules, forms and usages of the Legislative Council of the Victorian Parliament so far as the same are capable of being applied to Council or Special, Advisory or other Committee proceedings.

PART 11 - SUSPENSION OF LOCAL LAW

112. Suspension of Procedure

The operation of any clause of this Local Law may be suspended temporarily at a Meeting by a majority of members present resolving to so suspend it, unless such suspension of operation would be inconsistent with the Act.

A reason for the proposed suspension of the operation of a clause must be given in the motion to suspend the operation of the clause.

PART 12 – PROVISIONS TO RECORD COUNCIL MEETINGS

113. Webcasting and Recording Proceedings

The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may conduct a live webcast of the proceedings of a Council meeting.

The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may also otherwise record all the proceedings of a Council or Special Committee meeting.

Recordings will be retained as a public record of the meeting and are available to the public for viewing on www@greaterdandenong.com for a period of one (1) month from the date of the Meeting.

Members of the public are to be advised that the Meeting is being filmed and is streamed live and as an archive on Council's website www.greaterdandenong.com.au. Members of the public are advised by venue signage that while filming, although all care is taken to maintain a person's privacy as an attendee in the gallery, they may be recorded on film.

Media representatives may, with the consent of Council or the Special Committee (as the case may be), be permitted to record any part of the Meetings proceedings. The consent of Council or the Special Committee must not be unreasonably withheld, but may be revoked at any time during the course of the relevant Meeting.

Members of the public must not operate recording equipment at any Council or Special Committee meeting without the prior written consent of Council. Such consent may be given only after receipt of a written application and may at any time during the course of such Meeting be revoked by Council or the Special Committee as the case may be.

PART 13 – OFFENCES AND PENALTIES

114. Offences

It is an offence:

- a) for any person to fail to comply with a direction or order of the Chairperson in relation to the conduct of the Meeting and the maintenance of order; or
- b) for any person to fail to comply with any provision in this Local Law where it requires that something must be done.

115. Infringement Notices and Penalties

Where Council resolves that a person has, in its opinion committed an offence or offences against this Local Law, an Authorised Officer may serve that person an infringement notice in accordance with the *Infringements Act 2006*, as an alternative to prosecution for the offence.

The penalty fixed for an infringement notice for an offence (excluding clause 28) committed against this local law is two (2) Penalty Units.

2 Penalty Units

(In 2012-2013, one penalty unit equal to \$140.84. This amount is subject to indexation every year on 1 July.)

PART 14 – SPECIAL MEETINGS

116. Special Meeting Provisions

The Mayor or at least three (3) Councillors may by a written notice call a Special meeting.

The notice must specify the date, time and place of the Special meeting and the business to be transacted.

The Chief Executive Officer must convene the Special meeting as specified in the notice.

Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice is to be transacted.

Subject to any resolution providing otherwise, the order of business of any Special meeting must be the order in which such business stands in the Agenda for the meeting.

Exceptions

Council may hold Special meetings to deal with the following:

- a) Preparing the Council Plan and Annual Budget for public display (including Declaration of Rates and Charges) or for the adoption of these documents following the conclusion of the submission period as specified under section 223 of the Act;
- b) Adoption of Council's Audited Financial Report, Standard Statement and Performance Statement; and
- c) Election of the Mayor and appointment of Council representatives.

PART 15 - ADVISORY AND SPECIAL COMMITTEES

117. Establishment of Advisory and Special Committees

Council may from time to time establish one or more Advisory Committees comprising the following:

- a) Councillors;
- b) Council staff;
- c) other persons; or
- d) any combination of persons referred to in paragraphs (a), (b) and (c).

to advise it on any of the purposes, functions or powers of Council.

Council may from time to time establish one or more Special Committees comprising the following:

- a) Councillors;
- b) Council staff;
- c) other persons; or
- d) any combination of persons referred to in paragraphs (a), (b) and (c).

118. Election of Chairperson - Advisory and Special Committees

The Chairperson of a Special Committee or Advisory Committee may be elected by the members of the committee unless otherwise determined by Council, and such committee may from time to time replace its Chairperson or appoint an acting Chairperson in the manner in which the Chairperson is ordinarily elected or appointed.

The Chairperson or any three (3) members of a Special or Advisory Committee may at any time call a meeting of the committee by giving a notice of business to the Chief Executive Officer in sufficient time to give him or her 48 hours notice of the date and time of the proposed meeting. The Chief Executive Officer must call the meeting as specified in the notice.

119. Application to Committees

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

120. Recording Minutes - Advisory or Special Committee

The Chief Executive Officer (or other person authorised by the Chief Executive Officer) must record the minutes of all meetings of Special Committees of Council.

If the minutes of any meeting of a Special Committee disclose a recommendation to Council, the Chief Executive Officer must ensure that such recommendation is reported to the next convenient meeting of Council for adoption.

