

# GREATER SHEPPARTON CITY COUNCIL

## DRAFT

### Local Law No. 2 Procedures for Council Meetings and Common Seal 2018

Date Resolved By the Council: XXX

Commencement Date: XXX

Review Date: XXX

Revocation Date: XXX (10 years after commencement)

Responsible Directorate: Corporate Services

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## **PART A - INTRODUCTION**

### **1. Title**

This Local Law is the Greater Shepparton City Council's, "Local Law No. 2 - Procedures for Council Meetings and Common Seal 2018". It is referred to hereunder as "this Local Law".

### **2. Purpose of this Local Law**

The purpose of this Local Law is to:

- 2.1 provide for the election of the Mayor, Deputy Mayor and the Chair of any Special Committees;
- 2.2 govern the conduct of Council Meetings and Special Committee Meetings; and;
- 2.3 regulate and control the use of the common seal.

### **3. Authorising Provision**

This Local Law is made under sections 5, 91 and 111(1) of the *Local Government Act 1989*.

### **4. Commencement and End Dates**

This Local Law:

- 4.1 commences on the day following the day on which notice of the making of this Local Law is published in the Victoria Government Gazette, and operates throughout the municipal district; and
- 4.2 ends on the 10<sup>th</sup> anniversary of the day on which it commenced operation.

### **5. Revocation of Local Law No. 2**

On the commencement of this Local Law, Council's Local Law No. 2 "Processes of Local Government (Meetings and Common Seal)" adopted on 5 May 2009, is revoked.

### **6. Definitions of Words used in this Local Law**

In this Local Law:

"Act"	means the Local Government Act 1989;
"Advisory Committee"	means an advisory committee as defined under section 3(1) of the <i>Local Government Act 1989</i> ;
"Agenda"	means the notice of a Council Meeting setting out the business to be transacted at the meeting and includes a revised Agenda;
"Business Days"	means every day that is not a Saturday or Sunday or a day appointed under the Public Holidays Act 1993 as a public holiday in the municipal district;
"Chair"	means the Chair of a Council Meeting or Special Committee Meeting, and includes an acting, a temporary and a substitute Chair;

"Chief Executive Officer"	means the person for the time being occupying the office of Chief Executive Officer of Council, and includes a person acting in that office;
"Common Seal"	means the Common Seal of the Council; a device which formally records the collective will of the Council;
"Consent of the Chair"	means the permission of the Chair granted to a Councillor for an act to occur without the need for a formal resolution, except that where any Councillor indicates opposition to such permission being granted a resolution must be obtained;
"Council Meeting"	includes a meeting at which the Mayor is elected, an Ordinary Meeting or a Special Meeting;
"Council Officer"	means a person who is employed by the Council;
"Delivered"	means to be sent by post or email or otherwise deposited at each Councillor's place of residence or business or to a place as otherwise specified by a Councillor;
"Director"	means a Staff member appointed by the Chief Executive Officer as part of Council's Executive Leadership Team;
"Division"	means a formal count of those Councillors voting for or against in respect of a motion and the recording of that count and the way each Councillor voted in the minutes of a Meeting;
"Emergency"	means an unexpected situation requiring immediate action, which can include risk to life, health, property or environment;
"General business"	means business of a minor or routine nature;
"Mayor"	means the Mayor of the Council or in the Mayor's absence the Deputy Mayor;
"Meeting"	means an Ordinary Meeting or a Special Meeting of Council or a Special Committee Meeting;
"Notice of Motion"	means a notice setting out the text of a motion, which is proposed by a Councillor to be moved at a Meeting in accordance with Division 8 of this Local Law;
"Ordinary Meeting"	means any ordinary meeting of the Council at which general business of the Council is transacted that is not a Special Meeting or a Meeting convened for the predominant purpose of the election of the Mayor;
"Point of Clarification"	means to seek clarification or understanding on words of others that are not understood;
"Point of Order"	means a point of order raised in accordance with Division 11 of this Local Law;

“Quorum”	means the minimum number of members of Council or a Special Committee required to be present in order to constitute a valid Meeting;
“Sent Electronically”	in respect of communication to and from Councillors includes an email forwarded to the Council-provided email account of the Councillor, or the provision of documents transmitted via a secure software application to a Council-provided device;
“Special Committee”	means a special committee established by the Council under section 86 of the Act;
“Special Committee Meeting”	means a meeting of a Special Committee;
“Special Meeting”	means a special meeting of the Council convened and held in accordance with section 84 of the Act;
“Standing Orders”	means the provisions of this Local Law;
“Suspension of Standing Orders”	means the suspension of the provisions of this Local Law to facilitate full discussion on an issue without formal constraints;
“Urgent Business”	means a matter that relates to or arises out of a matter which has arisen since distribution of the Agenda for a Council Meeting and cannot safely or conveniently be deferred until the next Ordinary Meeting or Special Committee Meeting;

## 7. **Regard to Further Guidance**

In exercising its powers and functions under this Local Law, the Council may have regard to any guidelines, policies, codes or standards it has adopted for the purpose of the Local Law.

## 8. **Situations and Matters not Addressed**

Where a situation or matter is not addressed in this Local Law, the course of action may be determined by:

- 8.1 the Chair; or
- 8.2 by resolution.

## 9. **Conflicts with the *Local Government Act 1989* and other Acts**

Where any clause of this Local Law conflicts with the *Local Government Act 1989*, or any other Act, that Act has precedence and the clause is inoperative to the extent of the inconsistency.



