

GREATER SHEPPARTON CITY COUNCIL

LOCAL LAW NO. 2

Processes of Local Government (Meetings and Common Seal)

Date Resolved By the Council: 5 May 2009

Commencement Date: 15 May 2009

Review Date: 15 May 2019

Revocation Date:

Responsible Directorate: Corporate and Economic Development

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PART A - INTRODUCTION

1. Title

This Local Law is the Greater Shepparton City Council's Local Law No. 2, "Processes of Local Government (Meetings and Common Seal)". 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;
- 2.3 regulate and control the use of the common seal; and
- 2.4 prohibit unauthorised use of the common seal or any device resembling 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 10th anniversary of the day on which it commenced operation.

5. Revocation of Local Law No. 4

On the commencement of this Local Law, Council's Local Law No. 4 "Processes of Local Government (Meetings and Common Seal)" adopted on 6 April 2004, is revoked.

6. Definitions of Words used in this Local Law

In this Local Law:

"Act"	means the <i>Local Government Act 1989</i> ;
"Advisory Committee"	means an advisory committee established by the Council under section 86(1) or section 139 of the Act;
"Advisory Committee Meeting"	means a meeting of an Advisory Committee
"agenda"	means the notice of a meeting setting out the business to be transacted at the meeting;
"assembly of councillors"	has the same meaning as defined in the Act;
"authorised officer"	means a member of the Council staff who is authorised by the Council to carry out specific functions under this Local Law;

"Chair"	means the Chair of a Council Meeting, Special Committee Meeting and Advisory Committee Meeting, and includes an acting, a temporary and a substitute Chair;
"Chief Executive Officer"	means the Chief Executive Officer of the Council or in his or her absence, the person temporarily acting in the role;
"closure"	means a way of ending a debate and causing a vote to be taken straight away on the matter being discussed, even though some members may still wish to speak;
"common seal"	means the common seal of the Council;
"Council"	means the Greater Shepparton City Council;
"Councillor"	means a person who is an elected member of the Council;
"Council Meeting"	includes a meeting at which the Mayor is elected, an Ordinary Meeting and a Special Meeting;
"Council Officer"	means a person who is employed by the Council;
"delivered"	means shall be sent by post, email, facsimile or otherwise delivered to each Councillor's place of business (where applicable) or as otherwise specified by Councillors:
"division"	means a formal count of those for and those against a motion generally to remove any doubt as to whether the motion is supported or opposed;
"general business"	means business of a minor or routine nature;
"leave of Council"	means a Councillor seeks the permission of the Council 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 motion must be sought;
"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, a Special Committee Meeting or an Advisory Committee Meeting;
"member of the public"	means any person (other than a Councillor, member of a Special Committee, or Council Officer) who is in attendance at a Council Meeting, an Advisory Committee Meeting or a Special Committee Meeting; and
"municipal district"	means the City of Greater Shepparton;
"notice of motion"	means a notice setting out the text of a motion, which is proposed to be moved at the next relevant meeting;
"notice of rescission"	means a notice of motion to rescind a resolution made by the Council;

"offence"	means an act or default contrary to this Local Law;
"Ordinary Meeting"	means any meeting of the Council which is not a Special Meeting or at which the Mayor is elected;
"penalty units"	mean penalty units as prescribed in section 110(2) of the <i>Sentencing Act 1991</i> ;
"procedural motion"	means a motion which relates to a procedural matter only and which is not designed to produce any substantive result, but used merely as a formal procedural measure;
"quorum"	means the minimum number of members of the Council, a Special Committee or an Advisory Committee required by this Local Law to be present in order to constitute a valid meeting of the Council or that committee;
"replica"	in relation to the common seal of the Council means any representation which purports to be, looks like or is capable of being mistaken for the common seal whether fixed to or printed on a document or advertisement or sign, and includes any use of a symbol resembling the common seal which is capable of misleading a person into believing it is used with the authority of the Council;
"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 and cannot safely or conveniently be deferred until the next Ordinary Meeting or Special Committee Meeting;
"written"	includes duplicated, lithographed, photocopied, printed, and typed, including by electronic means such as email or facsimile.

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 Council may determine a course of action by resolution.

9. Conflicts with the *Local Government Act 1989*

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

PART 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; 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, in accordance with section 63 of the Act.

11. Method of Voting

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

12. Procedure for the Election of the Mayor

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

- 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 on their candidacy in the order of their nomination, and then:
 - 12.3.2 those Councillors present at the meeting shall vote for one of the candidates;
 - 12.3.2.1 a candidate receiving an absolute majority of the votes is declared elected;
 - 12.3.2.2 in the event no candidate receives an absolute majority of votes, the candidate with the fewest number of votes is eliminated (and where more than one of them, 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 an absolute majority of the votes, he or she shall be declared elected;

- 12.3.2.5 where none of the remaining candidates receives an absolute majority of the votes, the procedure described in clause 12.3.2.2 is again applied;
- 12.3.2.6 voting for the remaining candidates shall be repeated in this way until one of the candidates receives an absolute 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 an absolute majority of votes, that candidate is then declared elected;
- 12.3.2.8 where two remaining candidates have an equal number of votes, 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 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:
 - 13.2.3.1.1 the word "Defeated" shall be written on one of the pieces of paper, and
 - 13.2.3.1.2 the Councillor who draws the paper with the word "Defeated" written on it shall be declared the defeated candidate, and
 - 13.2.3.1.3 a further vote shall be taken on the remaining candidates;
 - 13.2.3.2 where the lot is being conducted to determine which candidate is to be duly elected:
 - 13.2.3.2.1 the word "Elected" shall be written on one of the pieces of paper, and
 - 13.2.3.2.2 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 (where considered appropriate) or the Chair of a Special Committee will follow the same procedure as that for the election of the Mayor.

15. Statement by Mayor and Deputy Mayor

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

PART 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 an Ordinary Meeting or a Special Meeting, determine or alter the day, time and place of any meeting; and
- 16.3 shall provide at least seven days public notice before the holding of any:
 - 16.3.1 Ordinary Meeting,
 - 16.3.2 Special Meeting, or
 - 16.3.3 meeting of a Special Committee comprised solely of Councillors.

17. Special Meetings

- 17.1 A Special Meeting may be called by:
 - 17.1.1 the Mayor or at least three Councillors providing a written notice to the Chief Executive Officer; or
 - 17.1.2 a resolution of the Council
- 17.2 The notice or resolution shall specify the date and time of the Special Meeting and the business to be transacted.
- 17.3 Subject to clause 18, the date specified in the notice or resolution must be such as to allow the Council to provide the seven days public notice of a meeting specified in clause 16.3.
- 17.4 Subject to clause 17.3, the Chief Executive Officer must convene the Special Meeting as specified in the notice.
- 17.5 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice is to be transacted.
- 17.6 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.

