

ATTACHMENTS

**Under Separate Cover
Ordinary Council Meeting**

6.00pm Tuesday 23 April 2019

Table of Contents

6.4	Adoption of Local Law No. 1 of 2019 - Council Meeting Procedures & Common Seal	
Attachment 1	Local Law No. 1 of 2019 - Council Meeting Procedures & Common Seal ...	4
Attachment 2	Council Policy 4.4 – Public Participation in Council Meetings (Question Time, Presentations & Submissions, Petitions & Joint Letters)	34
Attachment 3	Copy of Submissions Received (Redacted)	39
Attachment 4	Officer Response to Submissions Received	51



**LOCAL LAW No. 1 of 2019
COUNCIL MEETING PROCEDURES
&
COMMON SEAL**

(Adopted by Council <<Insert Date>>)



LOCAL LAW No. 1 of 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL

CONTENTS

PART 1 – PRELIMINARY PROVISIONS	4
1. Title	4
2. Objectives of this Local Law	4
3. The Power to make this Local Law	4
4. Commencement & End Dates	4
5. Definitions	4
PART 2 – ELECTION OF MAYOR & DEPUTY MAYOR.....	7
6. Procedure for Election of Mayor	7
7. Procedure for Election of Deputy Mayor or Acting Mayor	8
8. Mayor to Take the Chair	8
PART 3 – CONDUCT OF BUSINESS & MEETINGS	9
9. Dates & Times of Meetings	9
10. Attendance & Notice of Meetings	9
11. Chairperson's Duties & Responsibilities	9
12. Quorum	10
13. Adjourned Meetings	10
14. Time Limits for Council Meetings.....	10
15. Leave of Absence	11
16. Disclosure of Conflict of Interest.....	11
17. Order & Content of Business	11
18. Notice of Motion	12
19. Notice of Motion to Rescind or Amend	13
20. Formal or Procedural Motions	14
21. Urgent Business	14
22. Reports from Officers	14
23. Reports from Committees	14
24. Confidential Reports.....	15
25. Keeping of Minutes.....	15
26. Confirmation of Minutes	16
27. Digital Recording of Proceedings	16
PART 4 – CONDUCT OF DEBATE & VOTING	17
28. Addressing the Council Meeting	17
29. Priority of Address	17
30. Speaking Times	17
31. Conduct of Motions, Amendments & Questions	18
32. Chairperson's Right to Speak	18
33. Procedures with Respect to Seeking Clarification or Asking Questions of Officers.....	18
34. Procedures with Respect to Recommendations & Motions.....	19
35. Motions in Writing	19



**LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL**

36.	Procedures with Respect to Amendments	19
37.	Procedures with Respect to Foreshadowed Motions	20
38.	Interruptions, Interjections, Questions & Relevance	21
39.	Repeating Motion, Amendment or Question	21
40.	Debate of the Motion	21
41.	Adjournment & Resumption of Adjourned Debate	21
42.	Rules for Voting	21
43.	Division	22
44.	Recording of Opposition or Support for Motion	22
45.	No Discussion Once Declared	22
46.	Points of Order	23
47.	Disagreement with Chairperson's Ruling	23
48.	Suspension of Standing Orders	24
49.	Clarification by Chief Executive Officer or Another Officer	24
50.	Ordering Withdrawal of Remark	24
51.	Suspensions	24
52.	Chairperson may Adjourn Disorderly Meeting	24
PART 5 – PUBLIC PARTICIPATION IN MEETINGS		25
53.	Public Question Time	25
54.	Public Presentations	25
55.	Petitions & Joint Letters	25
56.	Public Behaviour	25
57.	Removal from Meeting	25
PART 6 - COMMITTEES		26
58.	Special Committees	26
59.	Advisory Committees	26
PART 7 - COMMON SEAL		27
60.	Common Seal	27
PART 8 – OFFENCES & PENALTIES		28
61.	Offences	28
62.	Infringement Penalties	28
SCHEDULE - FORMAL MOTIONS PROCEDURE & EFFECT		30



**LOCAL LAW No. 1 of 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL**

PART 1 – PRELIMINARY PROVISIONS

1. TITLE

This Local Law is titled Local Law No.1 – 2019 – Council Meeting Procedures & Common Seal.

2. OBJECTIVES OF THIS LOCAL LAW

The objectives of this Local Law are to:

- 2.1 Facilitate good governance;
- 2.2 Regulate proceedings for the election of the Mayor and Deputy Mayor;
- 2.3 Regulate proceedings of Ordinary and Special Meetings of Council;
- 2.4 Promote and encourage community participation in the system of local government, by providing mechanisms within the meeting arrangements for the Council to ascertain the community's views and expectations;
- 2.5 Regulate and control the use of Council's Common Seal;
- 2.6 Provide generally for the peace, order and good government of the municipal district; and
- 2.7 To repeal Local Law No. 1 of 2009 – Processes of Municipal Government and Local Law No. 1A of 2011 Processes of Municipal Government.

3. THE POWER TO MAKE THIS LOCAL LAW

This Local Law:

- 3.1 Is made under sections 5 and 91, and Part 5, in particular section 111(1) of the Act; and
- 3.2 Was prepared following due consideration of the *Charter of Human Rights and Responsibilities Act 2006*.

4. COMMENCEMENT & END DATES

This Local Law:

- 4.1 Comes into operation on the <<Insert Date>>, at which time the Local Law No. 1 of 2009 – Processes of Municipal Government and Local Law No. 1A of 2011 Processes of Municipal Government will be repealed and will cease to have force and effect.
- 4.2 Ceases to operate on the tenth anniversary of its commencement, unless earlier revoked.

5. DEFINITIONS

In this local law, unless inconsistent with the context, the following words and phrases are defined to mean:

'absolute majority' means a number of votes greater than one-half of the total number of ballot papers (excluding ballot-papers which are rejected) and if necessary includes the vote by lot;

'Act' means the *Local Government Act 1989*;

'Acting Mayor' Means the Councillor appointed to represent the Mayor in the event of the Mayor and Deputy Mayor's absence or where there is a need to fill the role;



LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL

- 'agenda'** means the notice of a meeting setting out the business to be transacted at the meeting;
- 'amendment'** means a proposed alteration to the wording of a motion without being contradictory;
- 'Chamber'** means any room where Council hold a Council Meeting;
- 'Chairperson'** means the Chairperson of the meeting and includes acting, temporary and a substitute Chairperson;
- 'Chief Executive Officer'** means the Chief Executive Officer of Council, and includes a person acting as Chief Executive Officer;
- 'clause'** means a clause of this Local Law;
- 'Common Seal'** means the Common Seal of Council;
- 'Council'** means the Golden Plains Shire Council;
- 'Councillor'** means a person who holds office as an elected member of the Council as defined under the Act;
- 'Council Meeting'** is a meeting at which the Mayor is elected, an Ordinary meeting and a Special meeting of the Council;
- 'day'** means a Council business day;
- 'deliver'** means to hand over or mail to a recipient and includes electronic mail, transmission by facsimile or published on Council's website;
- 'Deputy Mayor'** means the Councillor appointed to represent the Mayor and act in the Mayor's role in the event of the Mayor's absence. Elected in accordance with this Local Law;
- 'digital'** means a form of electronic media or computer technology and includes digital audio, video, livestream, teleconference or other electronic means or software;
- '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;
- 'form'** a document with the approved outline and structure used to collect information in accordance with business procedures;
- 'Formal Motion'** means a motion related to a formal procedure as per the Schedule;
- 'gallery'** means the area set aside in the Council chamber or meeting room for the public;
- 'Joint Letter'** means a formal application to Council in the form of a letter which has been signed by the required number of people determined in a policy adopted by Council from separate entities whose names and physical addresses also appear on the letter. A letter from a single entity or organisation that is signed by multiple parties from that organisation or entity will not be classed as a joint letter;
- 'leave of absence'** means formal leave requested and taken by a Councillor who is not available, or unable, to perform their Council duties for a specified period of time;
- 'Local Law'** means Local Law No.1 – 2019 – Council Meeting Procedures & Common Seal;
- 'majority'** means the majority of Councillors meaning half plus one of the total number of Councillors; and additionally means the votes cast by a majority of the Councillors present at a meeting at the time the vote is taken;



LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL

- 'Mayor'** means the Mayor of Council and/or any person acting as Mayor;
- 'meeting'** means an Ordinary or Special meeting of Council or Special Committee meeting;
- 'Minutes'** mean the collective record of proceedings of Council (meeting records);
- 'Municipal district'** means the municipal district of Council;
- 'Notice of Amendment'** means a Notice of Motion to amend a resolution made by Council;
- 'Notice of Motion'** means a notice in writing, including the Councillor initiative, setting out the text of a motion/item which it is proposed to be moved by the Councillor at the next relevant meeting;
- 'Notice of Rescission'** means a Notice of Motion to rescind a resolution made by Council;
- 'offence'** means an act or default contrary to this Local Law;
- 'officer'** means an employed member of Council staff;
- 'Ordinary Meeting'** means a meeting of Council at which general business of Council may be transacted;
- 'Penalty Unit'** as defined in the *Sentencing Act 1992*;
- 'Petition'** means a formal written application to Council, typed or printed without erasure, signed by the required number of people determined in a policy adopted by Council whose names and physical addresses also appear, and on which each page of the petition bears the wording of the whole of the petition;
- 'quorum'** means the minimal number of Councillors who must be present to conduct the business of Council. A quorum is half the Council members plus one (1);
- 'Resident or Ratepayer'** means a person who has a place of residence within the Municipal District;
- 'resolution'** means a formal determination by a meeting of Council or special committee;
- 'Schedule'** means the Schedule attached to this Local Law;
- 'Special Committee'** means a special committee established by Council under section 86 of the Act;
- 'Special Meeting'** means a meeting of Council convened in accordance with section 84 of the Act and is a meeting at which business specified in the notice calling the meeting is transacted;
- 'Standing Orders'** means the provisions of this Local Law which govern the conduct of Meetings;
- 'Suspension of Standing Orders'** means the suspension of the provisions of this Local Law, to facilitate full discussion on an issue without formal Local Law 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;
- 'Visitor'** means any person (other than a Councillor or an officer) present at a Meeting; and
- 'written' or in writing'** includes duplicated, photocopied, photographed, emailed, faxed, printed and typed and extends to both hard copy and soft copy form.



LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL

PART 2 – ELECTION OF MAYOR & DEPUTY MAYOR

The purpose of this Part is to regulate the proceedings for the election of Mayor and Deputy Mayor.

(Pursuant to section 71 of the Act – Election of Mayor.)

6. PROCEDURE FOR ELECTION OF MAYOR

- 6.1 Any Councillor is eligible for election or re-election to the office of Mayor.
- 6.2 The agenda for the meeting to elect the Mayor may include:
 - 6.2.1 The taking of the oath of office by each Councillor, under section 63 of the Act;
 - 6.2.2 The fixing of allowances for the Mayor and Councillors under section 74 of the Act; and
 - 6.2.3 The appointment of Councillor representatives to various bodies.
- 6.3 The meeting to elect the Mayor shall be held in accordance with the Act.
- 6.4 All nominations to be a candidate for Mayor must be provided in writing to the Chief Executive Officer no later than a date and time to be fixed by the Chief Executive Officer.
- 6.5 The Chief Executive Officer will advise all Councillors of the names of the candidates within 24 hours of nominations closing.
- 6.6 The Chief Executive Officer will be the temporary Chairperson of the meeting at which the election of Mayor is to be conducted, but will have no voting rights.
- 6.7 Pursuant to clause 6.4, the Chief Executive Officer will be responsible for reading the names of the candidates at the meeting at which the election of Mayor is to be conducted.
- 6.8 The Chief Executive Officer shall be responsible for the counting of votes.
- 6.9 The election of the Mayor shall be by a show of hands.
- 6.10 The Councillor who receives the majority of votes cast must be declared elected.
- 6.11 For the purposes of this clause the following will apply:
 - 6.11.1 Pursuant to clause 6.4, nominations must be moved and seconded at the meeting at which the election of Mayor is to be conducted;
 - 6.11.2 Where only 1 nomination is received, that Councillor must be declared elected; or
 - 6.11.3 Where 2 nominations are received:
 - (a) the Councillor with an absolute majority of votes cast must be declared elected; or
 - (b) if all votes cast are equally divided, the election must be determined by lot conducted by the Chief Executive Officer in the presence of the meeting; or
 - 6.11.4 Where there are more than (2) nominations received, the Councillor who receives an absolute majority at the first round of votes cast must be declared elected, or if no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a



LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL

candidate and a further ballot conducted between the remaining candidates. If there are several candidates, this procedure must be repeated until a candidate receives an absolute majority of votes, and that candidate shall be declared elected.