121. Notices and Agendas – Advisory and Special Committees

The Notice Paper or Agenda for Advisory and Special Committees will be relevant to the issues, which are to be raised at the meeting and any reference to Councillors extends to non Councillor members of a Advisory or Special Committee under Section 88 of the Act and any reference to the Council is to be read as referring to the Advisory or Special Committee under sections 87 or 88 of the Act.

122. Quorum – Advisory and Special Committees

See clause 13 – Quorum – Advisory and Special Committees

123. Reports of Committees

See clause 31 – Reports of Committees

PART 16 – ELECTION OF THE MAYOR

124. Eligibility

Any Councillor is eligible for election or re-election to the office of Mayor.

125. When Required

The Councillors must elect a Councillor annually to be Mayor of the Council at a Special meeting of Council which is to be held no earlier than the last Saturday in November and no later than 31 December in each year as set out under section 71 of the Act.

Additional meetings may be required from time to time if the office of the Mayor becomes vacant for reasons set out under section 72 of the Act.

The Mayor is to be elected as soon as possible after any vacancy in the office of Mayor occurs.

126. Agenda Content

The Agenda for the Annual Meeting to elect the Mayor must include:

- a) appointment of temporary Chairperson;
- b) the election of the Mayor;
- c) appointments of Council representatives to Committees, Peak Industry Bodies, regional and community based organisations; and
- d) the fixing of the dates, times and place of all Council meetings for a twelve month period.

127. Temporary Chairperson

The Chief Executive Officer will be the temporary Chairperson of the Special meeting at which the election of the Mayor is to be conducted, but will have no voting rights.

128. Returning Officer

The Chief Executive Officer will be the Returning Officer for the election of the Mayor.

129. Second Temporary Chairperson (Election of Temporary Chairperson)

The Chief Executive Officer must invite nominations for a second temporary Chairperson. If there is only one nomination, the candidate nominated is deemed to have been elected. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates by a show of hands (or by such other method as Council determines), and the candidate receiving a majority of the votes must be declared to have been duly elected.

130. Nominations for the Office of Mayor

The second temporary Chairperson must invite nominations for the office of Mayor. If there is only one nomination (which must be seconded), the candidate nominated is deemed to be elected Mayor until the next Annual Meeting to elect the Mayor or the next general election (whichever happens sooner).

131. Method of Voting

The Election of the Mayor will be carried out by a show of hands.

132. Determining the Election of the Mayor

If there is more than one nomination (each of which must be seconded), the Councillors present at the Meeting must vote for one of the candidates by a show of hands. In the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected.

In the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the Meeting must then vote for one of the remaining candidates by a show of hands.

If one (1) of the remaining candidates receives an absolute majority of the votes, he or she is 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 then be declared to have been duly elected.

In the event of two (2) or more candidates having an equality of votes and one (1) of them having to be declared:

- a) a defeated candidate; or
- b) duly elected;

the temporary Chairperson shall have no second or casting vote, and the result will be determined by lot.

See clause 133 – Determining by Lot

Any Councillor nominated may refuse nomination.

133. Determining By Lot

If a lot is required, the Chief Executive Officer will conduct the lot and the following provisions will apply:

- a) Each candidate shall draw one (1) lot;
- b) The order of drawing lots shall be determined by the alphabetical order of the surname of the Councillors who received an equal number of votes, except that if two (2) or more such Councillors' surnames are identical, the order shall be determined by the alphabetical order of the Councillors' first name;
- c) As many identical pieces of paper as there are Councillors who received an equal number of votes shall be placed in a receptacle provided by the Chief Executive Officer;
- d) If the lot is being conducted to determine which candidate is to be duly elected, the word 'Elected' shall be written on one (1) of the pieces of paper and the Councillor who draws the paper with the word 'Elected' written on it shall be declared to have been duly elected.

134. Mayor to Take Chair

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

The Mayor must take the Chair at all meetings of Council at which he or she is present unless precluded from doing so because of a conflict of interest.

135. Absence of Mayor at Meetings

If the Mayor is absent or incapable of acting or not present within fifteen (15) minutes of the scheduled commencement time of any meeting an acting chairperson is to be elected.

In the first instance the meeting is to be chaired by the immediate past Mayor in line with Council's Mayoral Representation Policy.

In the event that the immediate past Mayor is also absent the Chief Executive Officer will invite nominations for a temporary Chairperson for the period the Mayor is to be absent.

See clause 129 – Second Temporary Chairperson (Election of Temporary Chairperson)

In the event that there is prior knowledge that the Mayor will require a leave of absence for a period of time, then a report will be provided to Council for resolution regarding a temporary Chairperson for the duration of that leave of absence.