18. Special (Emergency) Meetings

- 18.1 In the case of an emergency, the Chief Executive Officer or, in his or her absence, a senior officer, may call or postpone a meeting of the Council without the necessity to comply with clauses 16 and 17 provided reasonable attempts are made to notify every Councillor.
- 18.2 The circumstances which prevented the Council from complying with clauses 16 and 17 must be recorded in the minutes of any Special (Emergency) Meeting.

19. Notice of Meeting

- 19.1 The Chief Executive Officer shall ensure that the notice of meeting is served on every Councillor incorporating or accompanied by an agenda of the business to be dealt with:

- 19.1.1 for an Ordinary Meeting or a Special Meeting, at least two business days before the meeting; and
- 19.1.2 for a Special (Emergency) Meeting at least 24 hours before the meeting.
- 19.2 The notice on agenda for any meeting must state:
 - 19.2.1 the date, time and place of the meeting;
 - 19.2.2 the business to be dealt with at the meeting; and
 - 19.2.3 shall be sent by post, email, facsimile or otherwise delivered to each Councillor's place of residence or usual place of business (where applicable) or as otherwise specified by Councillors.
- 19.3 Once the notice on agenda 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.
- 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.

DIVISION 3 – Quorums

22. Council Meetings, Special Committee Meetings & Advisory Committee Meetings

- 22.1 The quorum for Council Meetings is the presence of a majority of Councillors. Currently, the Council is comprised of seven Councillors and a quorum is four Councillors.
- 22.2 The quorum for Special Committee Meetings and Advisory Committee Meetings is the presence of a majority of the members of that committee.

23. Inability to Gain a Quorum or maintain

Where after 30 minutes from the scheduled starting time of any meeting a quorum cannot be obtained those Councillors present, or where there are no Councillors present, the Chief Executive Officer, or in the absence of the Chief Executive Officer, a senior officer may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

24. Inability to Maintain a Quorum

Where during any meeting or any adjournment of the meeting, a quorum cannot be maintained those Councillors present; or where there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a senior

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

25. Inability to Gain or Maintain a Quorum due to Conflicts of Interest

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

26. Adjournment of Meetings

Where a quorum is present, the Council may resolve to adjourn any meeting and must include the reason for the adjournment in the resolution.

27. Notice of Adjourned Meeting

- 27.1 The Chief Executive Officer must provide written notice of a meeting adjourned under clause 23, 24, 25 or 26 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.
- 27.2 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 –Conflicts of Interest and Conflicting Personal Interests

28. Determination

The determination of a conflict of interest is a matter for individual Councillors to consider, having due regard for:

- 28.1 the direction provided in the Act; and
- 28.2 any legal advice obtained by the individual Councillor.

29. Declaration

- 29.1 At any meeting, Councillors must declare all conflicts of interest:
- 29.1.1 at the beginning of a Council Meeting (except where the conflict of interest relates to a matter which will be considered in a Council Meeting closed to the public in accordance with the Act): and
- 29.1.2 immediately prior to consideration of the matter which gives rise to the conflict of interest whether or not a declaration has been made under clause 29.1.1.
- 29.2 Where any Councillor has made a declaration in accordance with clause 29.1.1, the Chair should pause after announcing any matter in relation to which a declaration has been made, to allow a declaration to be made in accordance with clause 29.1.2, prior to consideration of the matter.
- 29.3 A failure by the Chair to apply clause 29.2 does not remove any obligation on an individual Councillor to make a declaration in accordance with the Act.

30. Conflicted Councillors must Comply with the Act

While any matter in which a Councillor has declared a conflict of interest is being considered or voted upon, that Councillor must conform to the conflict of interest provisions specified in the Act.

31. Conflicting Personal Interests

31.1 In some circumstances, a Councillor may not have a conflict of interest as defined under the Act, but she or he may consider that he or she has a personal interest in a matter which conflicts with her or his public duty in relation to that matter. In this circumstance, a Councillor may apply to the Council to be exempted from voting on the matter.

31.2 When a Councillor applies for an exemption from voting on a matter, the Mayor must put a motion seeking such an exemption, on behalf of the Councillor making application. No seconder is required for a motion to grant an exemption from voting. An appropriate motion for seeking an exemption from voting may be:

"I move that Councillor (name) be granted an exemption from voting on (matter)"

31.3 Once the Councillor's application has been determined, he or she must conform with the requirements of the Act as they relate to the determination made.

DIVISION 5 – Business of Meetings**32. The Order of Business**

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

32.2 Although the preparation should aim at consistent agendas from meeting to meeting, this should not preclude altering the order of business to enhance the fluent and open process of government of the Council to meet identified needs of the Council or to take advantage of opportunities that may arise from time to time.

32.3 In determining the agenda, the Chief Executive Officer shall consider:

32.3.1 the general attitude of the Council;

32.3.2 the convenience to and interests of the community and community groups, particularly in relation to the administration of the municipal district;

32.3.3 the sensitivity of issues;

32.3.4 any other relevant factor which may impact on the fluent and open processes of the government of the Council.

33. Change to Order of Business

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

34. Chief Executive Officer may include Matters on an Agenda

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

35. Urgent and Other Business

Where the agenda for an Ordinary Meeting or Special Meeting makes provision for urgent and other business, business which is not listed in the agenda may only be raised by a resolution of the Council. Business shall not be admitted unless it:

- 35.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and
- 35.2 the matter cannot safely or conveniently be deferred until the next Ordinary Meeting or Special Meeting; and
- 35.3 in the case of a Special Meeting, all Councillors are present at the meeting and unanimously resolve to consider the matter.

36. Correspondence Inward

- 36.1 Correspondence addressed to any Councillor personally which requires a decision of, or a direction from the Council must be referred by that Councillor to the Chief Executive Officer.
- 36.2 No correspondence shall be read in full at any Council Meeting unless the Council resolves to do so.

37. Presentation of Staff Reports

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

38. Reports of Committees

- 38.1 Any report of a Special Committee or Advisory Committee must:
 - 38.1.1 contain a recommendation or recommendations to the Council, and
 - 38.1.2 be included in the agenda for the next convenient meeting of the Council.
- 38.2 A report from any Special Committee or Advisory Committee must be adopted by resolution of the Council before its recommendations can be acted upon.
- 38.3 The procedure for considering a report of a Special Committee or Advisory Committee will be the same as the procedure for moving a motion, as outlined in clause 51.
- 38.4 Upon the adoption of a report by the Council, each recommendation contained in the report as adopted becomes a resolution of the Council.