6.11.5 If for the purpose of eliminating the candidate with the least number of votes, 2 or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by simple majority vote. If there is an equality of votes with respect to the candidate to be eliminated, the candidate to be eliminated shall then be determined by lot conducted by the Chief Executive Officer in the presence of the meeting.

6.11.6 A candidate may withdraw their nomination at any time prior to the election being conducted.

6.11.7 If a candidate is nominated for both the position of Mayor and Deputy Mayor and is successfully elected as Mayor, then their nomination for Deputy Mayor is deemed to be withdrawn.

7. PROCEDURE FOR ELECTION OF DEPUTY MAYOR OR ACTING MAYOR

7.1 Where the Council has resolved to appoint a Deputy or Acting Mayor all provisions in clause 6 will apply to the election of the Deputy or Acting Mayor save that the Mayor shall preside over the election.

8. MAYOR TO TAKE THE CHAIR

8.1 After the election of the Mayor is determined, the Mayor must take the chair.

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

8.3 In the absence of the Mayor, the Deputy Mayor, if previously elected, shall take the chair.

8.4 If a Deputy Mayor has not been previously elected and the Mayor is absent, a Councillor shall be elected to take the chair in accordance with clause 6 save that the Chief Executive Officer shall preside over the election.



LOCAL LAW No. 1 of 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL

PART 3 – CONDUCT OF BUSINESS & MEETINGS

The purpose of this Part is to regulate the conduct of all meetings of the Council.

9. DATES & TIMES OF MEETINGS

- 9.1 Council must annually fix the date, time and place of all Ordinary Meetings.
- 9.2 Council may from time to time fix a date, time and place of Special Committee Meetings.
- 9.3 Council may change the date, time and place of any Council meeting which has been fixed and must provide reasonable notice of at least 24 hours, if possible, of the change to the public.
- 9.4 Subject to any resolution providing otherwise, the order of business of any Special Meeting must be the order in which such business stands in the agenda for the meeting.

10. ATTENDANCE & NOTICE OF MEETINGS

(Pursuant to section 84 of the Act.)

- 10.1 The Chief Executive Officer must give notice of any meeting of the Council to the public by advertising the meeting in accordance with the Act on Council's website and in a local Newspaper generally circulating in the municipality, unless time does not permit.
- 10.2 Advertising of meetings may be done, as either:
 - 10.2.1 a schedule of meetings annually; or
 - 10.2.2 at various times throughout the year; or
 - 10.2.3 prior to each meeting, unless extraordinary circumstances exist.
- 10.3 In the event of a Special Meeting, a notice of a Special Meeting must be delivered to every Councillor at least 2 days before the meeting. A period less than 2 days may, however, be justified if exceptional circumstances exist.
- 10.4 An electronic agenda will be delivered to Councillors at least 48 hours before an Ordinary Meeting.
- 10.5 Despite clause 10.4, the Chief Executive Officer may deliver an agenda for a Special Meeting to Councillors in less than 48 hours, if the Chief Executive Officer considers that in view of the urgency of the matter(s) this should occur.
- 10.6 An electronic agenda must be available to the public on Council's website at least 24 hours before an Ordinary or Special Meeting, unless extraordinary circumstances exist.

11. CHAIRPERSON'S DUTIES & RESPONSIBILITIES

The Chairperson's duties and responsibilities are to:

- 11.1 Formally declare the meeting open, after ascertaining that a quorum is present, conduct the Acknowledgement of Country and to welcome those in the gallery and other visitors;
- 11.2 Preside over and control the meeting, conduct it impartially and according to this Local Law and established protocols in order to ensure the smooth passage of the business;
- 11.3 Sign minutes of meetings as correct when they have been confirmed;



LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL

- 11.4 Present any reports for which he or she is responsible;
- 11.5 Ensure that debate is conducted in the correct manner;
- 11.6 Declare the results of all votes;
- 11.7 Give rulings on points of order and other questions of procedure;
- 11.8 Preserve order, and, if necessary, name offending members; and
- 11.9 Adjourn (when so resolved) or formally declare the meeting closed when all business has been concluded.

12. QUORUM

- 12.1 A quorum is a majority of the number of Councillors entitled to be present and to vote at the meeting.
- 12.2 If a quorum is not present within 30 minutes of the time appointed for the commencement of a Council meeting:
 - 12.2.1 The meeting shall be deemed to have lapsed;
 - 12.2.2 The Mayor must convene another Council meeting and ensure that the agenda for such meeting is identical to the agenda for the meeting which is deemed to have lapsed; and
 - 12.2.3 The Chief Executive Officer must give all Councillors notice of the meeting convened by the Mayor.
- 12.3 If a quorum fails after a Council meeting has begun, the meeting lapses.
- 12.4 If the meeting lapses, the undisposed business must, unless it has already been disposed of at a Special Meeting, be included in the agenda for the next Ordinary Meeting.

13. ADJOURNED MEETINGS

- 13.1 Council may, by resolution, adjourn any meeting to a later time on the same day, or for a period not exceeding 7 days.
- 13.2 The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

14. TIME LIMITS FOR COUNCIL MEETINGS

- 14.1 A Council Meeting must start within 30 minutes of the advertised start time.
- 14.2 A Council Meeting will not continue after 11pm unless a majority of Councillors present vote in favour of its continuance.
- 14.3 In the absence of such continuance, a Council meeting must stand adjourned to a time, date and place announced by the Chairperson immediately prior to the meeting standing adjourned.
- 14.4 The Chief Executive Officer must give notice to each Councillor of the date, time and venue to which the meeting stands adjourned and of the business remaining to be considered.



LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL

15. LEAVE OF ABSENCE

(Pursuant to section 69(1)(g) of the Act.)

- 15.1 Any Councillor seeking leave of absence from Council duties must do so at a prior Council meeting or, if this is not practicable, the Councillor must give the Chief Executive Officer written notice of an apology prior to the Council meeting.
- 15.2 Unless there is an emergency, a leave of absence requested during a Council meeting will only be granted at the end of a motion and not during a debate.
- 15.3 Pursuant to the Act, absence from 4 consecutive meetings of the Council without leave having been obtained from the Council will result in the office of the Councillor becoming vacant.
- 15.4 It will not be necessary for a notice of meeting, agenda or minutes to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing, to continue to give notice of any meeting to be held during the period of his or her absence.

16. DISCLOSURE OF CONFLICT OF INTEREST

(Pursuant to sections 77, 78 & 79 of the Act.)

- 16.1 A Councillor, Chief Executive Officer, or officer attending a Council meeting must disclose any conflicts of interest in accordance with the Act.
- 16.2 In every case where disclosure of a conflict of interest is made at a meeting, the minutes shall record:
 - 16.2.1 The name of the Councillor, Chief Executive Officer, or officer, making the disclosure;
 - 16.2.2 The type and nature of interest;
 - 16.2.3 Whether the Councillor, Chief Executive Officer, or officer left the room prior to discussion of the matter and remained outside while the vote was taken; and
 - 16.2.4 The exact times that the Councillor, Chief Executive Officer, or officer left the room and returned.
- 16.3 Councillors, the Chief Executive Officer, and officers will be required to complete a Conflict of Interest Declaration form for each conflict of interest declared at a Council meeting.

17. ORDER & CONTENT OF BUSINESS

- 17.1 The order of business to be conducted at a Council meeting will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- 17.2 After an agenda has been sent to Councillors, the order of business for that meeting may only be altered by a resolution of the Council. This includes a request for an item to be brought forward.
- 17.3 The Chief Executive Officer may include any matter on an agenda which he or she thinks should be considered at the meeting.



LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL

18. NOTICE OF MOTION

- 18.1 A Notice of Motion must be:
- 18.1.1 In writing, or sent electronically, and generally be in a form approved by the Chief Executive Officer;
 - 18.1.2 Be signed by the Councillor intending to move the motion;
 - 18.1.3 Be signed by another Councillor willing to second the motion for the purpose of debate at the meeting in which it will be considered. The motion at the meeting to be dealt with in accordance with clause 34; and
 - 18.1.4 Be lodged with the Chief Executive Officer by 5pm 7 days prior to the date of the meeting to allow sufficient time for the Notice of Motion to be included in the agenda for the next Council meeting.
- 18.2 The Chief Executive Officer will give all Councillors notice of a Notice of Motion received in accordance with clause 18.1.
- 18.3 A Councillor may attach any supporting documentation to their Notice of Motion for inclusion in the agenda.
- 18.4 The Chief Executive Officer must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion register in the order in which they were received.
- 18.5 Any Notice of Motion which in the opinion of the Chief Executive Officer or the Chairperson:
- 18.5.1 Is defamatory; or
 - 18.5.2 Is objectionable in language or nature; or
 - 18.5.3 Is outside the powers of the Council
- must not be accepted by the Chairperson.
- 18.6 Except by resolution of Council, Notices of Motion before any Council meeting must be considered in the order in which they were recorded in the Notice of Motion register.
- 18.7 Before a Notice of Motion at a Council meeting is moved, the Councillor may introduce it by indicating, in not more than 3 minutes:
- 18.7.1 Its intent; and/or
 - 18.7.2 The desired outcome if passed.
- 18.8 If a Councillor who has given a Notice of Motion:
- 18.8.1 Is absent from the Council meeting; or
 - 18.8.2 Fails to move the motion when called upon by the Chairperson;
- any other Councillor may move the Notice of Motion.
- 18.9 If a Notice of Motion is not moved and seconded at the Council meeting in which it was included on the agenda, it lapses.
- 18.10 Before the Notice of Motion is put to the vote, it may be withdrawn by the Councillor.



LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL

19. NOTICE OF MOTION TO RESCIND OR AMEND

- 19.1 A Councillor may propose a motion to rescind or amend a previous resolution of Council. A Notice of Motion to rescind or amend must be:
- 19.1.1 In writing, or sent electronically, and generally be in a form approved by the Chief Executive Officer;
 - 19.1.2 Be signed by the Councillor intending to move the motion to rescind or amend;
 - 19.1.3 Be signed by another Councillor willing to second the motion to rescind or amend for the purpose of debate at the meeting in which it will be considered. The motion at the meeting to be dealt with in accordance with clause 34; and
 - 19.1.4 Be lodged with the Chief Executive Officer no later than 72 hours following the meeting at which the resolution proposed to be rescinded or amended was adopted.
- 19.2 No action will be taken to implement a resolution on which a notice to rescind or amend the resolution has been given pursuant to clause 19.1.
- 19.3 The Chief Executive Officer will give all Councillors notice of a Notice of Motion to rescind or amend received in accordance with clause 19.1.
- 19.4 A Councillor may not propose a motion to rescind or amend a resolution of the Council which has been acted upon.
- 19.5 A resolution will be considered as having been acted upon once its details have been formally communicated to persons affected by or reliant on the resolution or where a statutory procedure has commenced or been carried out.
- 19.6 When moving a Notice of Motion to rescind or amend at a Council meeting, the Councillor may introduce it by indicating, in not more than 3 minutes:
- 19.6.1 Its intent; and/or
 - 19.6.2 The desired outcome if passed.
- 19.7 If a Councillor who has given a Notice of Motion to rescind or amend:
- 19.7.1 Is absent from the Council meeting; or
 - 19.7.2 Fails to move the motion when called upon by the Chairperson;
- any other Councillor may move the Notice of Motion to rescind or amend.
- 19.8 A Notice of Motion to rescind or amend a previous resolution of Council shall be deemed to have been withdrawn if not moved at the next meeting at which such business may be transacted.
- 19.9 If a Notice of Motion to rescind or amend is not seconded at the next meeting at which such business may be transacted, it lapses.
- 19.10 Before the Notice of Motion to rescind or amend is put to the vote, it may be withdrawn by the Councillor who moved the Notice of Motion to rescind or amend.
- 19.11 A second or subsequent notice to rescind or amend an earlier resolution must not be accepted by the Chief Executive Officer until a period of 3 months has elapsed since the date of the meeting at which the previous motion of rescission or amendment was dealt with.



**LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL**

20. FORMAL OR PROCEDURAL MOTIONS

- 20.1 Formal or procedural motions, unless otherwise prohibited, may be moved at any time and shall be dealt with in accordance with the Schedule.
- 20.2 Formal or procedural motions require a seconder.
- 20.3 Debate on a formal or procedural motion is not permitted and the mover does not have a right of reply.
- 20.4 A formal motion cannot be amended.

21. URGENT BUSINESS

- 21.1 Business must not be admitted as urgent business unless:
 - 21.1.1 It relates to or arises out of a matter which has arisen since distribution of the agenda;
 - 21.1.2 It cannot safely or conveniently be deferred until the next Ordinary Meeting; and
 - 21.1.3 The Council resolves to admit an item considered to be urgent business.
- 21.2 Items of urgent business are to be supported by an officer's report.
- 21.3 Notices of Motion will not be admitted into urgent business and will be dealt with in accordance with clause 18.
- 21.4 Unless a majority of Councillors are present and resolve to deal with another matter as urgent business, no business can be transacted at an Ordinary Meeting unless it appears on the agenda.

22. REPORTS FROM OFFICERS

- 22.1 Any report(s) by officers to a Council meeting must contain a recommendation and be in the appropriate report style format approved by the Chief Executive Officer.
- 22.2 When officer reports are before a Council meeting and after all Councillors have had an opportunity to ask questions in relation to the report, the Chairperson must then ask a Councillor to move an appropriate motion. If the motion is seconded the motion is to be dealt with in accordance with clause 34.

23. REPORTS FROM COMMITTEES

- 23.1 Any report(s) by a Special Committee or an Advisory Committee to a Council meeting must contain a recommendation and must be listed on the next scheduled Council meeting agenda.
- 23.2 When the report(s) of a Committee is before a Council meeting:
 - 23.2.1 The Chairperson must ask whether any Councillor wishes to speak to any report and record the item number of any such report; and
 - 23.2.2 After all Councillors have indicated the reports to which they wish to speak, the Chairperson may ask for a motion to adopt all reports to which no requests to speak have been expressed and proceed to deal with that motion.
 - 23.2.3 The Chairperson of the Audit and Risk Committee may request a report be tabled at any Council meeting.



LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL

24. CONFIDENTIAL REPORTS

(Pursuant to section 89 of the Act.)

- 24.1 The Chief Executive Officer must ensure that a report is classified as confidential if the Chief Executive Officer considers it has been prepared for consideration in respect of a matter which is expected to be the subject of a resolution under section 89(2) of the Act to close the Council meeting to the public while that report is discussed.
- 24.2 The Chairperson must call for a motion to close the meeting to the public and this motion must be carried prior to commencing any business pertaining to confidential reports. The time of this motion must be recorded in the minutes of the meeting.
- 24.3 The motion must contain the reasons why the meeting is being closed to the public by referencing that it is pursuant to section 89(2) of the Act and inserting the appropriate clause for each closed item. All confidential reports to be considered must be listed as part of this motion.
- 24.4 The Chairperson must advise those present in the gallery that an item is required to be considered in a closed meeting and request that they vacate the chamber while the confidential matter(s) is/are discussed and determined.
- 24.5 The Chairperson must call for a motion to re-open the meeting to the public. This motion must be carried and the time recorded in the minutes of the meeting.
- 24.6 If an item or recommendation is to be moved out of the closed part of the meeting:
 - 24.6.1 The Chairperson must call for a motion to move all or part of the item or items into open Council; and
 - 24.6.2 That report or section must be included in the minutes of the Ordinary Meeting showing the Council decision that was made in the closed section of the meeting.
- 24.7 All items that are considered confidential pursuant to section 89 of the Act remain confidential until Council has passed a resolution that the information is no longer confidential.
- 24.8 At the time of making a determination on a confidential item, Council may also make a determination on a date, action, or event upon which the confidentiality no longer applies to the determination.

25. KEEPING OF MINUTES

(Pursuant to section 93 of the Act.)

- 25.1 The Chief Executive Officer (or other person authorised by the Chief Executive Officer) must keep minutes of each Council Meeting and those minutes must record:
 - 25.1.1 The date, place, time and nature of the meeting;
 - 25.1.2 The names of the Councillors present and those who have submitted apologies or been granted leave of absence;
 - 25.1.3 The disclosure of conflicts of interest made by a Councillor or officer in accordance with clause 16.2;
 - 25.1.4 Arrivals and departures (including temporary) of Councillors during the course of the meeting;
 - 25.1.5 Each motion and amendment moved and seconded;
 - 25.1.6 The vote cast by each Councillor upon a division;



**LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL**

- 25.1.7 Questions upon notice;
- 25.1.8 The failure of a quorum;
- 25.1.9 When requested by a Councillor, a record of their opposition to any motion;
- 25.1.10 Any adjournment of the Council meeting and the reasons for that adjournment; and
- 25.1.11 Public representations;
- 25.1.12 Questions upon notice;
- 25.1.13 The time at which Standing Orders were suspended and resumed;
- 25.1.14 Closure of the meeting to members of the public and the reasons for such closure in accordance with clause 24;
- 25.1.15 Any other matter which should be recorded to clarify the intention and conduct of the meeting or the reading of the minutes.

26. CONFIRMATION OF MINUTES

At every meeting of Council the minutes of the preceding meeting(s) must be dealt with as set out below:

- 26.1 If the minutes have been delivered to each Councillor at least 48 hours before the meeting, a motion must be put for the confirmation of the minutes.
- 26.2 If the minutes have not been delivered, they must be read and a motion must be put for the confirmation of the minutes.
- 26.3 The minutes must be signed by the Chairperson of the meeting at which they have been confirmed.
- 26.4 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.
- 26.5 Council may defer the confirmation of minutes until later in the Council meeting or until the next Council meeting if considered appropriate.
- 26.6 Ordinary Council meeting minutes from meetings that are open to the public will be confirmed in the open section of the agenda. Minutes from closed meetings will be confirmed in the closed section of the meeting.

27. DIGITAL RECORDING OF PROCEEDINGS

- 27.1 Council may digitally record the proceedings at each Council meeting unless there is a specific resolution not to do so.
- 27.2 The digital recording of proceedings will take whatever form the Council decided and may include audio and video.
- 27.3 Where Council digitally records meetings visitors will be advised by appropriate venue signage.
- 27.4 Except where Council conducts the digital recording itself, no other digital recording shall be permitted by any other person or visitor without specific approval by resolution of the meeting.
- 27.5 Council may make the digital recordings of open Council meetings available to the public on its website.
- 27.6 Council may broadcast the proceedings of open Council meetings to the public on its website by livestream or other digital software.



**LOCAL LAW No. 1 of 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL**

PART 4 – CONDUCT OF DEBATE & VOTING

The purpose of this Part is to regulate the conduct of debate and voting at all meetings of the Council.

28. ADDRESSING THE COUNCIL MEETING

- 28.1 Any Councillor or person who addresses the meeting should stand and direct all remarks through the Chairperson.
- 28.2 Despite clause 28.1, the Chairperson may permit any Councillor or person to remain seated whilst addressing the Chairperson, at his or her discretion.
- 28.3 Any person addressing the chair should refer to the Chairperson as:
 - 28.3.1 Madam Mayor;
 - 28.3.2 Mr Mayor;
 - 28.3.3 Madam Chairperson; or
 - 28.3.4 Mr Chairperson;
 as the case may be.
- 28.4 All Councillors, other than the Mayor, should be addressed as Councillor (surname).
- 28.5 All officers should be addressed as Ms or Mr (surname).
- 28.6 The Councillor acknowledged by the Chairperson is to speak and must not be interrupted unless:
 - 28.6.1 He or she is called to order;
 - 28.6.2 His or her speaking time has expired;
 - 28.6.3 A point of order is raised; or
 - 28.6.4 A formal motion is moved.

29. PRIORITY OF ADDRESS

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

30. SPEAKING TIMES

- 30.1 A Councillor must not speak longer than the time set out below, unless granted an extension by the Chairperson:
 - 30.1.1 The mover of a motion or an amendment: 3 minutes;
 - 30.1.2 The seconder of motion or an amendment: 3 minutes;
 - 31.1.2 Any other Councillor: 3 minutes; and
 - 31.1.3 The mover of a motion exercising a right of reply: 2 minutes.



**LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL**

31. CONDUCT OF MOTIONS, AMENDMENTS & QUESTIONS

- 31.1 A motion, amendment or question must:
- 31.1.1 Not be defamatory;
 - 31.1.2 Not be objectionable in language or nature;
 - 31.1.3 Relate to the powers or functions of Council;
 - 31.1.4 Be in writing, if requested by the Chairperson;
 - 31.1.5 Except in the case of urgent business, be relevant to an item of business on the agenda; and
 - 31.1.6 Be moved and seconded, otherwise it lapses.
- 31.2 The Chairperson may refuse to accept any motion, amendment or question which contravenes clause 31.1 or which:
- 31.2.1 Is not relevant to the item of business on the agenda and has not been admitted as urgent business; or;
 - 31.2.2 Purports to be an amendment but is not.

32. CHAIRPERSON'S RIGHT TO SPEAK

- 32.1 The Chairperson may address a meeting upon any matter under discussion, following presentations by all Councillors, and is not deemed to have left the chair on such occasions. The Chairperson may physically 'step away' from the chair to make their point in a discussion in which case they are not deemed to have left the chair.
- 32.2 The Chairperson may choose to vacate the chair for the duration of any item under discussion whereupon a temporary Chairperson (usually the Deputy Mayor) or other Councillor elected by the meeting shall take the chair until such item has been disposed of.

33. PROCEDURES WITH RESPECT TO SEEKING CLARIFICATION OR ASKING QUESTIONS OF OFFICERS

- 33.1 Officers will support the meeting process through provision of officer reports in the agenda and Councillors should make every effort to seek clarification on information in advance of the meeting.
- 33.2 Where Councillors need to seek clarification by asking questions of officers throughout the meeting that were not able to be asked prior to the meeting, such questions must be:
- 33.2.1 Directed through the Chief Executive Officer;
 - 33.2.2 Relevant to an item on the agenda;
 - 33.2.3 Seeking genuine clarification of a matter that is not already addressed in the officer's report;
 - 33.2.4 Not objectionable in language, nature or tone;
 - 33.2.5 Not intended to draw officers into debating a matter or justifying a recommendation; and
 - 33.2.6 Not designed to canvass matters or disseminate information to the public.



LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL

34. PROCEDURES WITH RESPECT TO RECOMMENDATIONS & MOTIONS

- 34.1 The Chairperson will briefly summarise the report and recommendation or allocate this role to the Chief Executive Officer (or other officer authorised by the Chief Executive Officer).
- 34.2 The Chairperson will call for a mover and seconder of a motion.
- 34.3 If there is no mover and/or seconder the motion lapses.
- 34.4 The Chairperson shall ask immediately after a motion is moved and seconded and after the mover has spoken to the motion (or deferred speaking), whether it is opposed. If no opposition is indicated the Chairperson may then put the motion to the vote, without debate.
- 34.5 A motion can only be withdrawn by the mover if the seconder provides his or her consent and this must occur before the motion is put to the vote.
- 34.6 After a motion is put to the vote, the Chairperson must declare the result to the Council meeting.
- 34.7 The mover of a motion has the right of reply with respect to the debate on his or her motion immediately before the vote is taken, but that right of reply is lost if an amendment to the motion is carried.
- 34.8 Apart from the mover's right of reply referred to in clause 34.7 a Councillor may only speak once on the motion.
- 34.9 The mover of a motion must not introduce new material when exercising any right of reply.

35. MOTIONS IN WRITING

- 35.1 The Chairperson may require that a complex or detailed motion be in writing.
- 35.2 The Chairperson may adjourn the meeting while the motion is being written or may defer the matter in the order of business, until the motion has been written.

36. PROCEDURES WITH RESPECT TO AMENDMENTS

- 36.1 A motion having been moved and seconded may be amended by omitting, inserting or adding words.
- 36.2 No notice needs to be given of any amendment.
- 36.3 Amendments must be dealt with 1 at a time.
- 36.4 The Councillor who amended the motion is the mover of the amendment which must be seconded.
- 36.5 If the amendment is not seconded the amendment lapses.
- 36.6 An amendment must be relevant to the motion upon which it is moved.
- 36.7 An amendment must not amount to a direct contradiction of the motion.
- 36.8 The mover or seconder of a motion cannot move an amendment to it.
- 36.9 A second or subsequent amendment cannot be moved until the immediately preceding amendment is disposed of, unless both the mover and seconder of the original amendment agree to this.



**LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL**

- 36.10 A Councillor proposing an amendment must first state briefly the nature of the amendment and then move it, without speaking to it.
- 36.11 After the amendment has been seconded the Chairperson must call upon the mover of the amendment to speak to the amendment.
- 36.12 After the mover of the amendment has spoken the Chairperson must call upon the seconder to speak to the amendment. The seconder can reserve their right.
- 36.13 After the mover and seconder of the amendment have spoken the Chairperson must call upon any other Councillor who may wish to speak to the amendment.
- 36.14 An amendment can only be withdrawn by the mover if the seconder provides his or her consent and this must occur before the amendment is put to the vote.
- 36.15 After any other Councillor has spoken to the amendment or if no Councillor has indicated an intention to speak, the Chairperson will put the amendment to the vote.
- 36.16 The mover has no right of reply when an amendment is before the Council.
- 36.17 If a proposed amendment effectively negates the substance of the motion, it is to be ruled a foreshadowed motion and clause 37 then applies. The foreshadowed motion shall only be considered in the event that the original motion is lost.
- 36.18 If an amendment is adopted it becomes the substantive motion and, as such, shall be put to the vote by the Chairperson, or be subject to amendment.
- 36.19 A Councillor cannot move more than 2 amendments in succession.
- 36.20 With the leave of the Chairperson, another amendment or a new motion can be foreshadowed by any Councillor stating in brief terms the nature of it.
- 36.21 A Councillor can only speak once on an amendment.

37. PROCEDURES WITH RESPECT TO FORESHADOWED MOTIONS

- 37.1 After a motion has been moved and seconded, at any time during debate, a Councillor may foreshadow his or her intention to move an alternate motion.
- 37.2 A foreshadowed motion 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 motion.
- 37.3 A Councillor who has foreshadowed a motion must not speak to the foreshadowed motion until such time the original motion is disposed in accordance with clause 34.
- 37.4 A foreshadowed motion has no procedural standing and is merely a means to assist the flow of the meeting.
- 37.5 If the original motion is lost, the Councillor who first foreshadowed a motion must then move their motion and clause 34 then applies.
- 37.6 The Chief Executive Officer is not required to record foreshadowed motions in the minutes, until such time the foreshadowed motion becomes a motion if and when formally moved and seconded.



**LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL**

38. INTERRUPTIONS, INTERJECTIONS, QUESTIONS & RELEVANCE

- 38.1 A Councillor must not be interrupted except by the Chairperson or upon a point of order or personal explanation.
- 38.2 If a Councillor is interrupted by the Chairperson or upon a point of order or personal explanation, he or she must remain silent until the Chairperson has ceased speaking, the point of order has been determined or the personal explanation has been given (as appropriate).
- 38.3 Questions are not to be asked between moving and seconding a motion except to seek clarification on the motion received.
- 38.4 A Councillor must not digress from the subject matter of the motion or business under discussion.

39. REPEATING MOTION, AMENDMENT OR QUESTION

- 39.1 Before any matter is put to the vote, a Councillor may require that the question, motion or amendment be read again.
- 39.2 The Chairperson without being so requested may direct the Chief Executive Officer (or other officer authorised by the Chief Executive Officer) to read the question, motion or amendment to the meeting before the vote is taken.

40. DEBATE OF THE MOTION

- 40.1 Debate must always be relevant to the motion before the Chairperson, and if not, the Chairperson must request the speaker to confine the debate to the motion.
- 40.2 If the speaker continues to debate irrelevant matters after being requested to confine debate the Chairperson may direct the speaker to be seated and not to speak further in respect of the motion before the Chairperson.

41. ADJOURNMENT & RESUMPTION OF ADJOURNED DEBATE

- 41.1 The Council may by resolution adjourn a meeting to a later time on the day for which the meeting was called or for a period not exceeding 7 days.
- 41.2 When a motion to adjourn a meeting is before the Council, the Chairperson must not allow discussion on the motion to adjourn. If the Council fails to pass the motion to adjourn, the Chairperson must resume the meeting at the item of business under consideration.
- 41.3 The Chief Executive Officer must deliver written notice of an adjourned meeting to all Councillors, except when the meeting is adjourned to a later time on the same day, in which case any form of notice may be given to all Councillors.
- 41.4 If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless he or she has already spoken to the motion or amendment.

42. RULES FOR VOTING

(Pursuant to section 90 of the Act.)

- 42.1 Except where a Councillor may call for a division, Councillors must remain seated in silence while a vote is being taken.



LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL

- 42.2 Unless this Local Law provides otherwise or Council otherwise determines, voting must be by a show of hands.
- 42.3 The Chairperson may direct that the vote be recounted as often as may be necessary to satisfy the Chairperson of the result.
- 42.4 A Councillor can abstain from voting however, the decision to do so should not be taken lightly. Not participating in decisions taken by Council could be seen as an abrogation of a Councillor's oath of office and responsibility to represent the community.
- 42.5 In the event of a tied vote, the Chairperson may exercise a second vote in accordance with the Act.

43. DIVISION

- 43.1 Immediately after any motion, amendment or question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.
- 43.2 When a division is called, the Chairperson must:
 - 43.2.1 First ask each Councillor wishing to vote for the motion to stand. The Chairperson must then state, and the Chief Executive Officer (or other officer authorised by the Chief Executive) must record the names of those Councillors voting for the motion;
 - 43.2.2 Then ask each Councillor wishing to vote against the motion to stand. The Chairperson must then state, and the Chief Executive Officer (or other officer authorised by the Chief Executive Officer) must record the names of those Councillors voting against the motion;
 - 43.2.3 Then if not all Councillors have declared either for or against the motion, ask each Councillor wishing to abstain to stand. The Chairperson must then state, and the Chief Executive Officer (or other officer authorised by the Chief Executive Officer) must record the names of those Councillors abstaining from voting.
- 43.3 The Chairperson must declare the result of the vote or division as soon as it is taken.

44. RECORDING OF OPPOSITION OR SUPPORT FOR MOTION

- 44.1 Any Councillor may request that his or her opposition to, or support for, a motion adopted by the meeting be recorded. It must then be recorded in the minutes of the Council meeting.

45. NO DISCUSSION ONCE DECLARED

- 45.1 Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion is:
 - 45.1.1 A Councillor requesting, before the next item of business is considered, that his or her opposition to the motion be recorded in the minutes; or
 - 45.1.2 Foreshadowing a Notice of Rescission or Amendment where a resolution has just been made; and or a positive motion where a resolution has just been rescinded; or
 - 45.1.3 Foreshadowing a Notice of Rescission or Amendment, in which case what is foreshadowed must be noted in the Minutes of the Council Meeting.



**LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL**

46. POINTS OF ORDER

- 46.1 A point of order is an objection that the motion, amendment or statement made is:
- 46.1.1 Contrary to this Local Law;
 - 46.1.2 Defamatory;
 - 46.1.3 Irrelevant;
 - 46.1.4 Improper; or
 - 46.1.5 Outside Council's legal powers
- and may be made despite the fact that the Councillor or Chairperson is speaking at the time.
- 46.2 A point of order must be taken by stating:
- 46.2.1 The matter complained of; and
 - 46.2.2 The reason constituting the point of order;
- 46.3 The Chairperson must decide on all points of order.
- 46.4 The Chairperson may adjourn the meeting to consider a point of order but must otherwise rule upon it as soon as it is taken.
- 46.5 The Chairperson may raise a point of order without it having been made by a Councillor.
- 46.6 When called to order, a Councillor must remain silent until the point of order is decided unless he or she is requested by the Chairperson to provide an explanation.
- 46.7 The Chairperson must, when ruling on a point of order, give reasons for the ruling.

47. DISAGREEMENT WITH CHAIRPERSON'S RULING

- 47.1 The Chairperson's ruling on a point of order shall be final unless the majority of Councillors present at the meeting vote in favour of a motion of dissent that is moved and seconded immediately after the Chairperson's ruling is given.
- 47.2 A motion of dissent must state the provision or practice in substitution for the Chairperson's ruling.
- 47.3 A motion of dissent that is carried must be acted upon by the Chairperson.
- 47.4 The Chairperson is not required to vacate the chair.
- 47.5 Only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of reply.
- 47.6 If the dissent motion is successful, the original point of order shall be deemed to be upheld and the Chairperson must then reverse his or her previous ruling and proceed.
- 47.7 The defeat of the Chairperson's ruling is in no way a motion of censure or no-confidence, and must not be so regarded by the meeting.



**LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL**

48. SUSPENSION OF STANDING ORDERS

- 48.1 The provisions of this Local Law, except the quorum requirements applying under clause 12, may be suspended by resolution of the Council for any part of a meeting at the Chairperson's discretion.
- 48.2 The Chairperson can accept a motion to suspend standing orders where he or she believes the Councillors or those present in the gallery need a break due to the intensity or length of the meeting, or to seek technical advice from a person not listed as an official attendee. Such suspension would normally be for 5 minutes or less.
- 48.3 A suspension is not intended for Councillors to discuss the issue or seek to reach agreement outside a formal debate and must not be used purely to dispense with the processes and protocol of the government of the Council.
- 48.4 No motion, except one which proposes the resumption of standing orders, may be accepted by the Chairperson or be dealt with during any suspension of standing orders.
- 48.5 Resumption of standing orders should occur as soon as possible after any discussion or break is concluded and before any motions can be put.