136. Election of Deputy Mayor

Council may at anytime resolve to appoint a Deputy Mayor for a period of time specified by Council.

If Council resolves to appoint a Deputy Mayor the process will be regulated by *clauses 128- 131* of this Local Law.

In the case of any election for Deputy Mayor, the reference in *clauses 129-133* to the:

- a) Chief Executive Officer and Second temporary Chairperson is a reference to the Mayor, and
- b) Mayor is a reference to the Deputy Mayor,

PART 17 - THE COMMON SEAL

137. Use of Common Seal

The common seal of Council must:

- a) be in a form specified by Council resolution; and
- b) include the words "Greater Dandenong City Council".

138. Signatures to Accompany Common Seal

Every document to which the common seal is affixed must be signed by one (1) Councillor and the Chief Executive Officer or, in the absence of the Chief Executive Officer, one (1) Councillor and any other member of staff acting as the Chief Executive Officer or authorised by Council.

139. Authority for Use of Common Seal

The common seal must be affixed to a document only for the purpose of giving effect to a decision which has been:

- a) made by Council resolution;
- b) made by resolution of a Special Committee to which the power to use the common seal has been delegated; or
- c) made by the Chief Executive Officer or a Senior Officer to whom power to use the common seal has been delegated.

140. Who Keeps the Common Seal

For security purposes, the Chief Executive Officer or other member of Council staff to whom this duty has been delegated must keep the common seal in safe custody.

141. Common Seal Register

The use of the common seal must be recorded in a register maintained by the Chief Executive Office or a member of Council staff to whom this duty has been delegated.

142. Unauthorised Use of the Common Seal

Any person who uses the common seal or any device resembling the common seal without authority is guilty of an offence.

See clauses 114 & 115 – Offences and Penalties

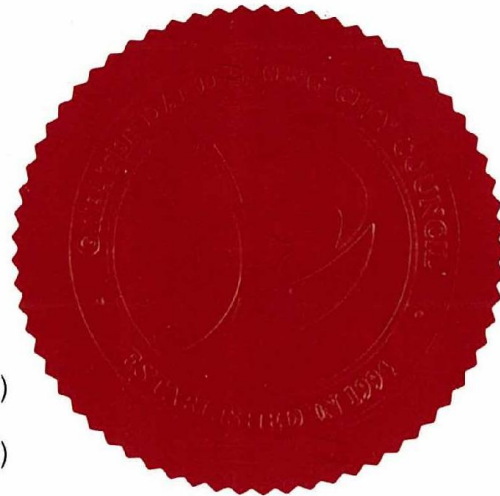
PART 18 – GLOSSARY OF TERMS

Unless the contrary intention appears in this Local Law, the following words and phrases are defined to mean:

| | |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Act (or “the Act”) | means the Local Government Act 1989. |
| Advisory Committee | means an advisory committee established by Council under clause 116 of this Local Law. |
| Agenda | means the notice of a meeting setting out the business to be transacted at the meeting. |
| Chair | refers to the Chairperson. |
| Chairperson | refers to the person who chairs a meeting of the Council or Committee of the Council. |
| Chief Executive Officer | means the Chief Executive Officer of Council, and includes a person acting as Chief Executive Officer. |
| Clause | means a clause of this Local Law. |
| Committee Meeting | means a meeting of a Special Committee or an Advisory Committee appointed by Council. |
| Common Seal | means the common seal of Council. |
| Council | means GREATER DANDENONG CITY COUNCIL. |
| Councillor | means an elected representative (Councillor) of Council. |
| Council Meeting | includes Ordinary and Special meetings of Council. |
| division | means a formal count and recording of those voting for and those voting against a motion. <i>This is a formal method of voting in which the vote of each member is specifically declared and recorded.</i> |
| Financial year | has the same meaning as in the Act. <i>Commences 1 July and ends to 30 June each year</i> |
| lot | means the casting or drawing of objects from a receptacle, to decide something (<i>e.g. to choose a person by lot</i>). <i>A procedure used when a deadlock is to be resolved by the drawing of lots.</i> |
| Mayor | means the Mayor of Council and any person acting as Mayor. |
| Meeting | means an Ordinary and a Special meeting of Council, a Special Committee meeting or an Advisory Committee meeting. |
| Member | means a person (ie Councillor) who is entitled to vote at a meeting of Council or a Special Committee or Advisory Committee of the Council. |