39. Reports from Delegates

- 39.1 A Councillor who is a delegate to another body may make a written or verbal report to any Ordinary meeting on the business of that body.
- 39.2 A Councillor may make such a report by:

- 39.2.1 submitting a written report to the Chief Executive Officer in sufficient time for him or her to include it in an agenda and issue the notice of meeting required under clause 19, or
 - 39.2.2 advising the Chief Executive Officer in writing of his or her intention to deliver a verbal report in sufficient time for the Chief Executive Officer to include it in an agenda and issue the notice of meeting required under clause 19, or
 - 39.2.3 seeking the leave of the Council to table a written report or make a verbal report at the appropriate time during an Ordinary meeting.
- 39.3 A Councillor may speak to a report which she or he has submitted or tabled.
- 39.4 Where a Councillor makes a verbal report or speaks to a written report, the requirements of clauses 68, 69, 70 and 71 are to be applied as if the report were a motion.

40. Production of Documents

- 40.1 A Councillor may, at a Council Meeting or meeting of a Special Committee comprised entirely of councillors, require the production of any documents kept in the Council offices which are directly relevant to the business being considered.
- 40.2 When a demand to produce documents is made, the Chief Executive Officer must use his or her best endeavours to comply with the demand.

DIVISION 6 – Minutes

41. Contents 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:

- 41.1 the date, place, time and nature of the meeting;
- 41.2 the names of Councillors and whether they are present, an apology on leave of absence or absent;
- 41.3 the declaration of any conflict of interest made by a Councillor, including the classification of the interest under the Act and the nature of the interest declared;
- 41.4 the declaration of any conflict of interest made by a Council officer or contractor who has provided advice to the Council in relation to a matter being considered at the meeting, including the classification of the interest under the Act and the nature of the interest declared;
- 41.5 any application by a Councillor to be exempted from voting on a matter due to conflicting personal interests, including reasons supporting the application;
- 41.6 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
- 41.7 each motion and amendment moved including procedural motions, along with the mover and seconder of each motion and amendment;

- 41.8 the outcome of every motion or amendment, including motions and amendments that lapse for the want of a seconder;
- 41.9 where a valid division is called, the names of every Councillor present and the way their vote was cast, either FOR or AGAINST;
- 41.10 details of any failure to achieve or maintain a quorum;
- 41.11 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;
- 41.12 details of any deputations made to the Council;
- 41.13 any advance notice of motion given by a Councillor at the meeting;
- 41.14 the closure of the meeting to the public and the reasons for the closure;
- 41.15 the names of Council officers formally in attendance (not including officers who are merely attending as members of the public gallery);
- 41.16 the names of any persons or groups formally in attendance;
- 41.17 the time at which the meeting was closed; and
- 41.18 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.

42. Recording of Meetings

- 42.1 The Chief Executive Officer (or other persons authorised by the Chief Executive Officer) may record on suitable video or audio recording equipment all the proceedings of a Council Meeting.
- 42.2 Subject to clause 42.1, a person must not operate photographic, audio or video recording equipment or any other recording device at any Council Meeting without first obtaining the consent of the Chair. Such consent may at any time during the course of such meeting be revoked by the Chair.

43. Confirmation of Minutes

At every Ordinary Meeting of the Council the minutes of the preceding meeting(s) shall be confirmed by resolution as follows:

- 43.1 A copy of the minutes must be delivered to each Councillor no later than 48 hours before the next meeting.
- 43.2 When the confirmation of minutes is called on, the Chair shall ask:
“Is any item of the minutes opposed?”
- 43.3 Where no Councillor indicates opposition, the Chair shall seek a mover and seconder for the confirmation of the minutes.
- 43.4 No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- 43.5 Where a Councillor objects to the accuracy of the minutes:
 - 43.5.1 he or she must specify the item(s) to which he or she objects;
 - 43.5.2 the item(s) objected to shall be considered separately and in the order in which they appear in the minutes;

- 43.5.3 the Councillor objecting must move a motion clearly outlining the proposed alternative wording to amend the minutes;
 - 43.5.4 a seconder for the motion of objection must be sought and found;
 - 43.5.5 the mover of the motion of objection may then speak;
 - 43.5.6 the seconder of the motion may then speak, or defer his or her right to speak until later in the debate;
 - 43.5.7 the motion shall then be opened to debate; and
 - 43.5.8 at the conclusion of debate, the motion must be put to the vote.
- 43.6 When all objections to the minutes have been determined, the Chair shall say as necessary:
- "The question is that the minutes be confirmed" or
 - "The question is that the minutes, as amended, be confirmed",
- and shall put the question to the vote.
- 43.7 Once confirmed, minutes must be signed by the Chair of the meeting at which they have been confirmed.

44. Deferral of Confirmation of Minutes

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

45. Availability to the Public of Minutes of Special Committees

Unless otherwise resolved or required by law, minutes of a Special Committee requiring confirmation by the Council shall not be available to the public until confirmed by the Council.

DIVISION 7 – Motions and Debate

46. Chair's Duty

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

- 46.1 defamatory;
- 46.2 objectionable in language or nature;
- 46.3 vague or unclear in intention;
- 46.4 outside the powers of the Council; or
- 46.5 irrelevant to the item of business on the agenda and has not been admitted as urgent or other business, or
- 46.6 purports to be an amendment but is not.

47. Clarifying a Motion

Before a motion is put, a Councillor may, with the leave of the Chair, ask for 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.

48. Addressing the Meeting

- 48.1 Any Councillor or person who addresses the meeting shall direct all remarks through the Chair.

- 48.2 Any Councillor or person addressing the chair should refer to the Chair as:
- 48.2.1 Mr, or Madam, Mayor;
- 48.2.2 Mr, or Madam, Chair;
- as the case may be.
- 48.3 All Councillors, other than the Mayor, should be addressed as Cr (name).
- 48.4 All officers should be addressed as Mrs, Ms, Miss, or Mr (name).
- 48.5 It is not necessary for a Councillor to rise when speaking at a meeting.

49. Public Addressing the Meeting

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 must take direction from the Chair whenever called on to do so.

50. Interruptions, Interjections and Relevance

- 50.1 A Councillor shall not be interrupted except by the Chair or upon a point of order or personal explanation, or for the seeking of leave for an extension of speaking time.
- 50.2 Where a Councillor is interrupted by the Chair or upon a point of order or personal explanation, he or she shall remain silent until the Chair has ceased speaking, the point of order has been determined or the personal explanation has been given (as appropriate) at which time he or she may resume speaking for the balance of his or her allotted time.
- 50.3 A Councillor must not digress from the subject matter of the motion or business under discussion.

