

LOCAL LAW NO. 1 OF 2018

MEETING PROCEDURES

• Civic Centre
• Cnr Lyttleton and Lloyd Sts
• P.O Box 185 Castlemaine VIC 3450
• **t** (03) 5471 1700
• **e** info@mountalexander.vic.gov.au
• **w** www.mountalexander.vic.gov.au



TABLE OF CONTENTS

PART ONE - PRELIMINARY PROVISIONS.....	5
1. Title	5
2. Purpose.....	5
3. Authorising Provision.....	5
4. Commencement, Revocation and Areas of Operation	5
5. Revocation of Other Local Laws.....	5
6. Definitions of words used in this Local Law	6
PART TWO - ELECTION OF MAYOR AND OTHER CHAIRPERSONS	7
7. Meeting to Elect the Mayor.....	7
8. Election of Deputy Mayor	7
9. Election of Mayor and Chairs.....	7
PART THREE - COUNCIL MEETINGS	8
DIVISION 1 – NOTICES OF MEETINGS AND AGENDAS.....	8
10. Dates and Times of Meetings	8
11. Special Council Meetings.....	8
12. Reasonable Notice	9
13. Notice of Meeting.....	9
14. Leave of Absence	9
15. Postponement of Meetings	9
DIVISION 2 – QUORUM	10
16. Ordinary Meetings	10
17. Special Meetings	10
18. Inability to Obtain a Quorum	10
19. Inability to Achieve or Maintain a Quorum due to conflicts of interests of Councillors.....	10
20. Time Limits for Meetings.....	10
21. Notice of Adjourned Meeting.....	10
DIVISION 3 – MINUTES	11
22. Keeping of Minutes	11
23. No Debate on Confirmation of the Minutes	11
24. Objection to Confirmation of the Minutes	11
25. Deferral of Confirmation of the Minutes.....	11
26. Recording of Meetings.....	12
4 – BUSINESS OF MEETINGS	12
27. The Order of Business.....	12
DIVISION 5 – VOTING PROCEDURE AT MEETINGS.....	12
28. Voting	12
29. System of Voting by Secret Ballot.....	12
30. How Determined	13
31. Divisions	13
DIVISION 6 –CONDUCT OF DEBATE	13
32. Chairperson’s Duty	13
33. Additional Duties and Discretions.....	13
34. Moving a Motion	14
35. Right of Reply	15
36. Moving an Amendment.....	15
37. Foreshadowing Motions.....	15
38. Withdrawal of Motions.....	15
39. Separation of Motions.....	16
40. Motions in Writing	16
41. Debate Must Be Relevant to the Motion.....	16

42.	Speaking Times	16
43.	Addressing the Meeting	16
44.	Priority of Address	17
DIVISION 7 – FORMAL MOTIONS.....		17
45.	Formal Motions	17
46.	Deferring Consideration	17
47.	Proceeding to the Next Business	17
48.	The Previous Question	17
49.	The Closure	18
50.	Adjourning the Debate	18
51.	Councillors May Stand When Speaking	18
52.	Interruptions, Interjections and Relevance	19
DIVISION 8 – POINTS OF ORDER		19
53.	Valid Points of Order.....	19
54.	Chairperson to Decide	19
55.	Final Ruling on a Point of Order	19
56.	Procedure for Point of Order	19
57.	Chairperson May Speak	20
58.	Adjournment and Resumption of Meeting	20
DIVISION 9 – PUBLIC QUESTION TIME		20
59.	Question Time	20
DIVISION 10 – NOTICES OF MOTION		21
60.	Must be Listed on Agenda	21
61.	Rejection of a Vague Notice.....	21
62.	Listing Notice on Agenda	21
63.	Register of Notice	21
64.	May be Moved by a Councillor and Amended.....	21
DIVISION 11 – NOTICE OF AMENDMENT OR RESCISSION		22
65.	Procedure.....	22
66.	Listing Notice of Amendment or Rescission on Agenda	22
67.	Criteria to Amend or Rescind a Motion	22
68.	When Not Required	22
69.	Register of Notices	22
70.	Urgent Special Business.....	23
DIVISION 12 – PETITIONS AND JOINT LETTERS		23
71.	Petitions and Joint Letters.....	23
72.	Councillor Presenting Petition – Obligations	23
73.	Signing Petitions	23
74.	Public Submissions.....	24
DIVISION 13 – OTHER PROCEDURAL MATTERS.....		24
75.	Chairperson May Remove	24
76.	Chairperson May Adjourn Disorderly Meeting.....	24
77.	Suspensions	24
78.	Removal from Chamber.....	24
79.	Placards and Signs Prohibited at Council Meetings	24
80.	Suspension of Standing Orders	24
81.	No Motions May Be Accepted During Suspension of Standing Orders	25
82.	Matters Not Provided For.....	25
PART FOUR - COMMON SEAL.....		25
83.	The Council's Common Seal.....	25
PART FIVE - ENFORCEMENT AND PENALTIES		25
84.	Infringement Notices.....	25
85.	Payment of Penalty.....	25

SCHEDULE ONE – INFRINGEMENT NOTICE 27
SCHEDULE TWO – PENALTIES FIXED FOR INFRINGEMENTS 27

MEETING PROCEDURES LOCAL LAW
No. 1 of 2018

PART ONE - PRELIMINARY PROVISIONS

1. Title

This Local Law is the "Meeting Procedures Local Law" of the Mount Alexander Shire Council, being Local Law No. 1 of 2018, adopted on 20 November 2018 for a period of ten (10) years.