49. CLARIFICATION BY CHIEF EXECUTIVE OFFICER OR ANOTHER OFFICER

- 49.1 With the prior consent of, or at the request of the Chairperson, the Chief Executive Officer (or other officer authorised by the Chief Executive Officer) may address any item to clarify a statement made by a Councillor during the course of debate.

50. ORDERING WITHDRAWAL OF REMARK

- 50.1 The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature.
- 50.2 A Councillor required to withdraw a remark must do so immediately without qualification or explanation.

51. SUSPENSIONS

- 51.1 Council may by resolution suspend from a meeting, and for the balance of the meeting, any Councillor whose actions have disrupted the business of Council, and have impeded its orderly conduct, provided the Councillor in question has received an initial warning from the Chairperson that his/her conduct is, in the Chairperson's opinion, impeding the orderly conduct of the meeting.

52. CHAIRPERSON MAY ADJOURN DISORDERLY MEETING

- 52.1 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.



**LOCAL LAW No. 1 of 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL**

PART 5 – PUBLIC PARTICIPATION IN MEETINGS

The purpose of this Part is to allow and regulate public participation in meetings of the Council.

53. PUBLIC QUESTION TIME

- 53.1 Public question time shall be allowed at a meeting.
- 53.2 Pursuant to clause 53.1, the processes and procedures for public question time to be determined in a policy adopted by Council.
- 53.3 Pursuant to clause 53.2, the Chief Executive Officer will take reasonable steps to ensure that the policy is available to the public on Council's website.

54. PUBLIC PRESENTATIONS

(Pursuant to section 223 of the Act)

- 54.1 Public presentations shall be allowed at a meeting.
- 54.2 Pursuant to clause 54.1, the processes and procedures for public presentations to be determined in a policy adopted by Council.
- 54.3 Pursuant to clause 54.2, the Chief Executive Officer will take reasonable steps to ensure that the policy is available to the public on Council's website.

55. PETITIONS & JOINT LETTERS

- 55.1 Petitions and joint letters shall be allowed at a meeting.
- 55.2 Pursuant to clause 55.1, the processes and procedures for petitions and joint letters to be determined in a policy adopted by Council.
- 55.3 Pursuant to clause 55.2, the Chief Executive Officer will take reasonable steps to ensure that the policy is available to the public on Council's website.

56. PUBLIC BEHAVIOUR

- 56.1 Members of the public will be requested to sign in before entering the meeting area.
- 56.2 Any member of the public addressing Council must extend courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.

57. REMOVAL FROM MEETING

- 57.1 The Chairperson may ask any member of the Police Force or person appointed by Council to maintain security, to remove from the chamber or meeting room any person who acts in breach of this Local Law.



**LOCAL LAW No. 1 of 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL**

PART 6 - COMMITTEES

The purpose of this Part is to regulate proceedings at Committee meetings.

(Pursuant to section 86 of the Act.)

58. SPECIAL COMMITTEES

- 58.1 Except as provided in this Part, if Council establishes a Special Committee, all of the provisions of this Local Law shall apply with any necessary modifications.
- 58.2 For the purposes of clause 58.1, a reference to:
- 58.2.1 A Council meeting is to be read as a reference to a meeting of the Special Committee; and
- 58.2.2 The Mayor is to be read as a reference to the Chairperson of the Special Committee.
- 58.3 The following provisions of this local law do not apply to Special Committees:
- 58.3.1 All of Part 2;
- 58.3.2 Part 5, clauses 53, 54 and 55.
- 58.3 Public participation in a meeting of a Special Committee shall be permitted in accordance with guidelines and policies adopted by Council from time to time.
- 58.4 The quorum of a meeting of a Special Committee is the number fixed by Council, being at least a majority, or if no number has been fixed, a majority of the number of members of the Committee.
- 58.5 It is not necessary for a Member to rise when addressing a Special Committee meeting.
- 58.6 Despite clause 58.1 if Council establishes a Special Committee, Council may resolve that provisions contained within this Local Law do not apply.

59. ADVISORY COMMITTEES

- 59.1 If Council establishes an Advisory Committee, Council may resolve that various provisions of this Local Law apply to that Advisory Committee with any necessary modifications.



**LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL**

PART 7 - COMMON SEAL

The purpose of this Part is to regulate the use of the Common Seal, which is a device which formally and solemnly records the collective will of the Council. The purpose of this Part is to prohibit the use of the Common Seal or any device resembling the Common Seal, as required by section 5 (3)(b) and (c) of the Act.

60. COMMON SEAL

- 60.1 The Council must authorise the use of the Common Seal by resolution.
- 60.2 The Common Seal and words to be used accompanying it on any document to which it is affixed are as follows:

<p><i>The COMMON SEAL of GOLDEN PLAINS) SHIRE COUNCIL was affixed in the) presence of:)</i></p>	<p>[Affix common seal here]</p>
--	---------------------------------

.....
Chief Executive Officer

.....
Mayor/Deputy Mayor

- 60.3 The Chief Executive Officer and, either the Mayor or Deputy Mayor of the day, must sign every document to which the Common Seal is affixed. The Common Seal may only be used to sign, seal, issue, revoke or cancel any notice, document, order or agreement pursuant to a decision of Council.
- 60.4 It is an offence for a person to use the Common Seal or any device or representation resembling the Common Seal without authority given by resolution of the Council.
- 60.5 The Chief Executive Officer must keep the Common Seal in safe custody at all times.
- 60.6 A register detailing the use of the Common Seal must be maintained by the Chief Executive Officer.



LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL

PART 8 – OFFENCES & PENALTIES

61. OFFENCES

It is an offence in relation to the conduct of meetings:

- 61.1 For a Councillor to not withdraw an expression which is considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable, and to not satisfactorily apologise when called upon twice by the Chairperson to do so.
Infringement Notice Penalty: 2 units
Penalty: 5 penalty units
- 61.2 For any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so.
Infringement Notice Penalty: 2 units
Penalty: 5 penalty units
- 61.3 For any person, not being a Councillor, who is guilty of any improper or disorderly conduct at the meeting.
Infringement Notice Penalty: 2 units
Penalty: 5 penalty units
- 61.4 For any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order.
Infringement Notice Penalty: 2 units
Penalty: 5 Penalty Units
- 61.5 For a Councillor to refuse to leave the chamber on suspension.
Infringement Notice Penalty: 2 units
Penalty: 5 Penalty Units
- 61.6 For any person to use the common seal of Council or any device resembling the common seal without the authority of Council.
Infringement Notice Penalty: 10 units
Penalty: 20 penalty units

62. INFRINGEMENT PENALTIES

- 62.1 If an offence is committed against this Local Law, the Chairperson may request the Chief Executive Officer to issue to the offender an infringement notice in a form approved by Council for the amount of 2 penalty units as an alternative to a prosecution for the offence.
- 62.2 To avoid prosecution, a person to whom an infringement notice has been issued must pay to Council the amount specified in the notice within 28 days.
- 62.3 A person in receipt of an infringement notice is entitled to disregard the notice and defend a prosecution in court.



LOCAL LAW No. 1 - 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL

This Local Law was made by resolution of the Golden Plains Shire Council on <<Insert Date>>.

The COMMON SEAL of GOLDEN PLAINS)
SHIRE COUNCIL was affixed in the)
presence of:)

[Affix common seal here]

.....
Chief Executive Officer

.....
Mayor/Deputy Mayor

Record of Statutory Process

Stage 1 - Adoption for public consultation:

Council resolved to give notice of its intention to make this Local Law at its meeting held on 26 February 2019 and provided notice to the public in the Victoria Government Gazette publication and The Golden Plain Times on 7 March 2019. Public submissions were invited with a closing date of 7 April 2019. 3 public submissions were received.

Stage 2: Final adoption:

Council resolved to adopt this Local Law at its meeting held on <<Insert Date>> and this was duly advertised in the Victoria Government Gazette and The Golden Plain Times. This Local Law then came into effect on <<Insert Date>>.



LOCAL LAW No. 1 of 2019
COUNCIL MEETING PROCEDURES & COMMON SEAL

SCHEDULE - FORMAL MOTIONS PROCEDURE & EFFECT

FORMAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED	MATTERS IN RESPECT OF WHICH MOTION MAY BE MOVED	EFFECT IF CARRIED	EFFECT IF LOST	WHEN MOTION PROHIBITED
Adjournment of debate to later hour/date	That this matter be adjourned until...	Any Councillor	Yes	Any matter except where prohibited	Motion and amendments postponed to the stated time/date.	Debate continues unaffected	(a) During the election of the Chairperson (b) When another Councillor is speaking
Adjournment of debate indefinitely	That this matter be adjourned until further notice.	Any Councillor	Yes	Any matter except where prohibited	Motion and amendments postponed but may be resumed: (a) At the same meeting upon motion to resume (b) At any later meeting if on the agenda.	Debate continues unaffected.	(a) During the election of the Chairperson (b) when another Councillor is speaking (c) when the matter is one (1) in respect of which a call of Council has been made (d) When a motion would have the effect of causing Council to be in breach of a legislative requirement
Adjournment of meeting to later hour/date	That this meeting be adjourned until...	Any Councillor	Yes	Any matter except where prohibited	As per adjournment of debate	Debate continues unaffected	As for adjournment of debate
Adjournment of meeting indefinitely	That this meeting be adjourned until further notice.	Any Councillor	Yes	Any matter except where prohibited	Meeting adjourns until further notice.	Debate continues unaffected	(a) During the election of the Chairperson (b) when another Councillor is speaking (c) During a meeting which is a call of the Council.

4.4 Public Participation in Council Meetings (Question Time, Presentations & Submissions, Petitions & Joint Letters)

<i>Policy Title:</i>	<i>Public Participation in Council Meetings (Question Time, Presentations & Submissions, Petitions & Joint Letters)</i>
<i>Date Adopted:</i>	<i>30/6/94</i>
<i>Date Revised:</i>	<i>24/9/98; 19/12/02; 25/9/08; 24/9/13</i>
<i>Minute Book Reference:</i>	<i>Special Minutes 30/6/94 Item 5, page 28 (refer page 2 of Appendix) Council Minutes 24/9/98 Item 4.6.1 page 48 (refer Audit & Finance Committee minutes 16/9/98, item 5.4, pages 12, 39-40 & 74) 19/12/02 Item 4.2.1, page 8 25/9/08 Item 4.10.1(e), page 27 (refer Audit & Finance Committee minutes 11/9/08, item 4.6, page 14) 24/9/13 Item 4.10.5(b), page 34 (refer Governance Committee minutes 10/9/13, item 4.1.2, page 7-8) XX/XX/19 Item X.X</i>
<i>Next Revision Due:</i>	<i>May 2024</i>

PURPOSE

To establish a policy for public participation in meetings of the Council.

POLICY

This policy to be read in conjunction with:

- The Local Government Act 1989 'The Act';
- Local Law No. 1 of 2019, Council Meeting Procedures & Common Seal 'The Local Law'; and
- The definitions of words and phrases defined in The Local Law, unless inconsistent with the context.

1. Public Question Time

- 1.1 At an Ordinary Council Meeting, Public Question Time will be provided at the start of the meeting to enable members of the public to submit questions to Council.
- 1.2 At a Special Council Meeting, there will be no Public Question Time unless otherwise determined by the Chairperson.
- 1.3 Thirty minutes will be allocated for Public Question Time. Time may be extended longer than thirty minutes at the discretion of the Chairperson.
- 1.4 Questions to be asked at a meeting must be submitted and must be:
 - 1.4.1 in writing and generally be in a form approved by the Chief Executive Officer;
 - 1.4.2 state the name and address of the person submitting the question;
 - 1.4.3 lodged:
 - 1.4.3.1 by 10am on the day of the meeting; and
 - 1.4.3.2 in person at the Council offices; or
 - 1.4.3.3 electronically, by using an online form provided on Council's website, or by sending the question to the email address prescribed by Council.
- 1.5 Despite sub-clauses 1.4, a person can ask a question without prior notice at a meeting at the discretion of the Chairperson.