51. Moving a Motion

The procedure for moving any motion is:

- 51.1 the mover shall state the motion without speaking to it;
- 51.1.1 where the mover intends to move a recommendation as it appears in an agenda, they may do so in the following manner:
- “I move the recommendation on page (state page number) of the agenda”
- 51.1.2 where the mover intends to move a motion other than a recommendation as it appears in an agenda, they must state the motion in full;
- 51.2 unless the motion is a procedural motion or an application to be exempted from voting on a matter due to conflicting personal interests, it must be seconded by a Councillor other than the mover;
- 51.3 where a motion is not seconded and is not a procedural motion or an application to be exempted from voting on a matter due to conflicting personal interests, the motion lapses;
- 51.4 where a motion is seconded the Chair shall:
- 51.4.1 invite the mover to address the Council on the motion,

- 51.4.2 invite the seconder to speak on the motion (where the seconder elects not to speak at this time, he or she may speak later in the debate),
- 51.4.3 where one or more Councillor(s) indicates that they oppose the motion:
 - 51.4.3.1 invite the Councillor who first indicated her or his opposition to speak on the motion; and
 - 51.4.3.2 invite any other Councillors for and against the motion to debate in turn;
 - 51.4.3.3 give the mover (except in the case of a motion which has been amended) a right of reply to matters raised during debate;
- 51.4.4 where the motion is unopposed:
 - 51.4.4.1 invite Councillors to speak to the motion in turn until comment is exhausted;
 - 51.4.4.2 give the mover (except in the case of a motion which has been amended) the opportunity to make closing comments;
- 51.4.5 put the motion to the vote and declare the result.
- 51.5 A Councillor may indicate opposition to a previously unopposed motion at any time prior to the conclusion of comment.

52. Moving an Amendment

- 52.1 Subject to clause 52.4 a motion which has been moved and seconded may be amended by leaving out, changing or adding words, which must be relevant to the original motion and allow the amendment to be read as an intelligible and consistent whole.
- 52.2 An amendment should only seek to make the original motion clearer to the meeting and must not change the intent of the original motion. The Chair may offer to treat a proposed amendment which changes the intent of the original motion as a foreshadowed motion, in accordance with clause 72.
- 52.3 An amendment may be moved at any time prior to a motion being put to the vote.
- 52.4 A motion to confirm a previous resolution of the Council cannot be amended.

53. Who May Propose an Amendment

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

54. Who May Debate an Amendment

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

55. How Many Amendments may be Proposed

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

56. An Amendment Once Carried

Where the amendment is carried, the motion as amended then becomes the question before the meeting.

57. Speaking to a Motion or an Amendment

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

58. Priority of Address

In the case of competition for the right to speak, the Chair shall decide the order in which Councillors will be heard.

59. Chair May Speak

- 59.1 The Chair may address a meeting upon any matter under discussion and is not deemed to have left the chair on such occasions, except that the Chair may, if he or she so wishes, vacate the chair for the duration of any item under discussion.
- 59.2 The Chair should not move any motion or amendment, or debate an opposed motion. Where the Chair wishes to move a motion or amendment, or participate in debate on an opposed motion, they should vacate the chair for the duration of the item under discussion.
- 59.3 Where the Chair chooses to stand down for a particular item, the Deputy Mayor will assume the chair, where one is elected and is present.
- 59.4 Where the Deputy Mayor is not present, or declines to take the chair, a temporary Chair elected by the meeting shall take the chair until such item has been disposed of.

60. Right Of Reply or Closing Comment

- 60.1 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.
- 60.2 The mover of an unopposed motion which has not been amended may, once comment has been exhausted, make a closing comment.
- 60.3 The mover of a motion must not introduce new information when exercising any right of reply or making any closing comment.

- 60.4 After the right of reply has been taken or a closing comment has been made, the motion shall immediately be put to the vote without any further debate or comment.
- 60.5 No right of reply or closing comment is available where an amendment is before the Council.

61. Alteration of Motions

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

62. Withdrawal of Motions

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

63. Chair May Separate Motions

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

64. Separation of Motions

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

65. Motions and Amendments In Writing

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

66. Repeating Motion and/or Amendment

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

67. Debate must be Relevant to the Question

- 67.1 Debate must always be relevant to the question before the meeting and if not, the Chair shall request the speaker to confine debate to the question.
- 67.2 Where after being requested to confine debate to the question before the meeting the speaker continues to debate irrelevant matters, the Chair may direct the speaker not to speak further in respect of that question.
- 67.3 A speaker to whom a direction has been given under clause 67.2 must comply with that direction.

68. Speaking Times

A Councillor shall not speak longer than the time set out below, unless a motion for an extension of speaking time has been carried:

- 68.1 the mover of a motion or an amendment: three minutes;
- 68.2 any other Councillor: three minutes; and
- 68.3 the mover of a motion exercising a right of reply or making a closing comment: three minutes.

69. Extension of Speaking Times

- 69.1 A three minute extension of speaking time may be granted to any speaker with the leave of the Council. Such leave shall be sought by a Councillor other than the current speaker.
- 69.2 When leave of the Council is sought, the Chair must:
 - 69.2.1 ask whether any Councillor is opposed to leave being granted, and
 - 69.2.2 where one or more Councillors indicate that the granting of leave is opposed, seek a motion on the proposed extension of time.
- 69.3 Only one extension of time may be granted for each speaker on any motion.

70. When an Extension can be Sought

Leave for an extension of speaking time may be sought:

- 70.1 immediately before the speaker commences debate or comment on a motion,
- 70.2 during the speaker's debate or comment on a motion, or
- 70.3 immediately after the speaker has concluded debate or comment on a motion.

71. Extension Not Allowed

Leave for an extension of speaking time cannot be sought:

- 71.1 where another speaker has commenced speaking, or
- 71.2 where a Councillor is making a personal explanation, in accordance with clause 73.

72. Foreshadowing Motions

- 72.1 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.
- 72.2 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.
- 72.3 A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- 72.4 The Chief Executive Officer or person taking the minutes of the meeting would not be expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

- 72.5 The Chair may request the foreshadowed motion to be in writing, in accordance with clause 65.