## **PART B - ELECTION OF MAYOR, DEPUTY MAYOR AND OTHER CHAIRS**

### **10. Election of Mayor**

- 10.1 The Chief Executive Officer shall facilitate the election of the Mayor in accordance with the provisions of the Act and will:
- 10.1.1 convene a Meeting of the Council in accordance with the Act to elect a Mayor; and
  - 10.1.2 chair the Meeting until a Mayor is elected; but
  - 10.1.3 have no voting rights.
- 10.2 The Agenda for the Meeting to deal with the election of the Mayor may also include:
- 10.2.1 the adoption of a Mayoral position description;
  - 10.2.2 the election of a Deputy Mayor, where considered appropriate; and
  - 10.2.3 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.

### **11. Method of Voting**

- 11.1 The election of the Mayor must be carried out by a show of hands at a Meeting that is open to the public.

### **12. Procedure for the Election of the Mayor**

The procedure to be used for the election of the Mayor is as follows:

- 12.1 The Chief Executive Officer shall invite nominations for the office of Mayor and confirm that all nominees are willing to stand. Nominations do not require a seconder.
- 12.2 Where there is only one nomination, the candidate nominated shall be declared elected.
- 12.3 Where there is more than one nomination:
- 12.3.1 those Councillors nominated may address the Council for up to five minutes (with no extension allowed) on their candidacy in the order of their nomination;
  - 12.3.2 after the addresses are complete, those Councillors present at the Meeting shall vote for one of the candidates, where:
    - 12.3.2.1 a candidate receiving a majority of the votes is declared elected;
    - 12.3.2.2 in the event no candidate receives a majority of votes, the candidate with the fewest number of votes is eliminated (and, where more than one of them has the same fewest number of votes, the candidate eliminated is determined by lot);
    - 12.3.2.3 Councillors present at the Meeting shall then vote for one of the remaining candidates;
    - 12.3.2.4 where one of the remaining candidates receives a majority of the votes, he or she shall be declared elected;

- 12.3.2.5 where none of the remaining candidates receives a majority of the votes, the procedure described in sub-clause 12.3.2.2 is repeated;
- 12.3.2.6 voting for the remaining candidates shall be repeated in this way until one of the candidates receives a majority of the votes, or the final two candidates have an equal number of votes;
- 12.3.2.7 where one of the candidates has received a majority of the votes, that candidate is then declared elected;
- 12.3.2.8 where two remaining candidates have an equal number of votes and one of them needing to be declared a defeated candidate, the winner shall be determined by lot.

### **13 Determination by Lot**

- 13.1 In the event two or more candidates have an equal number of votes the outcome will be determined by lot and one of them shall be declared either:
  - 13.1.1 duly elected; or
  - 13.1.2 a defeated candidate;
- 13.2 Where a lot is required, the Chief Executive Officer, or the Mayor (in the case of the election of the Deputy Mayor), shall conduct the lot and the following provisions shall apply:
  - 13.2.1 for every Councillor who receives an equal number of votes and is therefore subject to the lot, an identical piece of paper will be placed in a receptacle.
  - 13.2.2 each candidate will draw one lot from the receptacle;
  - 13.2.3 the order of drawing lots will be determined by the alphabetical order of the surnames of Councillors who received an equal number of votes and, where two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of Councillors' first names; and
    - 13.2.3.1 where the lot is being conducted to determine who is a defeated candidate:
      - 13.2.3.2 the word "Defeated" shall be written on one of the pieces of paper, and
      - 13.2.3.3 the Councillor who draws the paper with the word "Defeated" written on it shall be declared the defeated candidate, and
      - 13.2.3.4 a further vote shall be taken on the remaining candidates; and
  - 13.2.4 where the lot is being conducted to determine which candidate is to be duly elected:
    - 13.2.4.1 the word "Elected" shall be written on one of the pieces of paper; and
    - 13.2.4.2 the Councillor who draws the paper with the word "Elected" written on it shall be declared to have been duly elected.

**14 Election of the Deputy Mayor or Chair of a Special Committee**

The election of a Deputy Mayor or the Chair of a Special Committee will, so far as is practicable, follow the same procedure as that for the election of the Mayor.

**15 Statement by Mayor or Deputy Mayor**

Upon completion of the election process, the Chief Executive Officer shall invite the incoming Mayor and/or Deputy Mayor to address the Council (no time limit applies).

**PART C - MEETING PROCEDURE****DIVISION 1 – Notices of Meetings and Delivery of Agendas****16 Dates and Times of Meetings**

The Council:

- 16.1 shall fix the day, time and place of all Ordinary Meetings by resolution;
- 16.2 may, by resolution at a Meeting, determine or alter the day, time and place of any meeting; and
- 16.3 shall list the Agenda on the Council's external website by Friday prior to the meeting.

**17 Special Meetings**

- 17.1 A Special Meeting may be called in accordance with section 84 of the Act.
- 17.2 Subject to clause 19, the date specified in the notice or resolution calling a Special Meeting must be such as to allow the Council to provide the requisite public notice of a Meeting.
- 17.3 Only the business specified in the notice is to be transacted.
- 17.4 Subject to any resolution providing otherwise, the order of business of any Special Meeting shall be the order in which such business stands in the Agenda for the meeting.
- 17.5 There is to be no provision for Urgent Business at a Special Council Meeting.

**18 Postponement or Cancellation of Meetings**

- 18.1 The Chief Executive Officer or, in his or her absence, a Director may postpone or cancel a Meeting if, in his or her opinion, the content of an Agenda is such that a Meeting is unnecessary.
- 18.2 If a Meeting is postponed or cancelled under sub-clause 18.1, the Chief Executive Officer or Director, as the case may be, must give such notice of that postponement or cancellation as he or she sees fit, provided that all Councillors are notified.

**19 Notice of Meeting**

- 19.1 The Chief Executive Officer shall ensure that the notice of a Meeting is served on every Councillor incorporating or accompanied by an Agenda of the business to be dealt with at least two business days before the Meeting.
- 19.2 The notice for any Meeting must:
  - 19.2.1 state the date, time and place of the Meeting;
  - 19.2.2 state the business to be dealt with at the Meeting; and

19.2.3 be delivered or Sent Electronically to each Councillor.