| | |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minister | means the Minister responsible for administering the Act. |
| minute | means the formal record of proceedings and decisions of a meeting. |
| motion | means a proposed resolution before it has been adopted (passed or carried) by the meeting. |
| municipal District | means the area from time to time comprising the municipal district of the Greater Dandenong City Council. |
| Municipal Offices | means the municipal offices of Council. |
| Notice of Motion | means a notice giving the precise words of a motion which it is proposed to move at the next relevant meeting. |
| Ordinary meeting | means an Ordinary meeting of Council at which general business may be transacted. |
| Penalty Unit | has the meaning set out in section 110 of the <i>Sentencing Act 1991</i> . 1 Penalty Unit (\$100). |
| Point of Order | the official bringing to the attention of the Chair of a meeting of some alleged irregularity in the proceedings. |
| procedural motion | means a motion which relates to a procedural matters only and which is designed to expedite the business of the meeting. |
| quorum | means the minimum number of members of a Council or of a Special/Advisory Committee required by this local law to be present in order to constitute a valid meeting. |
| resident | means a person who has a place of residence within the municipal district. |
| Senior Officer | has the same meaning as stated in section 3 of the Act. |
| Special Committee | means a special committee established by Council under section 86 of the Act. |
| Special meeting | means a Special meeting of Council. |
| substantive motion | a motion dealing with the operational activities of the Council (as distinct from a procedural motion). |
| Suspension of Standing Orders | means the suspension of the provisions of the Local Law to facilitate full discussion on an issue without formal constraints. |
| Visitor | means any person (other than a Councillor or member of Council staff acting in an official capacity) who is in attendance at a Council meeting or a Special Committee or an Advisory Committee meeting. |
| Webcast | means broadcast on Council's internet website. |
| written | includes duplicated, lithographed, photocopied, photographed, printed and typed. |

Resolution for making this Local Law was agreed to by the Council of the City of Greater Dandenong on the 24th day of June 2013 and



The Common Seal of the Greater Dandenong City Council was hereunto affixed in the presence of:

)
)

A handwritten signature in blue ink, appearing to read "John Bennie", written over a horizontal line.

Chief Executive Officer

Mr John Bennie

A handwritten signature in blue ink, appearing to read "Angela Long", written over a horizontal line.

Councillor

Cr Angela Long (Mayor)

APPENDIX 1 - FORMAL MOTIONS

The procedure for and effect of formal motions is as follows:

| Formal Motion | Form | Mover & Seconder | Matter in Respect of Which Motion May be Moved | When Motion Prohibited | Effect if Carried | Effect if Lost |
|----------------------------------------------------|------------------------------------------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|-----------------------------|
| 1. Adjournment of debate to later hour and/or date | That this matter be adjourned to *am/pm and/or *date | Any Councillor | Any matter | (a) During the election of a Chairperson; (b) When another Councillor is speaking | Motion and amendments postponed to the stated time and/or date | Debate continues unaffected |
| 2. Adjournment of debate indefinitely | That this matter be adjourned until further notice | Any Councillor | Any matter except: (a) election of a Chairperson; (b) a matter in respect of which a call of the Council has been made for that meeting | (a) During the election of a Chairperson; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the Council has been made | Motion and any amendment postponed but may be resumed at any later meeting if on the agenda | Debate continues unaffected |

| Formal Motion | Form | Mover & Secunder | Matter in Respect of Which Motion May be Moved | When Motion Prohibited | Effect if Carried | Effect if Lost |
|---------------------------------|------------------------------------|----------------------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 3. The closure | That the motion be now put | A Councillor who has not spoken to the motion or any amendment of it | Any matter | During nominations for Chairperson | Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion | Debate continues unaffected |
| 4. Laying question on the table | That the question lie on the table | A Councillor who has not spoken to the motion or amendment of it | Any matter | (a) During the election of a Chairperson; (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) The matter is placed on an agenda and Council resolves to take the question from the table | Debate continues unaffected |

| Formal Motion | Form | Mover & Seconder | Matter in Respect of Which Motion May be Moved | When Motion Prohibited | Effect if Carried | Effect if Lost |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 5. Previous question | That the question be not now put | A Councillor who has spoken to the motion or any amendment of it | Any matter except: (a) election of a Chairperson; (b) a matter in respect of which a call of the Council has been made for that meeting | (a) During the election of a Chairperson; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the Council has been made; (d) When an amendment is before Council | (a) No vote or further discussion on the motion until it is placed on an agenda for a later meeting; (b) Proceed to next business | Motion (as amended up to that time) put immediately without further amendment or debate |
| 6. Proceeding to next business | That the meeting proceed to the next business Note: This Motion: (a) May not be amended (b) May not be debated; (c) Must be put to the vote as soon as seconded | A Councillor who has spoken to the motion or any amendment of it | Any matter except: (a) Election of a Chairperson; (b) A matter in respect of which a call of the Council has been made for that meeting | (a) During the election of a Chairperson; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the Council has been made | If carried in respect of: (a) An amendment, Council considers the motion without reference to the amendment: (b) A motion - no vote or further discussion on the motion until it is placed on an agenda for a later meeting | Debate continues unaffected |