73. Personal Explanation

- 73.1 A Councillor may, at a time convenient to the Council, make a brief personal explanation to:
- 73.1.1 correct a statement where the Councillor may have inadvertently misled the Council;
 - 73.1.2 explain where the media has misquoted what the Councillor has said; or
 - 73.1.3 correct statements made by another Councillor, which misrepresent what the Councillor has actually said.
- 73.2 A personal explanation may be made at any time during a Council Meeting considered appropriate by the Chair and shall:
- 73.2.1 be made as soon as possible;
 - 73.2.2 not be debated except upon a motion to censure the Councillor who has made it;
 - 73.2.3 be restricted to the matters contained in the statement which gave rise to it;
 - 73.2.4 not be used to make charges against or an attack upon any other Councillor; and
 - 73.2.5 not exceed 3 minutes in duration.
- 73.3 A Councillor who is directed by the Chair to cease speaking while making a personal explanation shall comply with that direction.

74. Statement by Council Officer

- 74.1 The Chief Executive Officer or other officer nominated by the Chief Executive Officer, may make a brief statement at a Council Meeting in respect of any statement (whether made at a Council Meeting or not) affecting him or her as a member of the Council staff or affecting any member of the Council staff under his or her control.
- 74.2 A statement may be made at any time during a Council Meeting considered appropriate by the Chair and shall:
- 74.2.1 be made as soon as possible;
 - 74.2.2 not be debated;
 - 74.2.3 be restricted to the matters contained in the statement which gave rise to it;
 - 74.2.4 not be used to make charges against or an attack upon any Councillor; and
 - 74.2.5 not exceed 3 minutes in duration.
- 74.3 Where the Chief Executive Officer or other officer nominated by the Chief Executive Officer to make a statement is directed by the Chair to cease speaking while making that statement, he or she shall comply with that direction.

DIVISION 8 – Notice of Motion

75. Councillors may submit Notices of Motion

Councillors may ensure that an issue is listed on an agenda by submitting a notice of motion.

76. Procedure

- 76.1 A notice of motion must be in writing, signed by the submitting Councillor and be lodged with the Chief Executive Officer to allow sufficient time for him or her to include it in an agenda and issue the notice of meeting required under clause 19.
- 76.2 A Councillor may give verbal notice at any Ordinary Meeting of the Council of a motion he or she proposes to move at a subsequent meeting, subject to clause 76.1.
- 76.2.1 The Chief Executive Officer is not required to have verbal notices recorded in the Minutes, but may do so where it is considered to be appropriate.
- 76.2.2 No debate is allowed on a proposed motion for which verbal notice is given until it is listed in a meeting agenda.
- 76.2.3 Where a Councillor gives verbal notice of a motion he or she proposes to move at a subsequent meeting and then fails to submit a written notice in the form required by clause 76.1, the verbal notice of motion will not be listed on the agenda of any meeting.
- 76.3 The full text of a notice of motion shall be included in the material accompanying the agenda in which it is listed.

77. Rejection of Vague Notices

The Chief Executive Officer may reject any notice of motion which is vague or unclear in intention but shall:

- 77.1 give the Councillor who lodged it an opportunity to amend it prior to rejection, where it is practicable to do so; and
- 77.2 notify Councillor who lodged it of the rejection and reasons for the rejection.

78. Listing Notices on an Agenda

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

79. Register of Notices

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

- 79.2 Except by leave of the Council, each notice of motion before any meeting shall be considered in the order in which they were entered in the Notice of Motion Register.

80. May be Moved by any Councillor

- 80.1 Where a Councillor who has given a notice of motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor present may move the motion.

81. Must be Moved as Listed and may be Amended

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

82. If Lost

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

DIVISION 9 – Notice of Amendment or Rescission

83. Notice of Amendment or Rescission

- 83.1 A Councillor may propose a motion to amend or rescind a decision of the Council provided:
- 83.1.1 the decision in question has not been acted on; and
- 83.1.2 a notice is delivered to the Chief Executive Officer setting out:
- 83.1.2.1 the decision proposed to be amended or rescinded; and
- 83.1.2.2 the meeting and date when the decision was made.
- 83.2 Unless any Councillor gives notice at a Council Meeting that she or he intends to move a notice of amendment or rescission in relation to a decision taken at that meeting, the Chief Executive Officer or an appropriate member of the Council staff may implement a decision of the Council at any time after the close of the meeting at which the decision was made.
- 83.3 A decision will be deemed to have been acted on where:
- 83.3.1 It has been formally communicated to a person who is materially affected by or reliant upon it; or
- 83.3.2 a statutory process has been commenced;

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

84. Rejection of Notice Where Decision Acted Upon

- 84.1 The Chief Executive Officer may reject any notice of amendment or rescission which relates to a decision of the Council which has been acted upon.
- 84.2 The Chief Executive Officer may seek legal advice to assist her or him in determining whether a notice of amendment or rescission should be rejected under clause 84.1.

85. Majority to Amend or Rescind

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

86. When Not Required

- 86.1 Where the Council intends to review, amend or update its policies, a notice of amendment or rescission of an earlier decision is not required. The new decision, despite being inconsistent with the earlier decision, reflects the Council's changed policy position and does not rescind or amend the earlier decision.
- 86.2 Notwithstanding clause 86.1, the following standards should generally apply where the Council wishes to change policy:
 - 86.2.1 where the policy has been in force in its original or amended form for less than 12 months, a notice of rescission should be presented to the Council; and
 - 86.2.2 any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

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

87. Listing Notices on an Agenda

- 87.1 A notice of amendment or rescission shall be in writing, signed by the submitting Councillor and be lodged with the Chief Executive Officer to allow sufficient time for her or him to list it in an agenda and issue the notice of meeting required under clause 19.
- 87.2 Unless the notice of amendment or rescission specifies a particular meeting date, the Chief Executive Officer shall list the notice of amendment or rescission and where more than one, in the order they were received, on the next appropriate meeting agenda, together with a brief report outlining the criteria under which a decision may be amended or rescinded.
- 87.3 A notice of amendment or rescission cannot be accepted by the Chair unless it has been listed on the agenda for the meeting at which it is proposed to be moved.

88. Register of Notices

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

89. May be Moved by any Councillor

- 89.1 Where a Councillor who has given a notice of amendment or rescission is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor present may move the motion.
- 89.2 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.

90. Cannot be Amended

A notice of amendment and rescission cannot be amended.