- 19.3 Once the notice for any Meeting has been distributed, the Agenda may only be amended by a resolution of the Council.

## **DIVISION 2 – Chairing of Meetings**

### **20 Mayor to Chair**

Where the Mayor is present at a Council Meeting, the Mayor shall be the Chair of that meeting.

### **21 Acting Chair in Mayor's Absence**

- 21.1 Where the Mayor is unable to attend a Council Meeting for any reason or is required to vacate the Chair, the Deputy Mayor (if elected) shall be the Acting Chair without resolution.
- 21.2 Where neither the Mayor nor Deputy Mayor are able to attend a Council Meeting for any reason, or neither is able to take the Chair, an Acting Chair shall be elected from among the other Councillors present by way of nomination and resolution.

## **DIVISION 3 – Quorums**

### **22 Inability to Gain a Quorum**

If, after 30 minutes from the scheduled starting time of any Meeting, a quorum cannot be obtained:

- 22.1 those Councillors present; or
- 22.2 if there are no Councillors present; the Chief Executive Officer, or, in the absence of the Chief Executive Officer, a Director,

must adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

### **23 Inability to Maintain a Quorum**

Where during any Meeting or any adjournment of the Meeting:

- 23.1 a quorum is lost and cannot be regained within 30 minutes; or
- 23.2 where there are no Councillors present,

the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Director, must adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

### **24 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 Director, may adjourn the item under consideration to enable dispensation for the affected Councillors to be obtained from the Minister administering the Act.

### **25 Adjournment of Meetings**

- 25.1 Where a quorum is present, without limiting the power of the Chair to adjourn any Meeting, the Council may resolve to adjourn any Meeting and must include the reason for the adjournment in the resolution.

**26 Notice of Adjourned Meeting**

- 26.1 The Chief Executive Officer must provide written notice of a Meeting adjourned under clause 22, 23, 24 or 25 but, where time does not permit written notice to be given, then notice by telephone, in person or by some other means is sufficient, provided every reasonable attempt is made to contact every Councillor.
- 26.2 Such notice shall include the date, time and place to which the Meeting stands adjourned and of the business remaining to be considered.

**DIVISION 4 – Interest and Conflicts of Interest****27 Disclosure**

A Councillor must disclose any interest or conflict of interest in a matter which is to be considered or discussed at a Meeting in accordance with section 79 of the Act.

**DIVISION 5 – Business of Meetings****28 The Order of Business**

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

**29 Chief Executive Officer may include Matters on an Agenda**

The Chief Executive Officer may include any matter on an Agenda that he or she thinks should be considered by the Council at a Meeting.

**30 Urgent Business**

- 30.1 Where the Agenda for an Ordinary Meeting makes provision for Urgent Business, an item must not be admitted as Urgent Business unless:
- 30.1.1 it relates to or arises out of a matter which has arisen since distribution of the Agenda;
  - 30.1.2 it cannot safely or conveniently be deferred until the next Ordinary Meeting; and
  - 30.1.3 the Council resolves to admit the item of Urgent Business.
- 30.2 Urgent Business will not be admitted at a Special Meeting.

**31 Reports of Special and Advisory Committees**

- 31.1 Any Special Committee or Advisory Committee, and any Councillor who is Chair of a Special Committee or Advisory Committee, may submit a report to be presented to the Council for consideration.
- 31.2 Reports must be submitted to the Chief Executive Officer for inclusion on the Agenda 5 business days prior to the Council Meeting.
- 31.3 The procedure for considering a report submitted under this clause 31 will be the same as the procedure for moving a motion, as outlined in clause 42.

**32 Reports from Councillors**

- 32.1 A Councillor may submit a written report for noting only by Council to any Ordinary Meeting on:

- 32.1.1 the business of a Special Committee or other body which the Councillor is a representative of Council; or
  - 32.1.2 a conference or professional development program attended by the Councillor.
- 32.2 A Councillor may make such a report by 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 under clause 19.

## **DIVISION 6 – Minutes**

### **33 Contents of Minutes**

- 33.1 The Chief Executive Officer must keep minutes of each Council Meeting, and those minutes must record:
  - 33.1.1 the date, place, time and nature of the Meeting;
  - 33.1.2 the names of Councillors and whether they are present, an apology on leave of absence or absent;
  - 33.1.3 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;
  - 33.1.4 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;
  - 33.1.5 any declaration on a matter due to conflicting personal interests, including reasons supporting the application;
  - 33.1.6 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
  - 33.1.7 each motion and amendment moved along with the mover and seconder of each motion and amendment;
  - 33.1.8 the outcome of every motion or amendment, including motions and amendments that lapse for the want of a seconder;
  - 33.1.9 where a valid division is called, the names of every Councillor present and the way their vote was cast, either FOR or AGAINST;
  - 33.1.10 details of any failure to achieve or maintain a quorum;
  - 33.1.11 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;
  - 33.1.12 any advance notice of motion given by a Councillor at the Meeting;
  - 33.1.13 the closing of the Meeting to the public and the reasons for the closure;
  - 33.1.14 the names of Council Officers formally in attendance (not including Council Officers who are merely attending as members of the public gallery);
  - 33.1.15 the time at which the Meeting was closed; and

33.1.16 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.

#### **34 Recording of Meetings**

- 34.1 The Chief Executive Officer (or other persons authorised by the Chief Executive Officer) may live stream Council Meetings, except those parts of the Meetings that are closed to the public. The recording of meetings will be in accordance with Council's Live Streaming and Publishing Recordings of Council Meetings Policy.
- 34.2 The audio recording of Council Meetings is to be used solely for minute taking purposes.
- 34.3 Subject to this clause 34.1, the Chair may consent to a person operating a photographic, audio or video recording device at any Council Meeting. Such consent may at any time during the course of such Meeting be revoked by the Chair.