2. Purpose

The objectives of this Local Law are to:

- 1) Establish procedures governing the conduct of meetings of the Council and of special committees appointed by the Council;
- 2) Provide for the election of Mayor, Deputy Mayor and the chairpersons of any special committees;
- 3) Provide for the use of the Council's common seal;
- 4) Promote and encourage community participation in the system of local government;
- 5) Provide a mechanism through its formal meeting procedure to ensure effective and efficient Council decisions are made;
- 6) Provide for the administration of the Council's powers and functions; and
- 7) Provide generally for the peace, order and good government of the municipal district.

3. Authorising Provision

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

4. Commencement, Revocation and Areas of Operation

This Local Law:

- 1) Commences operation on 20 November 2018;
- 2) Unless sooner revoked this Local Law ceases to operate on upon revocation; and
- 3) Applies to all meetings of the Council, and, with any necessary adaptation, to all meetings of any special committees established by the Council.

5. Revocation of Other Local Laws

From the date of commencement of the operation of this Local Law, the following Local Law will cease to operate and is revoked:

Meeting Procedures Local Law No.1 of 2008.

6. Definitions of words used in this Local Law

Act	Means the Local Government Act 1989 or subsequent amending legislation.
Broadcast	Means the visual or audio transmission of proceedings on any medium, for example, radio, television or the internet.
Chairperson	Means the person who chairs a meeting of the Council or Special Committee of Council.
Chief Executive Officer	Means the person appointed by the Council to be the Chief Executive Officer of the Council or any person appointed by the Chief Executive Officer in his or her absence.
Council	Means a municipal Council, such as Mount Alexander Shire Council, consisting of a collective of elected Councillors.
Councillor	Means a person who is an elected member of the Council.
Council meeting	Includes an ordinary and a special meeting of the Council.
Delegate's report	A report provided to Council where a Councillor has represented Council at a conference, function, seminar or other official event.
Division	Means a formal count of those for and those against a motion, generally conducted to remove any doubt as to whether the motion is supported or opposed.
joint letter	Means any document which is in the form of a letter and bears the signature of two or more people.
formal motion	Means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but merely used as a formal procedural measure.
local paper	Means a newspaper generally circulating in the Council's municipal district.
Member	Refers to a person who is entitled to vote at a meeting of the Council or special committee of the Council.
Minister	Means the Minister responsible for administering the Local Government Act 1989 or any amending legislation.
penalty units	Means units as prescribed in the <i>Sentencing Act 1991</i> .
petition	Means any document which seeks the taking of some specified action by the Council, and which contains within it a request for the taking of such action, is signed personally by the petitioners, and which is presented to the Council.
quorum	Means the minimum number of members of the Council required by this Local Law to be present in order to constitute a valid meeting of the Council or a special committee of the Council.
suspension of standing orders	Means the suspension of the provisions of this Local Law to facilitate full discussion on an issue without formal constraints.

PART TWO - ELECTION OF MAYOR AND OTHER CHAIRPERSONS

7. Meeting to Elect the Mayor

- (1) The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.
- (2) A meeting to fill the vacancy of Mayor will be held:
 - a. As soon as practicable after the declaration of the results of a general election of Councillors;
 - b. As soon as practicable after the fourth Saturday in October, in years between general elections of Councillors; or
 - c. Where the position of Mayor otherwise becomes vacant, as soon as practicable after the vacancy has occurred.

8. Election of Deputy Mayor

- (1) If the Council resolve to elect a Deputy Mayor the provisions contained in this part for the election of Mayor will apply to the election of Deputy Mayor. The Deputy Mayor may be deemed to be the Acting Mayor or Acting Chairperson during absences of the Mayor and as acting Mayor in accordance with the provisions of the Act during absences of the Mayor.

9. Election of Mayor and Chairs

- (1) At any meeting to elect the Mayor, any Councillor may be appointed as a temporary Chairperson to deal with the receipt of nominations for the election of Mayor and to conduct the election of Mayor in accordance with the provisions of this Local Law.
- (2) The election of Mayor will be carried out by a show of hands unless the Council resolves that it be carried out by secret ballot.¹
- (3) If the election of Mayor is held by secret ballot, no division is permitted².
- (4) In determining the election of Mayor, the following processes will apply:
 - a. The Chief Executive Officer must open the meeting at which the Mayor is to be elected and preside until the meeting elects a temporary Chairperson.
 - b. Upon the meeting electing a temporary Chairperson, the temporary Chairperson must invite nominations for the office of Mayor (each of which must be seconded), and:
 - i. where only one nomination is received, that Councillor must be declared elected;
 - ii. where two nominations are received, the Councillor with the majority of votes cast will be declared elected;
 - iii. where there are two or more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot;
 - iv. where there are more than two nominations received and the result has not been determined under paragraphs ii and iii the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by lot) and the names of the remaining nominees must be put to the vote again; and
 - v. the procedure in paragraph iv must be repeated until the circumstances in paragraph iii apply or until there are only two nominees remaining (in which case a further vote must be taken and the nominee with a majority will be declared

¹Noting that Section 90(ca) of the Local Government Act provides that voting at a meeting that is open to members of the public must not be in secret.

²Note Section 90(CA) of the Local Government Act

elected or, if there is an equal division of votes, the election must be determined by lot).