91. 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 – Procedural Motions**92. Procedural Motions**

- 92.1 A procedural motion is used to facilitate the business of a meeting.
- 92.2 Unless otherwise prohibited, a procedural motion may be moved at any time, does not require a seconder and shall be dealt with immediately by the Chair.
- 92.3 The mover of a procedural motion must not have moved or spoken to the question before the Chair or any amendment of it.
- 92.4 Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- 92.5 Unless otherwise provided, a procedural motion cannot be amended.
- 92.6 The Chair cannot move a procedural motion.
- 92.7 Notwithstanding any other provision in this Local Law, procedural motions shall be dealt with in accordance with the following table:

PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
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	During the election of a Chair;	Motion and amendments postponed to the stated time and/or date	Debate continues unaffected	Yes but amended only in relation to the time, date and place of the proposed adjournment
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor	Any matter except: (a) election of a Chair; (b) a matter in respect of which a call of the Council has been made for that meeting	(a) During the election of a Chair; (b) 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	Yes

Procedural Motion	Form	Mover	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
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	<p>During nominations for Chair</p> <p>Notes:</p> <p>(a) The Chair has the discretion to reject a motion for closure where the motion upon which it is proposed has not, in the Chair's opinion, been sufficiently debated.</p> <p>(b) Sufficient debate arises when those with different views on the matter before the meeting have been given an opportunity to state them.</p>	The Chair shall call on the mover of the original motion or amendment in respect of which the closure motion is carried to reply to the debate on the original motion or amendment and then immediately put the original motion or amendment to the vote. No further debate on, or amendment to the original motion or amendment is permitted	Debate continues unaffected	No

Procedural Motion	Form	Mover	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
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 Chair; (b) During a meeting which is a call of the Council	Motion and amendments not further discussed or voted on until: (a) The Council resolves to take the question from the table at the same meeting; (b) The matter is placed on an agenda and the Council resolves to take the question from the table (c) In respect of an amendment, has the effect of adjourning both the original motion and the amendment	Debate continues unaffected	No

Procedural Motion	Form	Mover	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
5. Previous question	That the question be not now put	A Councillor who has not spoken to the motion or any amendment of it	Any matter except: (a) election of a Chair; (b) a matter in respect of which a call of the Council has been made for that meeting	(a) During the election of a Chair; (b) When the matter is one in respect of which a call of the Council has been made; (c) When an amendment is before the Council	(a) No vote or further discussion on the motion until it is placed on an agenda for a later meeting, not being an adjournment of the current meeting; (b) Proceed to next business	Motion (as amended up to that time) put to the vote immediately without further amendment or debate	No

Procedural Motion	Form	Mover	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
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 moved	A Councillor who has not spoken to the motion or any amendment of it	Any matter except: (a) Election of a Chair; (b) A matter in respect of which a call of the Council has been made for that meeting	(a) During the election of a Chair; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the Council has been made	Where carried in respect of: (a) An amendment - the 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 (c) A procedural motion, immediately disposes of the procedural motion and permits debate on the original motion to proceed	Debate continues unaffected	No

DIVISION 11 – Points of Order

93. Points of Order

- 93.1 Points of order are matters raised during consideration of a question before the Chair concerning:
- 93.1.1 a procedural matter relating to the application of this Local Law;
 - 93.1.2 a factual error;
 - 93.1.3 a motion which under clause 46 should not be accepted by the Chair;
 - 93.1.4 a Councillor who is or appears to be out of order, such as by making a statement which is considered;
 - 93.1.4.1 defamatory,
 - 93.1.4.2 irrelevant,
 - 93.1.4.3 improper,
 - 93.1.4.4 obscene,
 - 93.1.4.5 outside the Council's legal powers, or
 - 93.1.4.6 any act of disorder.
- 93.2 A point of order may be raised by any Councillor, by stating the words "point of order". This may be done at any time, including when the Chair or another Councillor is speaking.
- 93.3 When a point of order is raised, all Councillors shall cease speaking and come to order, while the point of order is determined.

94. Contradiction or Opinion

Seeking to express a mere difference of opinion or to contradict a speaker is not a point of order.

95. Procedure

- 95.1 When asked by the Chair, a Councillor raising a point of order shall state:
- 95.1.1 the point of order, and
 - 95.1.2 the reason for bringing the point of order to the Chair's attention and when requested by the Chair:
 - 95.1.2.1 the clause of this Local Law under which the point of order is raised, and
 - 95.1.2.2 any other section, clause, paragraph or provision relevant to the point of order.
- 95.2 The Chair shall decide all points of order by stating that the point of order is either:
- 95.2.1 "upheld", or
 - 95.2.2 "lost"; and
 - 95.2.3 the provision, rule, practice or precedent which he or she has relied upon do determine on the point raised, without entering into any discussion or comment.

96. Chair May Adjourn To Consider

- 96.1 The Chair may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- 96.2 The time and date, and place of resumption of the meeting shall be determined at the time of adjournment and may be indicated as being at the adjournment or conclusion of another meeting or event.
- 96.3 All other matters before the Council are suspended until the point of order is decided.

97. Dissent From Chair's Ruling

- 97.1 The decision of the Chair in respect of a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present support a motion of dissent.
- 97.2 A motion of dissent on a point of order shall contain the provision, rule, practice or precedent the mover believes should be substituted for the Chair's ruling. Any Councillor may move that the meeting disagrees with the Chair's ruling on a point of order, by moving:
 - "That the Chair's ruling be dissented from, as (give reason)".
- 97.3 Where the motion is passed, the Chair must reverse his or her previous ruling and proceed.
- 97.4 The reversal of a ruling by the Chair is not a motion of censure or no confidence and the Chair remains in place at all times and maintains his or her right to a second vote.

DIVISION 12 - Voting**98. How Motion Determined**

To determine a motion, the Chair shall wait for debate or comment to be exhausted and then first call for those in favour of the motion and then those opposed to the motion, and shall then declare the result to the meeting.

99. By Show Of Hands

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

100. Recount of Vote

The Chair may direct that a vote on any matter under consideration be recounted as may be necessary for her or him to be satisfied as to the outcome.

101. Casting Vote

- 101.1 In the event of a tied vote, the Chair shall exercise the casting vote, except that where any vote for the appointment of a Chair is tied, the matter shall be decided in accordance with clause 12 of this Local Law.
- 101.2 The Chair does not have to exercise the casting vote in the same manner as he or she exercised their personal vote.

102. Procedure For A Division

- 102.1 A division may be requested by any Councillor on any matter, except that a request to the Chair for a division on any matter determined by secret ballot shall not be accepted.
- 102.2 The request must be made to the Chair either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.
- 102.3 A division is a new vote on the matter before the Council and the outcome of the division shall decide the question, motion or amendment. A Councillor may change her or his previous vote when a division is called.
- 102.4 When a division is called for, the Chair shall:
- 102.4.1 Ask for a show of hands by those Councillors wishing to vote for the motion and state the names of those Councillors.
- 102.4.2 Ask for a show of hands by those Councillors wishing to vote against the motion and state the names of those Councillors.
- 102.4.3 Declare the result of the division.
- 102.5 In addition to the outcome of the division, the names of all Councillors who voted for the motion and all Councillors who voted against the motion must be recorded in the official minutes of the meeting.