#### **35 Confirmation of Minutes**

At every Ordinary Meeting the minutes of the preceding Council Meeting(s) shall be confirmed by resolution.

- 35.1 A copy of the minutes must be delivered or Sent Electronically to each Councillor no later than 48 hours before the next Ordinary Meeting.
- 35.2 When the confirmation of minutes is called on, the Chair shall ask:  
                   "Is any item of the minutes opposed?"
- 35.3 Where no Councillor indicates opposition, the Chair shall seek a mover and seconder for the confirmation of the minutes.
- 35.4 A Councillor seeking to move or second the motion for confirmation of the minutes must have been in attendance at the Council Meeting that the minutes relate to.
- 35.5 No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the Council Meeting to which they relate is questioned.
- 35.6 Where a Councillor objects to the accuracy of the minutes:
- 35.6.1 he or she must specify the item(s) to which he or she objects;
- 35.6.2 where more than one item is objected to, the items objected to shall be considered separately and in the order in which they appear in the minutes;
- 35.6.3 the Councillor objecting must move a motion clearly outlining the proposed alternative wording to amend the minutes;
- 35.6.4 a seconder for the motion of objection must be sought and found;
- 35.6.5 the mover of the motion of objection may then speak;
- 35.6.6 the seconder of the motion may then speak, or defer his or her right to speak until later in the debate;
- 35.6.7 the motion shall then be opened to debate; and
- 35.6.8 at the conclusion of debate, the motion must be put to the vote.

- 35.7 When all objections to the minutes have been determined, the Chair shall say as necessary:
- " That the minutes be confirmed" or
  - " That the minutes, as amended, be confirmed",
- and the confirmation of the minutes shall be put to the vote.
- 35.8 Once confirmed, minutes must be signed by the Chair of the Ordinary Meeting at which they have been confirmed.

### **36 Deferral of Confirmation of Minutes**

- 36.1 The Council may resolve to defer the confirmation of minutes until later in the Ordinary Meeting or until the next Ordinary Meeting as appropriate.

### **37 Publication of Minutes**

- 37.1 The minutes and video recordings of all Meetings will be published as soon as practicable after the Meeting on the Council's external website.

## **DIVISION 7 – Motions and Debate**

### **38 Chair's Powers and Duties**

The powers and duties of the Chair include the following:

- 38.1 the Chair must ensure the orderly conduct of the Meeting and act to prevent any conduct, question or statement which appears to the Chair to be derogatory, defamatory or embarrassing to any Councillor, Council Officer, ratepayer or member of the public.
- 38.2 The Chair must not accept any motion or amendment, which is:
- 38.2.1 defamatory;
  - 38.2.2 objectionable in language or nature;
  - 38.2.3 vague or unclear in intention;
  - 38.2.4 outside the powers of the Council;
  - 38.2.5 irrelevant to the item of business on the Agenda and has not been admitted as Urgent or other Business; or
  - 38.2.6 purports to be an amendment but is not.
- 38.3 The Chair must ensure that any member of the public addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and take direction from the Chair whenever called on to do so.
- 38.4 The Chair may:
- 38.4.1 during the Meeting alter the order of business for that Meeting;
  - 38.4.2 require any motion to be submitted in writing;
  - 38.4.3 determine the order in which Councillors will speak in debate;
  - 38.4.4 suspend the Meeting while a motion or amendment is being written;
  - 38.4.5 defer a matter until the motion or amendment has been written, allowing the Meeting to proceed uninterrupted;



- 38.4.6 adjourn the Meeting for so long as is necessary where the Chair is required to consider a point of order; and
- 38.4.7 adjourn the Meeting to a later time on the same day, or to some later day as he or she thinks appropriate where the Chair is of the opinion that the Meeting is unruly or disorderly.

### **39 Points of Clarification**

- 39.1 A Councillor may, with the leave of the Chair:
  - 39.1.1 when no other Councillor is speaking, ask any question through the Chair concerning or arising out of an item of business before the Meeting for the purpose of a Point of Clarification; and
  - 39.1.2 before a motion is put, ask for a Point of Clarification from the Chair, or, in the case of a notice of motion, from the Councillor who moved the notice of motion, of the intent or some other aspect of the motion.
- 39.2 When a Point of Clarification is raised, all Councillors are to cease speaking until the Point of Clarification has been resolved.

### **40 Addressing the Meeting**

- 40.1 Any Councillor or person who addresses the Meeting must direct all remarks and debate through the Chair.
- 40.2 Any Councillor or person addressing the Chair should refer to the Chair as:
  - 40.2.1 Mr, or Madam, Mayor; or
  - 40.2.2 Mr, or Madam, Chair,
 as the case may be.
- 40.3 All Councillors, other than the Mayor, should be addressed as Cr (name).
- 40.4 All Council Officers should be addressed as Mrs, Ms, Miss, or Mr (name).
- 40.5 It is not necessary for a Councillor or Council Officer to rise when speaking at a Meeting unless the Chair determines otherwise.

### **41 Interruptions**

- 41.1 A Councillor shall not be interrupted except by the Chair or upon a point of order.
- 41.2 Where a Councillor is interrupted by the Chair or upon a point of order, he or she shall remain silent until the Chair has ceased speaking.
- 41.3 A Councillor must not digress from the subject matter of the motion or business under discussion.