- (5) If the Mayor is unable to attend a Council meeting for any reason and a Deputy Mayor has not been elected or is also unable to attend then the Council must appoint an acting Chairperson or Acting Mayor.
- (6) Any election for the appointment of an acting Chairperson or Acting Mayor will follow the same procedure as that for an election of Mayor.
- (7) The provisions applying to voting by secret ballot in this Local Law also apply to voting under this Part.
- (8) If a ballot is conducted, the Chief Executive Officer will arrange for the conduct of the ballot and the following provisions apply:

Each candidate will draw one lot, and:

- a. The order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillor's surnames are identical, the order will be determined by the alphabetical order of the Councillor's first names;
- b. As many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the ballot is being conducted to determine which is a defeated candidate, the word 'Defeated' shall be written on one of the pieces of paper and the Councillor who draws the paper with the word 'Defeated' written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates); and
- c. If the ballot is being conducted to determine which candidate is to be duly elected, the word, 'Elected' must be written on one of the pieces of paper and the Councillor who draws the paper with the word 'Elected' written on it must be declared to have been duly elected.

PART THREE - COUNCIL MEETINGS

Division 1 – Notices of Meetings and Agendas

10. Dates and Times of Meetings

- (1) The date, time and place of all Council meetings are to be fixed by the Council and reasonable notice of the meetings must be provided to the public.
- (2) The Council may change the date, time and place of any Council meeting which has been fixed and must provide reasonable notice of the changes to the public.

11. Special Council Meetings

- (1) The Mayor or at least three Councillors may by a written notice call a special meeting in accordance with the Act.
- (2) The notice must specify the date, time and place of the special meeting and the business to be transacted.
- (3) The Chief Executive Officer must convene the special meeting as specified in the notice.
- (4) 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.
- (5) Subject to any resolution providing otherwise, the order of business at any special meeting must be the order in which such business stands in the agenda for the meeting.

- (6) The notice issued to call a special meeting must be delivered to the Chief Executive Officer in sufficient time to enable reasonable notice of the special meeting to be given to Councillors.

12. Reasonable Notice

- (1) To enable reasonable notice of Council meetings to be given to the public, the Council must prepare a schedule of meetings annually and arrange publication in a local paper either:
 - a. Of the schedule of meeting dates, at various times of the year; or
 - b. Of a particular meeting, just prior to that meeting.
- (2) Where meeting dates are changed under sub-clause 10(2) or a special meeting is called, details should be published in a local paper unless time does not allow this to occur (in which case the posting of a notice setting out the details must be displayed on a notice board at the Council Offices and on the Council website).

13. Notice of Meeting

- (1) A notice of meeting, which includes an agenda of the business to be dealt with, must be sent or given to every Councillor:
 - a. For an ordinary meeting, at least 48 hours before the meeting;
 - b. For a special meeting, at least 24 hours before the meeting unless urgent circumstances require less notice; and
 - c. For a special committee meeting, at least 48 hours before the meeting.
- (2) The notice of meeting must:
 - a. State the date, time and place of the meeting;
 - b. The business to be dealt with; and
 - c. Be sent or given to each Councillor by post, or by electronic communication, or by personal delivery.

14. Leave of Absence

A notice of meeting need not be sent or given to any Councillor who has been granted leave of absence, unless the Councillor has made a written request to the Chief Executive Officer to continue to receive notice of any meeting to be held during the period of his or her absence.

15. Postponement of Meetings

- (1) In the case of an emergency, the Chief Executive Officer may postpone a meeting of the Council without the necessity to comply with this Division provided reasonable attempts are made to notify every Councillor of the postponement.
- (2) The Chief Executive Officer must submit to the Council a full written report of the circumstances requiring his or her action under sub-clause 15(1) to the next ordinary meeting of the Council.

Division 2 – Quorum

16. Ordinary Meetings

The quorum required for an ordinary meeting will be a majority of the Councillors.

17. Special Meetings

- (1) The quorum required for a special meeting will be the same as for an ordinary meeting unless the special meeting has been called to deal with an emergency, in which case the quorum will be not less than three Councillors.
- (2) The quorum required for a special committee will be not less than the majority of members for the time being appointed to that committee unless the Council determines otherwise.

18. Inability to Obtain a Quorum

If a quorum cannot be obtained within thirty (30) minutes of the scheduled starting time of any Council meeting or adjournment those Councillors present, or if there are no Councillors present, the Chief Executive Officer, may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

19. Inability to Achieve or Maintain a Quorum due to conflicts of interests of Councillors

If during any meeting or adjournment a quorum cannot be achieved or maintained due to the number of disclosures of conflicts of interest by Councillors, the Chairperson may defer the item then under consideration, and the Chief Executive Officer may:

- (1) Include the item then under consideration on an agenda for a future meeting; or
- (2) Adjourn the meeting for a length of time sufficient to enable an exemption for the affected Councillors to be obtained from the Minister.

20. Time Limits for Meetings

- (1) An ordinary and special meeting must not continue after 11.00 pm unless a majority of Councillors present vote in favour of its continuance.
- (2) In the absence of such continuance, the meeting must stand adjourned to a time, date and place to be then and there announced by the Chairperson.
- (3) The Council may adjourn any meeting.

21. Notice of Adjourned Meeting

The Chief Executive Officer must provide written notice of an adjourned meeting under clauses 18, 19 and 20 to all Councillors, but where this is not practicable because time does not permit that to occur, then, provided every reasonable attempt is made to contact every Councillor, notice by telephone, facsimile, email, in person or by some other means is sufficient.