- 1.6 Questions lodged in accordance with sub-clauses 1.4, will be provided electronically to the Councillors by the Chief Executive Officer, or by a person authorised by the Chief Executive Officer, before the meeting.
- 1.7 The Chief Executive Officer will use all reasonable endeavours to have a question submitted in a language other than English translated into English before the meeting. A question that cannot be translated prior to the commencement of the meeting will be translated prior to the next meeting and the submitter will be notified accordingly.
- 1.8 No person may submit more than 2 questions at any meeting.
- 1.9 Each person asking a question will be allocated 3 minutes to speak to that question at the meeting.
- 1.10 The question and the name and suburb of the person who asked the question shall be read out and recorded in the minutes.
- 1.11 Council will respond to a question asked at a meeting if the person, or their proxy, who asked the question is present at the meeting. The question asked and the answer given will be recorded in the Minutes of the meeting.
- 1.12 A question shall not be read out unless the person asking the question, or their proxy, is in the gallery at the time it is due to be read.
- 1.13 Where the person who has asked the question is not present at the meeting, the question(s) will not be recorded in the Minutes of the meeting, however, the Chief Executive Officer will cause a written response to be provided to the person asking the question within 7 days of the meeting.
- 1.14 A person who has submitted a question in accordance with sub-clauses 1.4, may appear via teleconference or other digital media, where logistically possible and if previously arranged and agreed with an officer, at least 48 hours in advance of the meeting.
- 1.15 All questions must be as brief as possible and no discussion shall be allowed other than for the purposes of clarification.
- 1.16 A question may be disallowed by the Chief Executive Officer or Chairperson if it is considered to:
 - 1.16.1 Relate to a matter beyond the power or duties of Council;
 - 1.16.2 Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
 - 1.16.3 Be confidential in nature or of legal significance;
 - 1.16.4 Be repetitive of a question already answered (whether at the same or any earlier meeting);
 - 1.16.5 Be aimed or intended to embarrass the Mayor, a Councillor, Chief Executive Officer or other officer;
 - 1.16.6 Be directed to an individual or specific Councillor rather than to Council as a whole;
 - 1.16.7 Relate to personnel matters;
 - 1.16.8 Relate to the personal hardship of any resident or ratepayer;
 - 1.16.9 Relate to proposed developments or legal advice;
 - 1.16.10 Relate to matters affecting the security of Council property; or
 - 1.16.11 Relate to any other matter which Council considers would prejudice the Council or any person.

- 1.17 A copy of any question which has been precluded by the Chairperson must be made available to any other Councillor upon request.
- 1.18 Similar questions may be grouped together and a single answer provided by the Council.
- 1.19 The Chairperson may nominate a Councillor, Chief Executive Officer or other officer to briefly answer a question.
- 1.20 The nominated Councillor, Chief Executive Officer or other officer may:
- 1.20.1 Require a question to be put 'on notice' until the next Ordinary meeting of Council, at which time the question must be briefly answered by that person; or
 - 1.20.2 Elect to submit a written answer to the person asking the question within 5 days; or
 - 1.20.3 Advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to the public, he or she must state briefly the reason why the reply should be given in a closed meeting and, unless Council resolves to the contrary, the reply to such question shall be so given.
- 1.21 Public Question Time is not a substitute for formal appeal and review systems, formal business procedures, formal Council decisions and any other legal processes required for the proper conduct of Council business.
- 1.22 The Chief Executive Officer will take reasonable steps to ensure that the processes and procedures provided for question time in this policy are accessible to all members of the community.

2. Public Presentations and Submissions

- 2.1 Where a person is given a right to make a written submission or objection under:
- Section 223 of The Local Government Act 1989; or
 - The Planning and Environment Act 1987; or
 - other policy or legislation.
- 2.2 Council will provide a specific opportunity for the submitter to appear in person (or have a nominated representative appear in person) to make a presentation to Council, if they wish to do so. In regard to the Planning and Environment Act 1987, persons will only be able to make a presentation to Council at an Ordinary or Special Council Meeting on applications for planning permits that are before Council for determination. Pursuant to clause 2.1, time will be allocated at an Ordinary or Special Council Meeting fixed for a date and time prior to the meeting where the matter is included in the agenda for decision.
- 2.3 Where clause 2.1 does not apply, Council will receive written submissions on all other matters listed on the agenda and clause 2.5 applies. Time will not be allocated for the submitter, or a nominated representative, to appear in person to make a presentation to Council. Unless the Chairperson determines otherwise.
- 2.4 The presenter will be allocated a maximum of 5 minutes to present to the Council, unless granted an extension by the Chairperson.
- 2.5 The written submission will be provided electronically to the Councillors by the Chief Executive Officer, or by a person authorised by the Chief Executive Officer, before the meeting.
- 2.6 The content of a presentation should not be simply a verbatim repetition of the written submission, but should instead seek to provide further supporting information and comment in a manner that expands upon issues raised in the submission or enables this to be conveyed in a more personalised manner.
- 2.7 Where a submitter is to be represented by a nominated person, then the following shall apply:

- 2.7.1 The representative assumes the opportunity to speak on behalf of, and in place of, the submitter.
- 2.7.2 The representative must speak to the specific issues raised in the submission of the submitter who they represent and may read-out a written statement prepared by the submitter.
- 2.7.3 Despite clause 2.11, the representative cannot answer questions from the Council, or give or express opinions on behalf of the submitter.
- 2.8 A PowerPoint presentation or other form of digital media presentation is permitted, if previously arranged with an officer, where arrangements are agreed at least 24 hours in advance of the meeting.
- 2.9 Supporting documentation may be tabled at the meeting.
- 2.10 A presenter's comments will not be recorded in the minutes of the meeting.
- 2.11 Councillors may ask questions of the presenter at the end of each presentation. Two minutes will be allocated for Councillors to ask questions of the presenter, unless granted an extension by the Chairperson. The presenters responses to questions are to be brief and to the point.
- 2.12 Questions by Councillors and corresponding responses will not be recorded in the minutes of the meeting.
- 2.13 No presenter has a right of reply unless the Chairperson asks questions or expressly invites further comment. Such answers or comments are to be brief and to the point.
- 2.14 Council reserves the right to deal with presentations as it sees fit. This may be at any time during the meeting, at the discretion of the Chairperson.
- 2.15 A presenter may 'appear' via teleconference or other digital media, where logistically possible and if previously arranged and agreed with an officer, at least 48 hours in advance of the meeting.
- 2.16 The Chief Executive Officer will take reasonable steps to ensure that the processes and procedures provided for public presentations in this policy are accessible to all members of the community.

3. Petitions and Joint Letters

- 3.1 A petition or joint letter must be presented to the next available Ordinary meeting of Council.
- 3.2 A petition or joint letter shall not be presented at a meeting of Council or received by Council unless:
 - 3.2.1 The petition or joint letter contains at least five signatures;
 - 3.2.2 Each page of the petition or joint letter bears the whole of the wording of the petition or joint letter; and
 - 3.2.3 In addition to the signature(s) of the petitioners the name(s) and physical address(es) of all persons who signed the petition are detailed in the petition, letter or document.
- 3.3 If Council receives a petition or joint letter which does not comply with clause and sub-clauses 3.2 and the origin of the petition or joint letter is not disclosed, then the Chief Executive Officer shall examine the petition or joint letter and determine whether or not it is appropriate to present the petition to Council as soon as practicable.

- 3.4 Pursuant to clause 3.3, the Council may, by resolution, resolve to receive the petition or joint letter which does not comply with clause and sub-clauses 3.2.
- 3.5 Online or electronic petitions may be admitted by resolution of Council, where these are addressed direct to Council.
- 3.6 When a petition or joint letter presented to a meeting of the Council relates to an item of business on the agenda, the petition or joint letter is to be considered by Council as part of its deliberations on such item.
- 3.7 Unless Council determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition or joint letter until the next Ordinary Meeting of Council.
- 3.8 The Chairperson may disallow any petition or joint letter which is considered to:
- 3.8.1 Relate to a matter beyond the power or duties of Council;
 - 3.8.2 Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
 - 3.8.3 Be confidential in nature or of legal significance;
 - 3.8.4 Be repetitive of a question already answered (whether at the same or any earlier meeting);
 - 3.8.5 Be aimed or intended to embarrass the Mayor, a Councillor, Chief Executive Officer or other officer;
 - 3.8.6 Relate to personnel matters;
 - 3.8.7 Relate to the personal hardship of any resident or ratepayer;
 - 3.8.8 Relate to proposed developments or legal advice;
 - 3.8.9 Relate to matters affecting the security of Council property;
 - 3.8.10 Relate to a matter which has already been acted on;
 - 3.8.11 Relate to any other matter which Council considers would prejudice the Council or any person; or
 - 3.8.12 Relate to a matter for which there is already a primary avenue of redress such as planning permits or amendments which will be addressed through the planning submissions process.
- 3.9 The Chief Executive Officer shall not be obliged to present a petition or joint letter that is derogatory or defamatory.
- 3.10 In the case of a petition or joint letter lodged on behalf of a large number of people, Council shall notify in writing the first person who signed the petition, letter or document of Council's decision and the reasons for its decision.
- 3.11 An officer report pertaining to any petition or joint letter may be required at the next Ordinary Meeting of Council (if the petition or joint letter has not been dealt with in accordance with the provisions of clauses 3.6 and 3.7).
- 3.12 The Chief Executive Officer will take reasonable steps to ensure that the processes and procedures provided for petitions and joint letters in this policy are accessible to all members of the community.

Copy of Submission: Submitter 1**Submission on Golden Plains Shire Draft Local Law No 1-2019**Submitter 

Item Page 5

"Joint Letter"

In my opinion the definition of above is should read, "at least 2 people". I agree that the people need to be from separate entities but requiring 10 refuses fair treatment for those whose case involve a very small number of persons.

Item Page 6

"Visitor"

Statement error, the word "and ", at the end of the statement is clearly an error of English and needs to be removed.

Items Page 10

9.3 This statement is confusing as it must define the meetings that it applies to.
In the case of an Ordinary or special meeting it should be at least 4 days. Only in the case of an emergency meeting should the time be shortened to suit the occasion.

10.3 Two days of notice for a special meeting for councillors is inadequate and must be at least 4 days unless circumstances are urgent and unique.

10.4 The figure 48 hours needs to be changed to match that of my proposed in 10.3.

10.6 The time chosen in this statement again to match my time stated in 10.3

Rational for the above four items.

Council must give all parties more time that reflect the expectations of disclosure.
Councillors need time to prepare as do any member of the public who may wish to attend.

Item Page 12

15.3 Could there be clarification regarding meetings so there is no confusion. It is assumed that this refers to Ordinary Meetings rather than Briefings, Special or Emergency ones.

17.3 This statement needs to have defined the points of consideration and it is my opinion that it needs to be supported by the information as listed in our existing document.
(3) a to e

Item page 13

18.1.3 This needs to be removed as it does not allow a councillor the means to test a Motion for discussion should they be in a position where they were unable to contact a signatory seconder. This statement is in my opinion an attempt to remove options that are now open for a councillor.

18.2 This statement has not defined how much time must pass before the CEO passes information onto all councillors. I am not stating a time but ask that council considers what they believe would be appropriate. This of course will reflect due processes.