### **42 Moving a Motion**

The procedure for moving any motion is as follows:

- 42.1 the mover must read out the motion in full or state that they:
  - “move the recommendation as a motion as printed on page ....” or  
(where the motion is not a recommendation of a Council Officer)  
“move the motion as follows.....”;
- 42.2 the motion must be seconded by a Councillor other than the mover;
- 42.3 if a motion is not seconded it will lapse for want of a seconder;

- 42.4 if the motion is seconded, the mover then addresses the Council on the motion;
- 42.5 the seconder then addresses the Council on the motion;
  - 42.5.1 the Chair must then ask:  
“is the motion opposed?”
  - 42.5.2 where any Councillor indicates opposition, the Chair will invite Councillors to debate the motion, commencing with those opposed and following with those in support of the motion;
  - 42.5.3 where no Councillor indicates opposition, the Chair must provide an opportunity for Councillors to speak in turn as they desire; and
- 42.6 the motion is then put to the vote.

### **43 Alteration of Motions**

- 43.1 The wording of a motion before the Chair may be modified, with the approval of the mover and seconder and the consent of the Chair.
- 43.2 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.

### **44 Moving an Amendment**

- 44.1 A motion which has been moved and seconded, but not put to the vote, may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 44.2 An amendment should only seek to make the original motion clearer to the Meeting and must not change the intent or material impact of the original motion.
- 44.3 An amendment may be moved at any time prior to a motion being put to the vote.

### **45 Who May Propose an Amendment**

- 45.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 45.2 A Councillor may not move more than two amendments in succession.

### **46 Who May Debate an Amendment**

- 46.1 A Councillor may address the Meeting once on any amendment, whether or not they have spoken to the original motion.
- 46.2 Debate on an amendment shall be confined to the terms of the amendment.

### **47 How Many Amendments may be Proposed**

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

**48 An Amendment Once Carried**

- 48.1 If the amendment is carried:
  - 48.1.1 the amendment is declared carried;
  - 48.1.2 the amended motion becomes the motion before the Meeting; and
  - 48.1.3 no further action is taken on the original motion.
- 48.2 If the amendment is not carried:
  - 48.2.1 the amended motion is declared lost; and
  - 48.2.2 the original motion continues as the motion before the Meeting.

**49 Speaking to a Motion or an Amendment**

- 49.1 Councillors may only speak once on any motion or amendment, except that the mover of a motion may exercise a right of reply after debate on a motion or amendment that was opposed.
- 49.2 The right of reply must only address issues raised in the debate.
- 49.3 If no Councillor has spoken for or against the motion, the mover does not have a right of reply.
- 49.4 Nothing in clause 49.1 prevents a Councillor from calling a Point of Order or Point of Clarification.
- 49.5 After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

**50 Lost Motion**

- 50.1 If a motion is lost, including a notice of motion, a similar motion cannot be put before the Council for at least three calendar months from the date it was lost, unless a motion is foreshadowed during debate.
- 50.2 Nothing in this clause shall prevent the Chair from calling for a further motion to be moved and seconded to enable the Council to adopt a resolution on a matter under consideration.

**51 Chair May Speak**

- 51.1 The Chair may address a Meeting upon any matter under discussion, speaking in favour or opposing a motion.
- 51.2 The Chair should not move any motion or amendment. Where the Chair wishes to move a motion or amendment, they must vacate the Chair for the duration of the item under discussion.
- 51.3 Where the Chair chooses to vacate the Chair for a particular item, the Deputy Mayor will assume the Chair.
- 51.4 Where the Deputy Mayor is not present, or declines to take the Chair, a temporary Chair elected by resolution shall take the Chair until such item has been voted on.

**52 Right of Reply**

- 52.1 The mover of an opposed motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate.

- 52.2 The mover of a motion must not introduce new information when exercising any right of reply.

### **53 Withdrawal of Motions**

- 53.1 Before any motion or amendment is put to the vote it may be withdrawn with Consent of the Chair
- 53.2 The Chair may ask if any Councillor wishes to move a new motion.

### **54 Separation of Motions**

Where a motion contains more than one part:

- 54.1 a Councillor may request to put the motion to the vote in separate parts; or
- 54.2 the Chair may decide to put any motion to the vote in separate parts.

### **55 Debate must be Relevant to the Motion**

Debate must always be relevant to the motion before the Meeting and, if it is not, the Chair shall request the speaker to confine debate to the motion.

### **56 Speaking Times**

- 56.1 A Councillor shall not speak longer than:
- 56.1.1 5 minutes on any motion or amendment; and
- 56.1.2 3 minutes as the mover of a motion exercising a right of reply.
- 56.2 No extension will be allowed to the speaking time.

### **57 Foreshadowing Motions**

- 57.1 At any time during debate, a Councillor may foreshadow a motion so as 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 right to the foreshadowed motion.
- 57.2 The Councillor is not required to announce what the motion is, just state that they foreshadow a motion.
- 57.3 A foreshadowed motion will only be considered if the original motion is lost.
- 57.4 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.

### **58 Speaking by Chief Executive Officer and/or Council Officers**

The Chief Executive Officer or another Council Officer must not speak on any motion unless invited by the Chair in relation to a Question, Point of Order or Point of Clarification.

## **DIVISION 8 – Notice of Motion**

### **59 Councillors may Submit Notices of Motion.**

- 59.1 Councillors may submit a Notice of Motion on the form approved by the Chief Executive Officer for inclusion on the Agenda of an Ordinary meeting.
- 59.2 Notices of Motion are to be submitted to the Chief Executive Officer no later than 5 full Business Days prior to the Ordinary Meeting at which it is to be listed on the Agenda.

59.3 During the election caretaker period, no Notices of Motion will be accepted.

## **60 Procedure**

- 60.1 A Notice of Motion form must be completed, signed by the submitting Councillor and be lodged with the Chief Executive Officer in accordance with Clause 59.
- 60.2 If the Notice of Motion is submitted in accordance with this Local Law the Notice of Motion shall be included in the Agenda for the next Ordinary Meeting or such later Ordinary Meeting that is specified in the Notice of Motion.