Division 3 – Minutes

22. Keeping of Minutes

The Chief Executive Officer (or other person authorised by the Chief Executive Officer) is to attend the meeting and take the minutes of such meeting. Such minutes of each Council meeting must be retained and must record:

- (1) The date, time, nature and place of each meeting;
- (2) The names of the Councillors present; the names of those Councillors who have submitted apologies; and those who have been given leave of absence;
- (3) The arrival and departure times of Councillors, including any temporary departures or arrivals during the course of the meeting;
- (4) All disclosures of interest and conflicts of interest made by any Councillor;
- (5) Every motion and amendment moved, including motions and amendments that lapse for want of a seconder, including the mover (and seconder) of any motion or amendment;
- (6) The outcome of every motion put to the vote, the result of the vote and an identification of those motions voted on by secret ballot;
- (7) Formal motions;
- (8) The vote cast by each Councillor on each division called and the way their vote was cast;
- (9) When requested by a Councillor, a record of that Councillor's support or opposition for any motion;
- (10) The names of members of Council staff present;
- (11) The failure of a quorum including the reason for the failure of a quorum; and
- (12) Any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or reading of the minutes.

23. No Debate on Confirmation of the Minutes

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

24. Objection to Confirmation of the Minutes

- (1) If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:
 - a. State the item or items with which he or she is dissatisfied; and
 - b. Propose a motion clearly outlining the alternative wording to amend the minutes.
- (2) Objections to the minutes shall be dealt with in the order in which the provisions objected to appear in the minutes, debated separately using the normal rules of debate.

25. Deferral of Confirmation of the Minutes

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

26. Recording of Meetings

- (1) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may audio or video record and broadcast the proceedings of a Council meeting.
- (2) Subject to sub-clause 26(1), a person must not operate recording equipment at any Council meeting without first obtaining the consent of the Council or the Chairperson. Such consent may at any time during the course of such meeting be revoked by the Council or the Chairperson.

4 – Business of Meetings

27. The Order of Business

- (1) Unless the Council resolves otherwise, the order of business at an ordinary meeting of the Council will be as follows:
 - a. Acknowledgement of Country.
 - b. Confirming Councillors present at the meeting.
 - c. Apologies/Leave of Absence.
 - d. Confirmation of minutes of the previous meeting.
 - e. Disclosures of interests/conflicts of interest.
 - f. Public question time.
 - g. Committee Reports.
 - h. Petitions, joint letters
 - i. Officer reports
 - j. Delegates' and Councillors' reports
 - k. Notices of motion
 - l. Urgent special business.
- (2) Once an agenda has been sent to Councillors, the order of business for that meeting may only be altered by resolution of the Council.
- (3) The Chief Executive Officer may include any matter on an agenda which he or she thinks should be considered at the meeting.

Division 5 – Voting Procedure at Meetings

28. Voting

Unless the Council resolves to deal with any matter by secret ballot, voting on any matter will be by show of hands, subject to the provisions of Section 90(ca) of the Local Government Act.³

29. System of Voting by Secret Ballot

If the Council resolves to deal with any matter by secret ballot, the Chief Executive Officer must establish and cause to be administered a system for voting by secret ballot to ensure that the privacy of the vote is maintained.

³ Section 90(ca) provides that voting at a meeting that is open to the public must not be in secret.

30. How Determined

- (1) In determining a question before a meeting of the Council, the Chairperson will first call for those in favour of the motion and then those opposed to the motion before declaring the result to the meeting.
- (2) In the event of a tied vote, the Chairperson must exercise the casting vote in accordance with the Act.
- (3) An abstention is noted at the request of the abstaining Councillor and noted in the minutes.

31. Divisions

- (1) Except where sub-clause 9(2) applies or where a question on any matter is determined by secret ballot, a division may be requested by a Councillor on any matter.
- (2) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.
- (3) Once a division has been requested the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion.
- (4) A Councillor may change his or her original vote at the voting on the division, and the voting by division will determine the Council's resolution on the issue.
- (5) Once a vote on a matter has been taken, no further discussion relating to the motion will be allowed unless the discussion is:
 - a. for a Councillor to request that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
 - b. where a subsequent notice of motion follows a successful rescission motion.

Division 6 –CONDUCT OF DEBATE

32. Chairperson's Duty

Any motion or amendment which:

- (1) Is objectionable in language or nature;
- (2) Is outside the powers of the Council;
- (3) Is not relevant to an item of business on the agenda and has not been admitted as urgent business;
- (4) Is vague or unclear, or
- (5) Purports to be an amendment but is not;

must not be accepted by the Chairperson.

33. Additional Duties and Discretions

In addition to other duties and discretions provided in this Local Law, the Chairperson –

- (1) Must not accept any motion, question or statement which appears to the Chairperson to be derogatory, defamatory or embarrassing to any Councillor, member of Council staff, ratepayer or member of the public; and
- (2) Must call to order any person who is disruptive or unruly during any meeting.