103. No Discussion Once Declared

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

DIVISION 13 – Petitions and Joint Letters**104. Petitions and Joint Letters**

- 104.1 The Chief Executive Officer shall list all petitions and joint letters received on the agenda of the next appropriate Ordinary meeting. The listing shall include a description of the purpose of the petition or joint letter and the number of signatories to it.
- 104.2 With the leave of the Council, any Councillor may table a petition not listed on the agenda of a meeting.
- 104.3 Unless the Council agrees to deal with it earlier, no motion (other than a motion to receive the same) may be made on any petition or joint letter until the next Ordinary Meeting after that at which it has been presented.
- 104.4 Where a Councillor presents a petition or joint letter on behalf of the petitioners or writers, that Councillor must understand the purpose of the petition or joint letter and that it does not contain language disrespectful to the Council or individuals and that the contents or actions proposed do not violate any law.
- 104.5 Every petition or joint letter presented to 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.

- 104.6 Every petition or joint letter must:
- 104.6.1 clearly state the full name and address of every signatory; and
 - 104.6.2 be signed 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.
- 104.7 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.
- 104.8 No person may fraudulently sign a petition or joint letter which is presented to the Council.
- 104.9 Nothing contained in this Local Law prohibits the Council from acting upon a legitimate concern brought to its attention by any petition or joint letter submitted in a form which does not comply with this Division.

DIVISION 14 – Deputations

105. Submission of Request

A deputation wishing to be heard at a Council Meeting may make a written request to the Chief Executive Officer, Mayor or any Councillor, specifying the matter or matters they seek to address.

106. Consideration of Request

The Chief Executive Officer, in consultation with the Mayor and Councillors where necessary, will determine whether a deputation should be heard.

107. Notification of Hearing

Where the Chief Executive Officer determines that a deputation should be heard, he shall notify all Councillors of that direction and the date, time and place at which the deputation will be heard. The Chief Executive Officer shall also notify the member of the deputation specified as authorised to receive notice on behalf of the deputation. Where no member of the deputation has been specified to receive notice, the Chief Executive Officer must make reasonable enquiries as to the identity of the person authorised to receive notice.

108. Refusal of Hearing

Where the Chief Executive Officer, after consultation with the Mayor and Councillors, determines that a deputation should not be heard, the Chief Executive Officer shall notify the member of the deputation specified as authorised to receive notice on behalf of the deputation of this decision, along with the reasons why. A deputation should not be refused the right to be heard, except in exceptional circumstances.

109. Summary of Submissions

A deputation may lodge with the Chief Executive Officer a written outline of the subject matter to be addressed prior to the deputation addressing the Council.

110. Suspension of Standing Orders Not Required

Where a deputation is granted a hearing and listed on the agenda for a Council Meeting, the deputation may be heard without the need to suspend standing orders.

111. Limitations upon Speakers

111.1 The Council may:

111.1.1 limit the number of speakers on behalf of any deputation, and

111.1.2 set time limits on the length for which each speaker may speak.

111.2 Any member of a deputation addressing the Council:

111.2.1 must confine their address to the matter or matters on which they have been given permission to speak and which are listed in the agenda,

111.2.2 shall extend due courtesy and respect to the Council and the processes under which it operates, and

111.2.3 shall take direction from the Chair whenever called upon to do.

112. Questions but no Discussion Permitted

Where a deputation is heard at a public Council Meeting, Councillors may question the deputation on matters raised by it for purposes of clarification but no discussion will be allowed.

113. Matter to be Determined at a Subsequent Meeting

Where a deputation is heard at a public Council Meeting, no motion shall be allowed on any deputation until the next Ordinary Meeting after the deputation has been heard unless the Council, by resolution, decides otherwise.

DIVISION 15 – Conduct and Discipline**114. Objectionable Remark**

114.1 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.

114.2 A Councillor required to withdraw a remark and apologise shall do so immediately without qualification or explanation.

114.3 The Chair must not accept any motion, question or statement which appears to the Chair to be derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public.

115. 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”.

116. Gallery to be Silent

116.1 Members of the public must not interject or take part in the debate.

116.2 Silence must be preserved in the gallery at all times.

117. Improper and Disorderly Conduct

- 117.1 The Chair shall call to order any member of the public who is disruptive or unruly during any meeting.
- 117.2 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.
- 117.3 Any member of the public who is ordered by the Chair to leave the meeting shall leave the meeting when requested to do so.

118. Removal from Meeting

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

119. 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 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 16 – Suspension of Standing Orders**120. Suspension of Standing Orders**

- 120.1 To expedite the business of a meeting, standing orders may be suspended by resolution of the Council.
- 120.2 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..."
- 120.3 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion to resume standing orders would be:
- "I move that standing orders be resumed."
- 120.4 Standing Orders do not need to be suspended to allow discussion for the purposes of clarification during Public Question Time.

121. No Motions Allowed During Suspension

- 121.1 No motion may be accepted by the Chair or be lawfully dealt with during any suspension of standing orders.
- 121.2 Where a decision otherwise properly made is invalidated by a failure of the Council to resume standing orders, the Chair has discretion to ratify that decision, provided the Chair is satisfied that:
- 121.2.1 business was otherwise transacted in accordance with this Local Law, and

121.2.2 the failure to resume standing orders was inadvertent.

- 121.3 Any ratification of a Council decision under clause 121.2 is to be noted in the motion put to have the minutes of that meeting confirmed as a true and accurate record of the meeting.

DIVISION 17 - Special Committees & Advisory Committees

122. Application Generally

- 122.1 Where the Council establishes a Special Committee or an Advisory Committee, all of the provisions of Parts A - C of this Local Law shall apply with any necessary modifications or adaptations.
- 122.2 For the purposes of clause 122.1, a reference in Parts A - C of this Local Law to:
- 122.2.1 a Council Meeting is to be read as a reference to a meeting of the Special Committee or Advisory Committee;
- 122.2.2 a Councillor is to be read as a reference to a member of the Special Committee or Advisory Committee; and
- 122.2.3 the Mayor is to be read as a reference to the Chair of the Special Committee or Advisory Committee.

123. Application Specifically

Notwithstanding clause 122, where the Council establishes a Special Committee or an Advisory Committee:

- 123.1 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
- 123.2 the Special Committee or Advisory Committee may, with the approval of the Council resolve that any provision(s) of Parts A - C is or are (as appropriate) not to apply,

whereupon to the extent permissible under law, the provision(s) shall not apply until the Council resolves, or the Special Committee or Advisory Committee, with the approval of the Council resolves, otherwise.