## **61 Rejection of Notice of Motions**

- 61.1 The Chief Executive Officer must not accept any Notice of Motion which is:
- 61.1.1 defamatory;
  - 61.1.2 objectionable in language or nature;
  - 61.1.3 vague or unclear in intention;
  - 61.1.4 outside the powers of the Council; or
  - 61.1.5 similar in form or substance to a Notice of Motion which has been put to a vote and LOST in the preceding months.
- 61.2 The Chief Executive Officer will however:
- 61.2.1 notify the Councillor who lodged the Notice of Motion of the rejection and reasons for the rejection; and
  - 61.2.2 give the Councillor who lodged the Notice of Motion an opportunity to amend it, where it is practicable to do so, in accordance with the provisions of this Local Law.

## **62 Listing Notices on an Agenda**

- 62.1 Unless the Notice of Motion specifies a particular Ordinary Meeting date, the Chief Executive Officer shall list the Notice of Motion and, where there is more than one, in the order they were received, on the next appropriate Agenda.
- 62.2 A Notice of Motion cannot be accepted by the Chair unless it has been listed on the Agenda for the Ordinary Meeting at which it is proposed to be moved.

## **63 Register of Notices**

- 63.1 The Chief Executive Officer shall keep a register of 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.
- 63.2 Except by resolution of the Council, each Notice of Motion before any Ordinary Meeting shall be considered in the order in which they were entered in the Notice of Motion Register.

## **64 May be Moved by any Councillor**

- 64.1 Where a Councillor who has submitted a Notice of Motion is absent from the Ordinary Meeting or fails to move the motion when called upon by the Chair, any other Councillor present may move the motion.

**65 Must be Moved as Listed and may be Amended**

- 65.1 A Notice of Motion must be moved in the form of words listed in the Agenda and requires a seconder.
- 65.2 Where a Notice of Motion has been submitted but is not moved at the relevant meeting, the Notice of Motion lapses.
- 65.3 A Notice of Motion may be amended in accordance with Clause 44.

**DIVISION 9 – Notice of Amendment or Rescission of Carried Motions****66 Notice of Amendment or Rescission**

- 66.1 A Councillor may propose a motion to amend or rescind a previous resolution of the Council provided that:
  - 66.1.1 the resolution proposed to be amended or rescinded has not been acted on;
  - 66.1.2 the effect of rescinding the resolution will not place the Council at significant legal, financial or other risk, including non-compliance with statutory obligations; and
  - 66.1.3 a notice is in writing and delivered to the Chief Executive Officer in accordance with the provisions of this Local Law pertaining to Notices of Motion in Division 8, setting out:
    - 66.1.3.1 the resolution to be rescinded; and
    - 66.1.3.2 the Meeting and date when the resolution was made.
- 66.2 Unless any Councillor gives notice at a Meeting that she or he intends to move a notice of amendment or rescission in relation to a resolution made at that Meeting, the Chief Executive Officer or another Council Officer may implement the resolution at any time after the close of the Meeting at which the resolution was made.
- 66.3 A resolution will be deemed to have been acted on where:
  - 66.3.1 it has been formally communicated to a person who is materially affected by or reliant upon it; or
  - 66.3.2 a statutory process has been commenced, so as to vest enforceable rights in or obligations on the Council or any other person.

**67 Rejection of Notice Where Decision Acted Upon**

The Chief Executive Officer must reject any notice of amendment or rescission which relates to a resolution of the Council which has been acted on.

**68 When Not Required**

Where the Council intends to review, amend or update its policies, a notice of amendment or rescission of an earlier resolution adopting those policies is not required. The new resolution, despite being inconsistent with the earlier resolution, reflects the Council's changed policy position and does not rescind or amend the earlier resolution.

**69 Listing Notices on an Agenda**

- 69.1 The Chief Executive Officer shall list the notice of amendment or rescission and, where there is more than one, in the order they were received, on the

next appropriate Agenda, together with a brief report outlining the criteria under which a resolution may be amended or rescinded.

- 69.2 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.

## **70 Register of Notices**

The Chief Executive Officer shall cause all notices of amendment or rescission to be sequentially numbered, dated and entered in the Notice of Motion Register, in the order in which they were received.

## **71 May be Moved by any Councillor**

- 71.1 Where a Councillor who has given a notice of amendment or rescission is absent from the Council Meeting, or fails to move the motion when called upon by the Chair, any other Councillor present may move the motion.
- 71.2 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.

## **72 Cannot be Amended**

A notice of amendment or rescission cannot be amended.

## **73 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.

## **DIVISION 10 – Laying a Motion on the Table**

### **74 Laying a Motion on the table**

Any motion which has been moved and seconded but not put to the vote may be laid on the table to be heard at the next Ordinary Meeting.

### **75 Guidelines for Laying a Motion on the table**

- 75.1 Any motion may be laid on the table except:
- 75.1.1 by the mover or seconder of the motion; or
  - 75.1.2 by any Councillor who has spoken to the motion.
- 75.2 The motion cannot be laid on the table during the election of the Chair or if it would cause Council to be in breach of a legislative requirement or obligation.
- 75.3 The motion must not be further discussed or voted on until Council resolves to take the motion from the table.