34. Moving a Motion

- (1) The procedure for any motion is:
 - a. the mover must state the motion without speaking to it;
 - b. the motion must be seconded by a Councillor other than the mover;
 - c. if a motion is not seconded the motion will lapse for want of a seconder;
 - d. if the motion is seconded, the Chairperson must ask "Is the motion opposed?";
 - e. if a Councillor indicates opposition, the Chairperson must request:
 - (i) the mover to address the meeting on the motion; and
 - (ii) the seconder to address the meeting on the motion (who may, without speaking to the motion, reserve his or her address until later in the debate); and
 - (iii) Any other Councillors for and against the motion to debate in turn.
- (2) If no Councillor indicates opposition then the Chairperson must:
 - a. Offer the mover the opportunity to address the meeting on the motion;
 - b. Then invite any other Councillor to speak to the motion;
 - c. Once each Councillor has been given the opportunity to speak to the motion, declare the motion carried; and
 - d. If at any time before declaring the motion carried, a Councillor had declared opposition to the motion, conduct the debate by reverting to paragraph (1e).

34A. Debating the motion

- (1) When debating the motion
 - a. the mover of the motion is invited to speak first;
 - b. the seconder of the motion is invited to speak second, however he or she may reserve the right to speak later in the debate;
 - c. the member who opposed the motion is invited to speak third; and
 - d. any other members may speak for or against the motion.
- (2) When inviting other members to speak to the motion the Chairperson must ask for speakers for and against the motion in turn, however no member may be refused the right to speak because there is no contrary speaker.
- (3) No member may speak more than once in debating a motion, except where the mover of the motion has a right of reply or where the seconder of the motion has reserved their right.
- (4) Debate must always be relevant to the motion and the Chairperson may:
 - (a) Request a speaker to confine debate to the subject motion; or
 - (b) Direct a speaker to cease speaking if he or she continues to debate irrelevant matters.

- (5) Once the debate has been exhausted, the mover of the motion is entitled to exercise a right of reply, but may not raise any new matter.
- (6) Immediately after the mover's right of reply, the Chairperson must put the motion to a vote without further discussion or debate.

35. Right of Reply

- (1) The mover of an original motion which has not been amended may, once debate has been exhausted, exercise a right of reply to matters raised during debate.
- (2) After a right of reply has been exercised, the motion must be immediately put to the vote without any further discussion or debate.
- (3) No right of reply is available where an amendment is before the Council.

36. Moving an Amendment

- (1) A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole.
- (2) An amendment may be proposed or seconded by any Councillor, other than the mover or seconder of the original motion.
- (3) A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.
- (4) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chairperson at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.
- (5) If the amendment is carried, the amended motion then becomes the motion before the Chairperson.

37. Foreshadowing Motions

- (1) At any time during debate, a Councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chairperson is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) A foreshadowed motion has no procedural standing and is merely a means to assist the flow of the meeting.
- (4) The Chief Executive Officer is not required to have foreshadowed motions recorded in the minutes until the foreshadowed motion is formally moved, but may do so if thought appropriate.

38. Withdrawal of Motions

- (1) Before any motion is put to the vote, it may be withdrawn with leave of the Council.
- (2) If the majority of Councillors objects to the withdrawal of the motion, it cannot be withdrawn.

39. Separation of Motions

- (1) Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.
- (2) The Chairperson may decide to put any motion to the vote in separate parts.

40. Motions in Writing

The Chairperson may require any motion to be submitted in writing where it is lengthy or unclear, or for any other reason, and may suspend the meeting while the motion is being written.

41. Debate Must Be Relevant to the Motion

- (1) Debate must always be relevant to the question before the Chairperson, and if not, the Chairperson may request the speaker to confine the debate to the subject motion.
- (2) If after being requested to confine debate to the question before the Chairperson, the speaker refuses or neglects to confine the debate to the question before the Chairperson, the Chairperson may direct the speaker to be seated and not speak further in respect of the question then before the Chairperson.
- (3) A speaker to whom a direction has been given under sub-clause 41(2) must comply with that direction.

42. Speaking Times

- (1) Unless a motion for an extension of time has been carried, the maximum speaking times will be:
 - a. the mover of the motion – five minutes;
 - b. the mover of the motion when exercising his or her right of reply – three minutes;
 - c. any other Councillor – three minutes.
- (2) An extension of speaking time may be granted by resolution of the Council.
- (3) A motion for an extension of speaking time must be proposed:
 - a. immediately before the speaker commences debate;
 - b. during the speaker's debate; or
 - c. immediately after the speaker has concluded debate.
- (4) A motion for the extension of speaking time cannot be accepted by the Chairperson if another speaker has commenced his or her contribution to the debate.
- (5) Any extension of speaking time must not exceed three minutes.

43. Addressing the Meeting

If the Chairperson so determines:

- (1) Any person addressing the Chair must refer to the Chairperson as Mayor or Chairperson (as the case may be).
- (2) All Councillors, other than the Mayor, must be addressed as:
'Councillor (name)'.
- (3) All members of Council staff should be addressed as:
Mr. or Ms (name) as appropriate or by their official title.

44. Priority of Address

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

DIVISION 7 – FORMAL MOTIONS

45. Formal Motions

- (1) Unless otherwise prohibited, a formal motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Formal motions are required to be seconded.
- (3) The mover of a formal motion must not have moved, seconded or spoken to the question before the Chairperson or any amendment of it.
- (4) A formal motion cannot be moved by the Chairperson.

46. Deferring Consideration

- (1) A motion may be moved "that the matter be deferred to a subsequent meeting of the Council or to a meeting date to be specified in order to take advantage of further information".
- (2) The motion in sub-clause 46(1):
 - a. is a formal motion which may be debated and, if carried, has the effect of adjourning any further debate on the matter currently before the Council; and
 - b. will, if carried, result in the deferred item being re-listed on the agenda of the nominated meeting date and being identified as having been a deferred item.