19.1 The need for a rescind Notice of Motion to be signed by three councillors is unreasonable and, in my opinion, it should not have the need for more than one. Councillors could well find that a Notice of Motion needs to be lodged early while they gather support for their proposal. This is due to the nature that a motion may be acted on within a very short time of passing. The restriction of 72 hours again is unreasonable and should be at least 7 days. The public may take a few days to be aware of a passed motion and they need time to contact councillors to ask for rescission. A councillor could reject their request, but they must at least consider it.

Item page 17

27.5 and 27.6

The word "may" should be changed to must. This then reflects our policy of openness and transparency.

Item Page 19

33.2.6 This is a very difficult statement as it can be extremely hard to validate. It also could be seen as a means of refusing transparency. It is my opinion that this is an unnecessary clause and if used wrongly by governance it could be a threat to a councillor during their duties.

Item Page 26

56.1 This seems to be a very strange requirement one that is not normal operations in many councils. Freedom of a gathering is one of our rights and this could be seen as a restriction of this. It also could be considered as a tool of unwarranted identification and if used inappropriately could have poor outcomes.

Item Page 29

61.1 to 61.6 The penalty items are very confusing and require clarification. Does a person, firstly get an Infringement Notice Penalty of 2 units and should they continue defying a ruling then be upgraded to 5 units?

We also need to put the actual cost of a point in for reference to all. Even councillors may not be aware of how much a unit is so the public would have even less knowledge. If this unit is subject to change then a figure and co current date should be listed.

Public Participation in Council Meetings

Item Page 1

1.4.3 The wording of the items under this in my opinion is confusing. The cut off time must be clearly show that it applies for all lodgements and the "or" word compounds confusion.

Item Page 2

1.5 As we require that all written questions are lodged and provide both a record and reference I believe that any question that comes under this clause MUST be recorded via an electronic device so it can have the same conditions as pre lodged questions have. This ensures a clarity and accurately of the meeting and also aids in later responses.

1.8 A person should be able to submit more than 2 questions and it is my opinion that they should be allowed 4 to reflect the diversity of items on our agenda.

1.16.7 This statement would read better if we inserted "named" in front of resident.

Item Page 3

1.16.8 "Related to proposed developments" This phrase has too much discretion and I believe it is unreasonable to deny any form of reference to proposed developments. If they are in the public arena, they should be able to be referred to for the common good of both present and future decisions.

1.17 This statement should read. A copy of any question which has been precluded by the chairperson must be made available to other councillors. The chairperson does not have the right of veto unless it is a majority of council. Good practice would be that prior to the meeting the chairperson gets consensus of councillors for denials. The case would differ in the situation of a question without prior notice. In this case council should adjourn in private with the questioner to rule.

Item Page 5

3.2.1 Refer to my answer Page 5 "Joint Letter"

3.3 This of course give council the power to ignore it previous glide lines but it can only be done if the petition and or letters have been viewed by councillors prior to the meeting.

3.5 We may be removing a degree of natural justice for a petition or joint letter not being tabled due to unknown errors by the writers. We must accept that all residents are not local law experts and we need to ensure that they are given a voice here. It would be

wise if the CEO were to send out the Item to councillors who could possibly identify its source and address the case then.

Copy of Submission: Submitter 2

Submission information

Form: [Proposed Local Law No. 1 - Council Meeting Procedures & Common Seal](#)

Submitted by Anonymous (not verified)

Sat, 06/04/2019 - 18:58

114.198.127.80

Your Details

Existing Contact: [REDACTED]

First Name: [REDACTED]

Last Name: [REDACTED]

Street Address: [REDACTED]

Suburb: [REDACTED]

Post Code: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Submission:

Given the diversity of our Shire, I would hope that the Councillors have deleted the Christian Prayer from the Council Meetings.

[Previous submission](#) [Next submission](#)

***Copy of Late Submission: Submitter 3
Received 09/04/2018 via email***

7th April 2019

To Eric Braslis
Chief Executive Officer,
Golden Plains Shire Council,
PO Box 111,
Bannockburn, VIC 3331.

Re: Draft Local Law No. 1 - Council Meeting Procedures & Common Seal

Dear Eric,

Thank you for the opportunity to make a submission to the proposed Local Law No. 1 - Council Meeting Procedures & Common Seal.

To preface I would like to acknowledge the proposed adoption of a 30 minute Public Question Time. I feel this is a positive step toward increasing public participation, accountability and connection to Council.

I also welcome the move to live streaming of Council meetings. The increase in public access for residents to their Council meetings, especially in such a geographically large shire, is a positive step and brings the Council into line with many other shires across the State.

Both are measures I have lobbied for in the past and am delighted to see them now within the draft document.

There are two issues which I don't feel were addressed within the document and speak to a lack of consistency in procedures which has been identified from recent Council meetings.

It has been standard practice within the Golden Plains to allow Councillors to ask questions of those presenting to a Council meeting. Recently an objector to a development addressed the Council but the Suspension of Standing Orders appeared to be terminated before Councillors had the opportunity to ask any questions they may have had of the objector.

I realise of course that under the Suspension of Standing Orders normal rules do not apply but even if it was couched as a firm guideline to have this "common courtesy" extended to both the objector and Councillors who may have clarifying questions to put to them.

The second is the issue of mayoral voting. I feel it is a good practice for a Mayor to refrain from voting unless required to resolve a tiebreak and it has been adopted by a number of Mayors who have held that office in the GPS. It speaks to their role as chair and this is fairly standard for most of the committees I am involved with. If a Mayor decides they wish to register a vote at the same time as other Councillors then I suggest there should be a formal acknowledgement of their intention to do so beforehand and control of the meeting to be temporarily passed to the CEO.

However to have the same Mayor cast a vote on some issues and not others is not exhibiting a desired consistency in approach. The rules/guidelines obviously need to be tightened.

To the Draft itself.

OBJECTIVES OF THIS LOCAL LAW

2.4 Promote and encourage community participation in the system of local government, by providing mechanisms within the meeting arrangements for the Council to ascertain the community's views and expectations;

This seems a little too one way and perhaps could be extended to include facilitating 'accountable governance' or something of that nature.

DEFINITIONS

'Joint Letter' means a formal application to Council in the form of a letter which has been signed by at least ten people from separate entities whose names and physical addresses also appear on the letter. A letter from a single entity or organisation that is signed by multiple parties from that organisation or entity will not be classed as a joint letter;

Do a husband and wife from the same address fall under the definition of a single entity? Needs to be clarified.

'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;

I feel it should be a requirement to properly articulate the safety or convenience concern which has resulted in a matter being labelled as Urgent Business.

PROCEDURE FOR ELECTION OF MAYOR

6.2 The agenda for the meeting to elect the Mayor may include:

6.2.1 The taking of the oath of office by each Councillor, under section 63 of the Act;

6.2.2 The fixing of allowances for the Mayor and Councillors under section 74 of the Act; and

6.2.3 The appointment of Councillor representatives to various bodies.

Why just 'may'? Why not should?

PROCEDURE FOR ELECTION OF DEPUTY MAYOR OR ACTING MAYOR

7.1 Where the Council has resolved to appoint a Deputy or Acting Mayor all provisions in clause 6 will apply to the election of the Deputy or Acting Mayor save that the Mayor shall preside over the election.

Clause 6 includes things like "6.4 All nominations to be a candidate for Mayor must be provided in writing to the Chief Executive Officer no later than a date and time to be fixed by the Chief Executive Officer: "

Why is the election of the Deputy handed over to the Mayor? Wouldn't it be better to have this also handled by the CEO?

I also submit there are enough differences between the two procedures and they should be acknowledged and addressed. For instance an unsuccessful mayoral candidate may wish to then nominate for Deputy, do they really need to do that in writing on the night?

ATTENDANCE & NOTICE OF MEETINGS

10.6 An electronic agenda must be available to the public on Council's website at least 24 hours before an Ordinary or Special Meeting, unless extraordinary circumstances exist.

There should be a requirement for a full explanation of the "extraordinary circumstances" to be provided as soon as practicable.

CHAIRPERSON'S DUTIES & RESPONSIBILITIES

11.6 Declare the results of all votes;

As we hopefully move to live streaming I feel it would greatly assist those viewing to have the names of those voting for and against read out by the Mayor. Even being present at meetings does always allow for a clear observation of how each Councillor is voting and much will depend on the quality of the video.

QUORUM

12.2 If a quorum is not present within 30 minutes of the time appointed for the commencement of a Council meeting:

Whose responsibility is it to note the arrival time of Councillors? If it is the CEO then this should be indicated.

TIME LIMITS FOR Council MEETINGS

14.4 The Chief Executive Officer must give notice to each Councillor of the date, time and venue to which the meeting stands adjourned and of the business remaining to be considered.

Perhaps setting a default of one week would be a good idea. Also some provision for Councillors to indicate their availability seems sensible, especially if leave is imminent.

DISCLOSURE OF CONFLICT OF INTEREST

It would be good to see this strengthened. For instance if a majority of Councillors felt that a perceived conflict of interest of an individual Councillor probably exists then they should have the ability to ask the Councillor to give an on the record explanation of why they have taken a different view. This of course shouldn't be debated after the reason has been given.

REPORTS FROM OFFICERS

22.2 When officer reports are before a Council meeting and after all Councillors have had an opportunity to ask questions in relation to the report, the Chairperson must then ask a Councillor to move an appropriate motion. If the motion is seconded the motion is to be

dealt with in accordance with clause 34.

I would have assumed the “appropriate motion” was the one in the agenda. If this was to be substantially altered then the reasons why should be clearly set out in the minutes.

DIGITAL RECORDING OF PROCEEDINGS

27.5 Council may make the digital recordings of open Council meetings available to the public on its website.

27.6 Council may broadcast the proceedings of open Council meetings to the public on its website by livestream or other digital software.

May? I would like to see a stronger commitment here. Perhaps along the lines of “Where the facilities are available to do so Council will endeavour to the best of its ability to ...”

ADDRESSING THE Council MEETING

28.1 Any Councillor or person who addresses the meeting should stand and direct all remarks through the Chairperson.

Why include this when the current practice is for the Councillors to remain seated? At the most recent Council meeting even members of the public presenting were invited to sit at a table in front of the Councillors. I know the following clause allows the Chair to permit a Councillor to remain seated but I am assuming this was in the case of a question over their capacity to stand.

PROCEDURES WITH RESPECT TO SEEKING CLARIFICATION OR ASKING QUESTIONS OF OFFICERS

33.1 Officers will support the meeting process through provision of officer reports in the agenda and Councillors should make every effort to seek clarification on information in advance of the meeting.

33.2 Where Councillors need to seek clarification by asking questions of officers throughout the meeting that were not able to be asked prior to the meeting.

If Councillors are asking questions of clarification outside of the meeting the public are obviously not privy to those conversations. If there are matters of confusion to Councillors one suspects the public would benefit from being appraised of them. One suggestion would be for the presenting Council Officer to include a summary of questions asked and answers given at the end of their address to the item.

PROCEDURES WITH RESPECT TO RECOMMENDATIONS & MOTIONS

34.4 The Chairperson shall ask immediately after a motion is moved and seconded and after the mover has spoken to the motion (or deferred speaking), whether it is opposed. If no opposition is indicated the Chairperson may then put the motion to the vote, without debate.

I see value in permitting Councillors being able to speak in favour of a motion if they so wish even if there are none opposed. For instance the new Council Offices have been a source of public attention with many Councillors voicing a range of concerns. In ultimately unanimously voting to fund the construction having the opportunity to explain why they approved the motion is I feel important for them and residents.

DEBATE OF THE MOTION

40.2 If the speaker continues to debate irrelevant matters after being requested to confine debate the Chairperson may direct the speaker to be seated and not to speak further in respect of the motion before the Chairperson.

Same question as 28.1 see above.