## **DIVISION 11 – Points of Order**

### **76 Points of Order**

- 76.1 A Point of Order may be raised at a Meeting in relation to:
- 76.1.1 a Motion that should not be accepted by the Chair on the basis of clause 38;

- 76.1.2 a Councillor who is or appears to be out of order;
- 76.1.3 any act of disorder including the following:
  - 76.1.3.1 interjecting when another person is speaking, except, in the case of a Councillor, to raise a point of order;
  - 76.1.3.2 making comments that are defamatory, malicious, abusive or offensive;
  - 76.1.3.3 refusing to leave the Council Chamber when requested, ordered or directed to do so by the Chairperson in accordance with the Local Law; and
  - 76.1.3.4 engaging in any other conduct which prevents the orderly conduct of the Meeting;
- 76.1.4 an error in fact;
- 76.1.5 objectionable/offensive language;
- 76.1.6 a lack of relevance to the motion before the Council; or
- 76.1.7 an act that is outside the powers of a Councillor or the Council.
- 76.2 A Point of Order may be raised by any Councillor, by stating the words “point of order”.
- 76.3 A Point of Order may be raised at any time, including when the Chair or another Councillor is speaking.
- 76.4 When a Point of Order is raised, all Councillors shall cease speaking and come to order, while the Point of Order is determined.
- 76.5 When asked by the Chair a Councillor raising a point of order must state -
  - 76.5.1 the Point of Order; and
  - 76.5.2 the reason for the Point of Order.
- 76.6 Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a Point of Order.
- 76.7 The Chair will decide all Points of Order without entering into any discussions or comment.
- 76.8 The Chair may adjourn the Meeting to consider a Point of Order otherwise he or she must rule on it as soon as it is raised.
- 76.9 All other matters before the Council will be suspended until the Point of Order is decided. The Chair shall, without entering into discussion or debate:
  - 76.9.1 decide all Points of Order by stating the Point of Order is either ‘upheld’ or ‘lost’; and
  - 76.9.2 state the provision, rule, practice or precedent which he or she has relied upon to determine the Point of Order raised.

## **77 Dissent From Chair’s Ruling**

A motion of dissent in the Chair’s decision on a Point of Order must, if seconded, be given priority to all other items of business and a substitute Chair must be elected to preside while the motion is being considered.

- 77.1 The substitute Chair must put questions relative to the decision to the Chair first, and then to the mover of the motion.



- 77.2 The substitute Chair must conduct a debate on the Chair's ruling, and the matter must be decided by a majority vote.
- 77.3 The Chair must then resume the Chair for the remainder of the Meeting.

## **DIVISION 12 - Voting**

### **78 How Motions are Determined**

- 78.1 To determine a motion before a Meeting, the Chair must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the motion as either carried or lost. Unless the Council resolves otherwise, voting on any matter is by show of hands.
- 78.2 For the purpose of determining the result of a vote and in a Division, a Councillor attending the Meeting who does not vote is to be taken to have voted against the question.

### **79 Recount of Vote**

The Chair may direct that a vote on any motion be recounted as many times as necessary for him or her to be satisfied as to the outcome.

### **80 Procedure For A Division**

- 80.1 Immediately after any motion is put to a vote and before the next item of business has commenced, a Councillor may call for a Division.
- 80.2 When a Division is called for, the vote already taken must be treated as set aside and the Division shall decide the motion or amendment.
- 80.3 A Councillor must only vote once.
- 80.4 When a Division is called for, the Chair must:
- 80.4.1 ask for a show of hands by those Councillors wishing to vote for the motion and state the names of those Councillors;
  - 80.4.2 ask for a show of hands by those Councillors wishing to vote against the motion and state the names of those Councillors; and
  - 80.4.3 declare the result of the Division.
- 80.5 In addition to the outcome of the Division, the names of all Councillors who:
- 80.5.1 voted for the motion;
  - 80.5.2 voted against the motion; and
- must be recorded in the official minutes of the Meeting.

### **81 No Discussion Once Declared**

- 81.1 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.
- 81.2 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.

## **DIVISION 13 – Petitions**

### **82 Petitions**

- 82.1 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.
- 82.2 With the consent of the Chair, any Councillor may table a petition not listed on the Agenda for an Ordinary Meeting.
- 82.3 Unless the Council agrees to deal with it earlier, no motion other than a motion to receive and note may be made on any petition until the next Ordinary Meeting after that at which it has been presented or tabled.
- 82.4 Where a Councillor presents or tables a petition on behalf of the petitioners, that Councillor must understand the purpose of the petition and be satisfied that it does not contain language disrespectful to the Council or individuals and that the contents or actions proposed do not violate any law.
- 82.5 Every petition presented to or tabled before the Council shall be in writing (other than in pencil), typed or printed, contain the request of the petitioners or signatories, and be signed by at least 20 people.
- 82.6 Every petition must:
- 82.6.1 clearly state the full name and address of every signatory; and
  - 82.6.2 be signed (other than pencil) by the persons whose names and addresses are appended to it with their signatures or marks and except in cases of incapacity or sickness, by no one else.
- 82.7 Where a petition contains more than one page bearing the details and signature of at least one petitioner or writer, each page shall contain the request.
- 82.8 The Council may by resolution accept electronic petitions received via online websites if it is satisfied that the petition is authentic from a legitimate website.

## **DIVISION 14 – Conduct and Discipline**

### **83 Objectionable Remark**

- 83.1 The Chair may require a Councillor to withdraw any remark which is considered by the Chair to be defamatory, indecent, abusive, offensive, disorderly, or objectionable in language, substance or nature and to apologise to the satisfaction of the Chair, when called upon by the Chair to do so.
- 83.2 A Councillor required to withdraw a remark and apologise shall do so immediately without qualification or explanation.

### **84 Suspensions**

By resolution, the Council may suspend from a Meeting, and for the balance of the Meeting, any Councillor whose actions have disrupted the business of the Council, and have impeded its orderly conduct. An appropriate motion would be:

“I move that Councillor (name) be suspended for the balance of this Meeting”.

**85 Gallery to be Silent**

- 85.1 Members of the public must not interject or take part in the debate.
- 85.2 Silence must be preserved in the public gallery at all times.