47. Proceeding to the Next Business

- (1) A motion may be moved "That the meeting proceed to the next business".
- (2) The motion in sub-clause 47(1):
 - a. is a formal motion which cannot be debated or amended, and must be put to the vote as soon as seconded;
 - b. Is a formal motion which cannot be moved during the election of a Chairperson or a matter in respect of which a call of the Council has been made for that meeting, or when another Councillor is speaking; and
 - c. if carried in respect to an original motion, requires the Chairperson to direct the meeting to the next item of business.

48. The Previous Question

- (1) A motion may be moved "That the question be NOT now put".
- (2) The motion in sub-clause 48(1):
 - a. is a formal motion which can be debated but cannot be moved while there is an amendment before the Chairperson or during the election of a Chairperson, when another Councillor is speaking or when the matter is one in respect of which a call of the Council has been made;
 - b. if carried, prevents the original motion to which it relates being dealt with at that meeting until it is placed on an agenda for a later meeting; and

- c. if lost, requires that the original or substantive motion to which it relates be put to a vote immediately without any further debate or amendment.
- (3) The Chairperson has the discretion to reject the motion if the matter is contentious by nature or has not been adequately debated.
- (4) Adequate debate arises when every Councillor who wishes to put a view has had an opportunity to do so.
- (5) The motion may only be put by a Councillor who has not spoken to the motion or any amendment of it.

49. The Closure

- (1) A motion may be moved "That the motion be now put".
- (2) The motion in sub-clause 49(1):
 - a. is a formal motion where no debate is permitted and which, if carried in respect to a substantive motion or amendment, requires that the substantive motion must be put to the vote immediately without debate or discussion;
 - b. if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the substantive motion to continue; and
 - c. if lost, allows debate to continue unaffected.
- (3) The Chairperson has a discretion to reject the motion if the motion upon which it is proposed has not been sufficiently debated.
- (4) Sufficient debate arises when those possessing different views have been given an opportunity to state them.
- (5) The motion may only be put by a Councillor who has not spoken to the motion or any amendment of it.
- (6) The motion cannot be put during nominations for Chairperson.

50. Adjourning the Debate

- (1) A motion may be moved "That the motion and amendments now before the meeting be adjourned until am/pm and/or date.....".
- (2) Any Councillor may move this motion.
- (3) The motion in sub-clause 50(1):
 - a. is a formal motion which may be debated but may only be amended in relation to the time, date and place of the proposed amendment;
 - b. cannot be moved while any person is speaking or during the election of a Chairperson; and
 - c. may provide a date or time to which the adjournment is sought (but if no date or time is included, it may be re-listed at the discretion of the Chief Executive Officer or upon a subsequent resolution of the Council).

51. Councillors May Stand When Speaking

- (1) The Chairperson may require a Councillor to stand while speaking.
- (2) A Councillor who is required by the Chairperson to stand while speaking must, if it is practicable to do so, comply with that requirement.

52. Interruptions, Interjections and Relevance

- (1) A Councillor must not be interrupted except by the Chairperson or upon a point of order being taken.
- (2) If a Councillor is interrupted by the Chairperson or upon a point of order being taken, he or she must remain silent until the Chairperson has ceased speaking, or the point of order has been determined.
- (3) A Councillor must not digress from the subject matter of the motion or business under discussion.
- (4) The mover of a motion must not introduce fresh matter when exercising any right of reply.

DIVISION 8 – POINTS OF ORDER

53. Valid Points of Order

- (1) A point of order may be raised in relation to:
 - a. a procedural matter;
 - b. a Councillor who is or appears to be out of order; or
 - c. any act of disorder.
- (2) Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

54. Chairperson to Decide

- (1) The Chairperson will decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.
- (2) The Chairperson may adjourn the meeting to consider a point of order.
- (3) Subject to sub-clause 54(2), the Chairperson must rule on a point of order as soon as it is raised and all matters before the Council are to be suspended until the point of order is determined.

55. Final Ruling on a Point of Order

- (1) The determination of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of the Councillors present move a motion of dissent.
- (2) A motion of dissent on a point of order must contain the rule, provision, practice or precedent in substitution for the Chairperson's ruling.
- (3) A motion of dissent in relation to a point of order is not a motion of no confidence in the Chairperson and the Chairperson must at all times remain in the Chair and he or she will maintain his or her right to a second vote.
- (4) A motion of dissent on a point of order will take precedence over all other business and, if carried, must be acted on instead of the ruling originally given by the Chairperson.

56. Procedure for Point of Order

A Councillor taking a point of order must:

- (1) state the point of order; and

- (2) the clause, paragraph or provision of this Local Law relied upon in support of the point of order.

57. Chairperson May Speak

- (1) If the Chairperson wishes to participate in the debate, he or she must call for a motion to appoint a temporary Chairperson.
- (2) The temporary Chairperson elected by the meeting will take the Chair until the item of business has been determined.
- (3) The Chairperson must then resume the Chair.

58. Adjournment and Resumption of Meeting

- (1) The Chairperson may adjourn any meeting until a time and place to be determined at the time of the adjournment.
- (2) For the purpose of stating the time to which the meeting is adjourned, the time may be indicated as at the adjournment or conclusion of another meeting or event.