PART D – ASSEMBLIES OF COUNCILLORS

124. When Constituted

- 124.1 An assembly of councillors is deemed to be constituted under the circumstances described in the Act and must be conducted in compliance with the Act.

125. Action Required

- 125.1 Any Councillor participating in an assembly of councillors must determine whether they have a conflict of interest in any matter being discussed at that assembly and if so:
- 125.1.1 disclose that conflict of interest in the manner required by the Act; and

125.1.2 comply with the requirements of the Act relating to conflicts of interest.

125.2 The Chief Executive Officer must make written records of all assemblies of councillors and ensure that these written records are maintained and made available to the public, as specified in the Act.

126. Application of Part C

Part C of this Local Law has no application in relation to assemblies of councillors.

PART E – PUBLIC QUESTION TIME

127. Public Question Time to be Held

The Council will hold a Public Question Time of up to 30 minutes duration at the conclusion of each Ordinary Meeting, to enable members of the public to receive answers to questions previously submitted for consideration.

128. Submission of Questions

128.1 Questions submitted to the Council must be:

128.1.1 in written form;

128.1.2 contain the name, address and email or contact telephone number of the person submitting the question;

128.1.3 in a form approved or permitted by the Council;

128.1.4 addressed to the Chief Executive Officer; and

128.1.5 submitted no later than 4.00pm on the day which is at least 5 clear business days prior to the next Ordinary Meeting by:

128.1.5.1 letter to Locked Bag 1000, Shepparton Victoria 3632,

128.1.5.2 email to questiontime@shepparton.vic.gov.au,

128.1.5.3 hand delivery to the Council's Office at 90 Welsford Street Shepparton.

129. Question Guidelines

129.1 No more than two questions will be accepted from any person at any one meeting.

129.2 Questions may be submitted on any matter, but the Chief Executive Officer may refuse to accept any question which, in her or his opinion:

129.2.1 relates to a matter outside the duties, functions and powers of the Council;

129.2.2 is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;

129.2.3 relates to a matter which has previously been addressed;

129.2.4 relates to personnel matters;

129.2.5 relates to the personal hardship of any resident or ratepayer;

129.2.6 relates to industrial matters;

129.2.7 relates to contractual matters;

- 129.2.8 relates to commercially sensitive matters associated with proposed developments;
 - 129.2.9 relates to legal advice;
 - 129.2.10 relates to a matter declared to be confidential under section 77 of the Act;
 - 129.2.11 relates to matters affecting the security of Council property; or
 - 129.2.12 relates to any other matter which the Council considers would prejudice the Council or any person.
- 129.3 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 for which their question was not accepted.
 - 129.4 Copies of all questions allowed by the Chief Executive Officer will be provided in writing to all Councillors.
 - 129.5 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.

130. Question Time Procedure

- 130.1 The Chief Executive Officer will read:
 - 130.1.1 each question submitted and accepted; and
 - 130.1.2 the response to each question.
- 130.2 No question will be read unless the person who submitted the question is in the gallery at the time it is due to be read.
- 130.3 All questions and answers shall be as brief as possible, and no discussion shall be allowed other than:
 - 130.3.1 at the Chair's discretion; and
 - 130.3.2 for the purposes of clarification.
- 130.4 Standing Orders do not need to be suspended to allow discussion for the purposes of clarification.

PART F - COMMON SEAL

131. Council's Common Seal

- 131.1 The common seal is a device which formally and solemnly records the collective will of the Council. The provisions in this Part are designed to protect the integrity of the common seal, and describe when it may be affixed to a document.
- 131.2 The Chief Executive Officer must ensure the security of the Council's common seal at all times.

132. Use of Common Seal

- 132.1 Except as provided in clause 132.3 the common seal may be used only on the authority of the Council given either generally or specifically.
- 132.2 The affixing of the Council's common seal to any document must be attested to by the signature of the Chief Executive Officer.
- 132.3 The Council's common seal may be fixed to a document which has not been brought to a Council Meeting as follows:
 - 132.3.1 In circumstances deemed by the Chief Executive Officer to be of such urgency as to require the sealing of a document without the Council's authority, subject to the Chief Executive Officer:
 - 132.3.1.1 obtaining the prior consent of the Mayor;
 - 132.3.1.2 informing all available Councillors of the decision and reasons for it; and
 - 132.3.1.3 submitting a full written report on the circumstances surrounding the sealing of each such document to the next Ordinary Meeting of the Council for endorsement of the action taken.
 - 132.3.2 To seal any agreement required to be made under section 173 of the *Planning and Environment Act 1987*.
- 132.4 A person must not use the common seal or any device resembling or replicating the common seal without the authority of the Council.

PART G – ENFORCEMENT AND PENALTIES

133. Offences under this Local Law

It is an offence for:

- 133.1 a Councillor to not withdraw an expression considered by the Chair to be offensive or disorderly, and apologise when called on twice by the Chair to do so;

Penalty: 2 penalty units

- 133.2 any person to fail to comply with a direction of the Chair in relation to the conduct of the meeting and the maintenance of order;

Penalty: 2 penalty units

- 133.3 any person, not being a Councillor, who is guilty of any improper or disorderly conduct, to not leave the Chamber when requested by the Chair to do so;

Penalty: 5 penalty units

- 133.4 a Councillor to refuse to leave the Chamber on suspension;

Penalty: 5 penalty units

- 133.5 any person to fraudulently sign a petition;

Penalty: 5 penalty units

- 133.6 any person to operate photographic, audio or video recording equipment or any other recording device at any Council Meeting without first obtaining the consent of the Council or the Chair;

Penalty: 5 penalty units

- 133.7 any person to use the common seal or any device resembling the common seal without the authority of the Council.

Penalty: 10 penalty units

Any other breach of this Local Law is an offence.

Penalty: 2 penalty units

134. Infringement Notice

- 134.1 An authorised officer may issue an infringement notice for breaches of this Local Law.
- 134.2 Where an authorised officer is not present at the commitment of any offence under this Local Law, the Chief Executive Officer may direct the issuance of an infringement notice for that offence.

135. Payment of Penalty

- 135.1 A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer of the Greater Shepparton City Council, Greater Shepparton City Council Offices (wherever located from time to time).
- 135.2 To avoid prosecution, the penalty indicated must be paid within 14 days after the day on which the infringement notice is issued.
- 135.3 A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

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

.....Chief Executive Officer