**86 Improper and Disorderly Conduct**

- 86.1 The Chair shall call to order any member of the public who is disruptive or unruly during any Meeting.
- 86.2 Where any member of the public 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 the Meeting.
- 86.3 Any member of the public who is ordered by the Chair to leave the Meeting shall leave the Meeting when requested to do so.

**87 Removal from Meeting**

The Chair, or the Council in the case of a suspension, may ask the Chief Executive Officer or Council Officer or a member of the Victoria Police to remove from the Chamber any person whom the Chair, or the Council in the case of a suspension, has ordered to be removed from the public gallery under this Local Law.

**88 Chair May Adjourn Disorderly Meeting**

Where the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council 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.

**DIVISION 15 – Suspension of Standing Orders****89 Suspension of Standing Orders**

- 89.1 To expedite or otherwise facilitate the business of a Meeting, standing orders may be suspended by resolution of the Council.
- 89.2 The purpose of suspension is to enable the formalities of meeting procedure to be temporarily set aside while an issue is discussed. The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of the Council. An appropriate motion for the suspension of standing orders may be:  
  
"I move that standing orders be suspended to enable discussion on..."
- 89.3 Once the discussion has taken place and before any motions can be put, standing orders must be resumed by further resolution of the Council. An appropriate motion to resume standing orders would be:  
  
"I move that standing orders be resumed."
- 89.4 Standing Orders do not need to be suspended to allow discussion for the purposes of clarification during Public Question Time.

**90 No Motions Allowed During Suspension**

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

## **DIVISION 16 - Special Committees**

### **91 Application Generally**

- 91.1 Where the Council establishes a Special Committee, all of the provisions of Parts A - C of this Local Law shall apply with any necessary modifications or adaptations.
- 91.2 For the purposes of clause 91.1, a reference in Parts A - C of this Local Law to:
- 91.2.1 a Council Meeting is to be read as a reference to a meeting of the Special Committee;
  - 91.2.2 a Councillor is to be read as a reference to a member of the Special Committee; and
  - 91.2.3 the Mayor is to be read as a reference to the Chair of the Special Committee.

### **92 Application Specifically**

Notwithstanding clause 91, where the Council establishes a Special Committee:

- 92.1 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
- 92.2 the Special 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, or the Special Committee, with the approval of the Council, resolves otherwise.

## **PART D – PUBLIC QUESTION TIME**

### **93 Public Question Time to be Held**

The Council will hold a Public Question Time during each Ordinary Meeting, to enable members of the public to receive answers to questions previously submitted for consideration.

### **94 Submission of Questions**

Questions submitted to the Council must be:

- 94.1 in writing, containing the name, address and email or contact telephone number of the person submitting the question;
- 94.2 be in a form approved or permitted by the Council;
- 94.3 addressed to the Chief Executive Officer; and
- 94.4 submitted no later than 4.00pm on the day which is at least 5 clear Business Days prior to the next Ordinary Meeting by:
  - 94.4.1 letter to Locked Bag 1000, Shepparton Victoria 3632;
  - 94.4.2 email to [questiontime@shepparton.vic.gov.au](mailto:questiontime@shepparton.vic.gov.au); or
  - 94.4.3 hand delivery to the Council's Office at 90 Welsford Street Shepparton.

**95 Question Guidelines**

- 95.1 No more than two questions will be accepted from any one person at any one Ordinary Meeting.
- 95.2 Questions may be submitted on any matter, but the Chief Executive Officer may refuse to accept any question which, in his or her opinion:
- 95.2.1 relates to a matter outside the duties, functions and powers of the Council;
  - 95.2.2 malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
  - 95.2.3 relates to a matter which has previously been addressed at a Council Meeting; or
  - 95.2.4 relates to any matter which Council is permitted to consider in a Meeting that is closed to the public under section 89(2) of the Act.
- 95.3 Where the Chief Executive Officer does not accept any question, the person who submitted the question is to be informed, both verbally and in writing, of the reason or reasons why their question was not accepted.
- 95.4 Copies of all questions allowed by the Chief Executive Officer will be provided in writing to all Councillors.
- 95.5 A 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.
- 95.6 Only the question will be read out at the Council Meeting. Any background information or comments will not be read out or heard in the Meeting.
- 95.7 The question and response will be printed in the minutes of the Meeting at which they were asked and answered.

**96 Question Time Procedure**

- 96.1 The Chief Executive Officer will read:
- 96.1.1 each question submitted and accepted; and
  - 96.1.2 the response to each question.
- 96.2 No question will be read unless:
- 96.2.1 the person who submitted the question, or their representative, is in the public gallery at the time it is due to be read; or
  - 96.2.2 the Chief Executive Officer determines it should be read in any event; or
  - 96.2.3 all questions and answers shall be as brief as possible, and no discussion shall be allowed other than:
    - 96.2.4 at the Chair's discretion; and
    - 96.2.5 for the purposes of clarification.
- 96.3 Standing Orders do not need to be suspended to allow discussion for the purposes of clarification.

**PART E - COMMON SEAL**

**97 Council's Common Seal**

- 97.1 Council may, by resolution, authorise the use of the Common Seal.
- 97.2 The Chief Executive Officer must:
  - 97.2.1 ensure the security of the Council's common seal at all times; and
  - 97.2.2 maintain a register of documents to which the Common Seal has been affixed.
- 97.3 Every document to which the Common Seal is affixed must be signed by the Chief Executive Officer with the Council's Sealing clause:

The Common Seal of the City of Greater Shepparton was )  
 hereunto affixed in the presence of: )  
 )

.....  
 Chief Executive Officer

This .....day of..... 20.....

The Common Seal of the City of Greater Shepparton was hereunto affixed in the presence of: )  
)  
)

.....  
Chief Executive Officer

This .....day of.....20.....

Resolution for the making of Local Law No. 2 was agreed to by Council on # date # .

Notice of the making of the Local Law was published in the Government Gazette on # date #