DIVISION 9 – PUBLIC QUESTION TIME

59. Question Time

- (1) There will be a public question time at every ordinary meeting to enable members of the public to ask questions or address the Council.
- (2) Standing orders will be suspended by resolution of the Council for the duration of Public Question Time.
- (3) The duration of question time will be no more than 30 minutes except that by resolution of the Council Public Question Time may be extended.
- (4) The Chairperson will exercise discretion so that the maximum number of people present will be permitted to ask their questions within the time available for Public Question Time.
- (5) Members of the public are to identify themselves and may speak for up to three minutes, which time may be extended at the discretion of the Chairperson.
- (6) A question shall be disallowed by the Chairperson if it:
 - a. relates to a matter outside the duties, functions and powers of the Council
 - b. is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance
 - c. deals with a subject matter already addressed during the meeting
 - d. is aimed at embarrassing a Councillor or a member of Council staff
 - e. relates to personnel matters
 - f. relates to the personal hardship of any resident or ratepayer
 - g. relates to industrial matters
 - h. relates to contractual matters
 - i. relates to legal advice
 - j. relates to matters affecting the security of Council property; or
 - k. relates to any other matter which the Council considers would prejudice the Council or any person.

- (7) Where a question is disallowed by the Chairperson, the Chairperson will state the clause under which the question was disallowed.
- (8) All questions and answers must be as brief as possible, and no discussion will be allowed other than for the purposes of clarification. Questions and answers will be directed through the Chairperson.
- (9) The Chairperson may nominate one or more Councillors or a member of Council staff to respond to a question or may take the question on notice to obtain further information.
- (10) Any Councillor may request, through the Chairperson, to respond to a question.

DIVISION 10 – NOTICES OF MOTION

60. Must be Listed on Agenda

- (1) A notice of motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.
- (2) A Councillor may give a signed notice of motion in writing on any matter he or she wants discussed at a meeting by giving or delivering a notice of motion by close of business hours on the day preceding dispatch of the relevant meeting agenda outlining the subject and the motion proposed for discussion to the Chief Executive Officer.

61. Rejection of a Vague Notice

The Chief Executive Officer:

- (1) May reject any notice of motion that is too vague or appearing to be contrary to the Local Government Act or any other law; and
- (2) Must notify the relevant Councillor of any notice of motion which has been rejected and give the reasons for its rejection.

62. Listing Notice on Agenda

Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of motion and, if more than one, in the order they were received, on the next appropriate meeting agenda.

63. Register of Notice

The Chief Executive Officer must cause every notice of motion received to be sequentially numbered and maintained in a register.

64. May be Moved by a Councillor and Amended

- (1) A notice of motion listed on the agenda may be moved by any Councillor present and, except where the notice of motion is to confirm a previous resolution of the Council, may be amended.
- (2) If a notice of motion to confirm a previous resolution of the Council cannot be carried in its original form, it is lost.
- (3) Unless the Council resolves to re-list at a future meeting a notice of motion which has been lost, a similar motion must not be put before the Council for at least three months from the date it was last lost.

DIVISION 11 – NOTICE OF AMENDMENT OR RESCISSION

65. Procedure

- (1) A Councillor may propose a motion to amend or rescind a decision of the Council provided:
 - a. the previous motion has not been acted upon; and
 - b. a notice is given or delivered in writing to the Chief Executive Officer by close of business hours on the day preceding dispatch of the next appropriate meeting agenda outlining:
 - i. the decision proposed to be amended or rescinded; and
 - ii. the meeting and the date when the decision was made.
- (2) The Chief Executive Officer or an appropriate member of Council staff is entitled to implement a resolution at any time after the close of the meeting at which it was made.
- (3) A resolution will be deemed to have been acted upon if:
 - a. its content or substance has been communicated by a member of Council staff through written or verbal means to a person whose interests are materially affected by it; or
 - b. a statutory process has been commenced so as to vest enforceable rights in or obligations on the Council or any other person.

66. Listing Notice of Amendment or Rescission on Agenda

The Chief Executive Officer must list the notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate meeting agenda, together with a brief report outlining the Chief Executive Officer's advice on the implications or consequences of the motion being so amended or rescinded.

67. Criteria to Amend or Rescind a Motion

- (1) For a decision of the Council to be amended or rescinded, the motion for amendment or rescission must be carried by the majority of the votes cast.
- (2) Unless the Council resolves to re-list at a future meeting a notice to amend or rescind which has been lost, a similar motion must not be put before the Council for at least three months from the date it was last considered.
- (3) If a notice of amendment or rescission is not moved at the meeting for which it is listed, it will lapse.
- (4) A notice of amendment or rescission listed on an agenda may be moved by any Councillor present but cannot be amended.

68. When Not Required

A notice of amendment or rescission is not required where the Council wishes to change a previous decision relating to a policy of the Council.

69. Register of Notices

The Chief Executive Officer must cause every notice of amendment or rescission received to be sequentially numbered and maintained in a register.

70. Urgent Special Business

Business which has not been listed on an agenda for an ordinary meeting must not be admitted as urgent business unless:

- (1) It relates to or arises out of a matter which has arisen since distribution of the agenda; and
- (2) It cannot safely or conveniently be deferred until the next ordinary meeting; and
- (3) Leave of Council is sought and approved by a majority of those present for the matter to be admitted as urgent business after the matter has been outlined by the proposer.

DIVISION 12 – PETITIONS AND JOINT LETTERS

71. Petitions and Joint Letters

- (1) A petition or joint letter presented to the Council may lie on the table until the next ordinary meeting of the Council. No motion other than to receive the petition or joint letter may be accepted by the Chairperson at the meeting at which it is presented.
- (2) The Council may receive a report on any petitions or joint letters at the next ordinary meeting of the Council or another meeting to be determined by the Council.
- (3) A copy of the text of the petition or joint letter must be included on the agenda for the next ordinary or available meeting.
- (4) A petition or joint letter may nominate a person to whom a reply may be sent, but if no person is nominated the Council may reply to the first or any person whose signature appears on the petition.
- (5) Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks and, except in cases of incapacity or sickness, by no one else, and the address of every petitioner or signatory must be clearly stated.

72. Councillor Presenting Petition – Obligations

- (1) Any Councillor presenting a petition or joint letter will be responsible for ensuring that:
 - a. he or she is familiar with the contents and purpose of the petition or joint letter;
 - b. the petition or joint letter is not derogatory or defamatory or disrespectful of the Council; and
 - c. his or her name is written at the beginning of the petition or joint letter.
- (2) A petition or joint letter received by any Councillor personally which requires a decision of or a direction from Council must:
 - a. be tabled by the Councillor at the next available meeting; or
 - b. referred by the Councillor to the Chief Executive Officer.

73. Signing Petitions

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

Penalty: 10 penalty units

74. Public Submissions

- (1) The Council must, at such time as is allocated by it, hear any person wishing to be heard in respect of their submission to Council under section 223 of the Act providing the submission does not contravene the provisions of Section 58(6).
- (2) Councillors may, through the Chairperson, question any submitter in relation to their submission.
- (3) After hearing submissions the Council may immediately consider what has been said and any submission made to it in writing or may adjourn its consideration of any such submissions.

DIVISION 13 – OTHER PROCEDURAL MATTERS

75. Chairperson May Remove

- (1) Any person (including a Councillor) who has been called to order by the Chairperson (in this sub-clause "the direction") and who fails to comply with the Chairperson's direction is guilty of an offence.

Penalty: 10 penalty units

- (2) The Chairperson has a discretion to direct and cause the removal of any person (including a Councillor) who disrupts any meeting; fails to comply with his or her direction; or who has committed an offence against this Local Law.

76. Chairperson May Adjourn Disorderly Meeting

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

77. Suspensions

The Chairperson may suspend from a meeting, and for the balance of the meeting, any Councillor whose actions have disrupted the business of Council and impeded its orderly conduct.

78. Removal from Chamber

The Chairperson, or 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 Chairperson has ordered to be removed from the gallery under clause 75 of this Local Law.

79. Placards and Signs Prohibited at Council Meetings

In order to maintain good order in the Chamber, a person must not bring any placard or sign into a Council meeting.

80. Suspension of Standing Orders

- (1) Subject to clause 82, the provisions of this Local Law may be suspended for a particular purpose by resolution of the Council.

- (2) The suspension of standing orders may only be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- (3) The purpose of the suspension of standing orders is to enable the formalities of meeting procedure to be temporarily set aside of while an issue is being discussed.
- (4) The suspension of standing orders may not be used purely to dispense with the processes and protocol of the government of the Council, and an appropriate motion would be:
 "That standing orders be suspended to enable discussion on.....".
- (5) Once the discussion has taken place and before any motion can be put, the resumption of the standing orders will be necessary.

81. No Motions May Be Accepted During Suspension of Standing Orders

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

82. Matters Not Provided For

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

PART FOUR - COMMON SEAL

83. The Council's Common Seal

- (1) The Chief Executive Officer must ensure the security of the Council's common seal at all times.
- (2) The Council's common seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Chief Executive Officer or his or her delegate.
- (3) Any person who uses the Council's common seal without authority is guilty of an offence.
Penalty: 10 penalty units
- (4) Any person who uses any replica of the Council's common seal without authority is guilty of an offence.

Penalty: 10 penalty units

PART FIVE - ENFORCEMENT AND PENALTIES

84. Infringement Notices

- (1) An Authorised Officer may, as an alternative to a prosecution, serve an infringement notice in the form of the notice in Schedule 1 on a person who has committed an offence against this Local Law.
- (2) The fixed penalty in respect of an infringement is the amount set out in Schedule 2.

85. Payment of Penalty

- (1) A person served with an infringement notice may pay the penalty indicated to the Chief Executive Officer.

- (2) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (3) A person issued with an infringement notice may choose to disregard the notice and defend the prosecution in court, in which case the penalty that may be imposed is the amount specified following each clause in this Local Law.

SCHEDULE ONE – INFRINGEMENT NOTICE

CONTENT

Date:

To: (name and address)

I, (name of Authorised Officer) have reason to believe that you have committed an offence against the ***Meeting Procedures Local Law*** of the Mount Alexander Shire Council as indicated below:

Date	Time	Clause of Local Law	Penalty
Description of offence			
Location of offence			

You may choose to have the matter heard and determined by a Court. To do so, you must lodge your request with the Magistrates Court within 28 days from the date of this notice.

SCHEDULE TWO – PENALTIES FIXED FOR INFRINGEMENTS

CONTENT

Provision	Offence	Penalty Units
72	Fraudulently signing a petition	10
74(1)	Failure to comply with the direction of the Chairperson	10
83(3)	Using the Common seal without authority	10
83(4)	Using a replica of the Common seal without authority	10