RULES FOR VOTING

42.5 In the event of a tied vote, the Chairperson may exercise a second vote in accordance with the Act.

If a Mayor has adopted the practice of reserving their vote unless there is a tiebreak then this is in some ways a moot point. However the optics of having a 3-2 vote of ordinary Councillors (perhaps due to an absent tee in the case of GPS) turned into a 3-4 vote through the intervention of the Mayor would not be welcomed by those adversely impacted.

DIVISION

43.2 When a division is called, the Chairperson must:

43.2.1 First ask each Councillor wishing to vote for the motion to stand. The Chairperson must then state, and the Chief Executive Officer (or other officer authorised by the Chief Executive) must record the names of those Councillors voting for the motion;

43.2.2 Then ask each Councillor wishing to vote against the motion to stand. The Chairperson must then state, and the Chief Executive Officer (or other officer authorised by the Chief Executive Officer) must record the names of those Councillors voting against the motion;

43.2.3 Then if not all Councillors have declared either for or against the motion, ask each Councillor wishing to abstain to stand. The Chairperson must then state, and the Chief Executive Officer (or other officer authorised by the Chief Executive Officer) must record the names of those Councillors abstaining from voting.

Same question as 28.1 see above.

REMOVAL FROM MEETING

57.1 The Chairperson may ask any member of the Police Force or person appointed by Council to maintain security, to remove from the chamber or meeting room any person who acts in breach of this Local Law.

I think there is room to strengthened or add to this with regard to threats made against either Councillors, or Council Officers. For instance;

“57.2 The Chairperson will immediately instruct any member of the Police Force or person appointed by Council to maintain security, to remove from the chamber or meeting room any person who threatens either Council staff or Councillors.”

Re: 4.4 Public Participation in Council Meetings (DRAFT)

1.16 A question may be disallowed by the Chief Executive Officer or Chairperson if it is considered to:

1.16.9 Relate to proposed developments or legal advice;

One of the principle reasons may residents interact with Council is because of concerns about a proposed development near them. To allow the CEO or the Chair to possibly disallow a question simply because it relates to a development, without any requirement to fully explain why, is not desirable.

There is no such restriction on Councillors in bringing a notice of motion in 18.5 nor in 31.1 regarding the conduct of asking questions.

It has been communicated to me that the language borrows from the Local Government Act 1989

89 Meetings to be open to the public

(1) Unless subsection (2) applies, any meeting of a Council or a special committee must be open to members of the public.

(2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following—

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

(3) If a Council or special committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting.

The distinction of course is that the section is referring to a discussion by Councillors about proposed developments rather than a question by the public to Council. It also includes 'industrial' and 'contractual' matters which have not been included within the GPS draft. By combining 'legal advice and proposed developments under the same item number in the GPS draft, when they are separate in the act, serves to create an equivalence which is in my opinion not warranted.

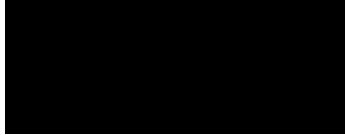
Also there is a difference between a 'Council or Special Committee resolving to close a meeting to the public' and an individual such as the Mayor or CEO disallowing a question on a development from the public.

Given the questions must be submitted by 10 am on the day of the meeting referring the question to the governance officer for their assessment could be an appropriate way of dealing with the issue. If that assessment finds the question should not be put then the reason should be transmitted to the member of the public who submitted it in the first instance and be included in the minutes.

Further the guidelines around what is disallowable should be fully articulated either within the Local Law document or as an appendix.

Again thank you for the opportunity to make this submission. Hopefully the final document will provide a strong, consistent and ethical set of rules and guidelines to assist this and future Councils serve the residents of this great Shire.

Regards,





LOCAL LAW NO.1 OF 2019 – COUNCIL MEETING PROCEDURES & COMMON SEAL

Officer Response to Submissions Received

ITEM NO.	SECTION	CLAUSE NO.	OFFICER RESPONSE TO ITEM RAISED BY SUBMITTER
SUBMITTER 1 (Councillor)			
Local Law No. 1			
1.	Definitions	Joint Letter	Minor change recommended. Delete the words 'at least ten people' and add the words 'the required number of people determined in a policy adopted by Council'. In accordance with clause 55.2, the number of people required to sign petitions is determined in revised Council Policy 4.4 clause 3.2.1. Note: Originally 10 people following officer review however, changed to 5 people following Councillor review. Number not required to be referenced in both local law and policy.
2.	Definitions	Visitor	No change recommended. ';' and ' indicates the next-to-last or second-to-last definition.
3.	Dates & Times of Meetings	Clause 9.3	No change recommended. Council meeting defined in definitions to be an Ordinary or Special meeting. Whilst every effort will be made for more than 24 hours' notice to be provided, in some circumstances this may not be logistically feasible or possible. 'At least' 24 hours considered appropriate minimum timeframe for extraordinary circumstances.
4.	Attendance & Notice of Meetings	Clause 10.3	No change recommended. Whilst every effort will be made for more than 2 days, in some circumstances this may not be logistically feasible or possible. 'At least' 2 days considered appropriate minimum timeframe. Note that Section 84 of the Local Government Act 1989 further governs notice of Special meetings.
5.	Attendance & Notice of Meetings	Clause 10.4	No change recommended. Whilst every effort will be made for agendas to be delivered to Councillors in more than 48 hours, in some circumstances this may not be logistically feasible or possible. 'At least' 48 hours considered appropriate minimum timeframe.
6.	Attendance & Notice of Meetings	Clause 10.6	No change recommended. Whilst every effort will be made for agendas to be available on the website in more than 24 hours, in some circumstances this may not be logistically feasible or possible. 'At least' 24 hours considered appropriate minimum timeframe. Note that Section 89(4) and 4(A) further governs public notice of meetings.

ITEM NO.	SECTION	CLAUSE NO.	OFFICER RESPONSE TO ITEM RAISED BY SUBMITTER
7.	Leave of Absence	Clause 15.3	No change recommended. The local law does not apply to Councillor Briefings. Applies only to Ordinary, Special and Committee meetings as outlined in section 2 - Objectives of this Local Law and Section 5 - Definitions. As stated in the local law, this section is also pursuant to Section 69(1)(g) of the Local Government Act 1989 - refer to the act for further clarification of requirements in regard to Councillor attendance at meetings.
8.	Order & Conduct of Business	Clause 17.3	No change recommended. Chief Executive Officer requires the ability to include items on the agenda. As per Sections 21, 22, 23 and 24 of the local law, all items require a supporting report to be included in the agenda.
9.	Notice of Motion	Clause 18.1.3	No change recommended. Notice of Motion to be signed by second Councillor discussed by Councillors during review process.
10.	Notice of Motion	Clause 18.2	No change recommended. As per clause 18.1.4 a Notice of Motion will be included in the agenda for the meeting.
11.	Notice of Motion to Rescind or Amend	Clause 19.1	No change recommended. Notice of Motion to Rescind or Amend to be signed by three Councillors discussed by Councillors during review process.
12.	Digital Recording of Proceedings	Clause 27.5 and 27.6	No change recommended. In some circumstances, making digital recordings available or broadcasting meetings may not be logistically possible, feasible or appropriate. The word 'may' allows discretion to be applied as appropriate.
13.	Procedures with Respect to Seeking Clarification or Asking Questions of Officers	Clause 33.2.6	No change recommended. Questions of clarification discussed by Councillors during review process.
14.	Public Behaviour	Clause 56.1	No change recommended. Public sign in is considered to be a reasonable health and safety measure.
15.	Offences	Clause 61.1 to 61.6	No change recommended. Infringement penalties and application explained in Section 62 - Infringement Penalties. Penalty units further defined in definitions.
Council Policy 4.4			
16.	Public Question Time	Clause 1.4.3	No change recommended. Clause 1.4.3.1 10am timeframe applies to all questions and then, either 1.4.3.2 (if question submitted in person) or 1.4.3.3 (if question submitted electronic) will apply.
17.	Public Question Time	Clause 1.5	No change recommended. As per clause 1.10 any question asked at the meeting will be recorded in the minutes.

ITEM NO.	SECTION	CLAUSE NO.	OFFICER RESPONSE TO ITEM RAISED BY SUBMITTER
18.	Public Question Time	Clause 1.8	No change recommended. Number of public questions allowed per person discussed by Councillors during review process.
19.	Public Question Time	Clause 1.16.7	No change recommended. The Privacy Act 1988 regulates how personal information is handled. Naming residents without consent may be considered to be a breach of the act.
20.	Public Question Time	Clause 1.16.8 but should be 1.16.9	<p>No change recommended. Clauses 1.16.7 – 1.16.11 disallows questions pertaining to confidential matters (that would normally be considered in a meeting closed to the public) as defined under Section 89 of the Local Government Act. The provisions in the policy are taken from the Act and ensure Council are not obliged to answer questions on confidential matters. That being said, the key word is that the question 'may' be disallowed providing the opportunity for the Mayor and CEO to apply discretion as appropriate</p> <p>Additionally, the reference to 'proposed developments' essentially means a town planning application where persons have the right under the planning legislation to lodge an objection which is considered by Council when making a decision on the application. The disallowance of a question relating to a proposed development appropriately prevents a person from having a further opportunity to raise the matter outside the planning process at a Council meeting. That being said, the Local Laws does provide the opportunity for Council to hear submissions as it has commonly provided for.</p>
21.	Public Question Time	Clause 1.17	No change recommended. The Mayor can only preclude a question in accordance with clause and sub-clauses 1.16. If a Councillor disagrees with the Mayor's ruling, then Section 47 - Disagreement with Chairperson's Ruling applies.
22.	Petitions and Joint Letters	Clause 3.2.1	No change recommended. Refer response to No. 1 - 'Item Page 5 - Joint Letter' above.
23.	Petitions and Joint Letters	Clause 3.3	Minor change recommended. Clause 3.5 to become clause 3.3 to allow clause to be read immediately after, and in conjunction with, clause and sub-clauses 3.2 for clarity. Additionally add words 'Pursuant to clause 3.3' to new clause 3.4 for further clarity.
24.	Petitions and Joint Letters	Clause 3.5	No change recommended. A petition or joint letter that does not comply may still be received by resolution of Council as stated in new clause 3.4. A petition template will be available on Council's website. The Privacy Act 1988 regulates how personal information is handled and Councillors identifying the source and/or address without consent of petitioners may be considered a breach of the act.

ITEM NO.	SECTION	CLAUSE NO.	OFFICER RESPONSE TO ITEM RAISED BY SUBMITTER
SUBMITTER 2 (Individual)			
Local Law No. 1			
1.	N/A	N/A	No change recommended. The reciting of a Christian Prayer is not a current practice or requirement at Council Meetings. There is no reference to a Christian Prayer in the local law.

ITEM NO.	SECTION	CLAUSE NO.	OFFICER RESPONSE TO ITEM RAISED BY SUBMITTER
SUBMITTER 3 (Individual) - Late Submission			
Local Law No. 1			
1.	Objectives of this Local Law	Clause 2.4	No change recommended. Objective considered appropriate. Governance of Council also to be pursuant to the Local Government Act 1989.
2.	Definitions	Joint Letter	No change recommended. Definition states 'separate entity' rather than 'single entity'. Separate entity includes separate house households, businesses, community groups etc.
3.	Definitions	Urgent Business	No change recommended. Section 21 – Urgent Business of the local law provides the process for urgent business, including that items of urgent business are to be supported by an officer's report.
4.	Procedure for Election of Mayor	Clause 6.2	No change recommended. Retain the word 'may'. This retains the ability for Council to also consider those items at Ordinary or Special Meeting of Council, if required.
5.	Procedure for the Election of Deputy Mayor or Acting Mayor	Clause 7.1	<p>In regard to the CEO chairing the election of Deputy Mayor, no change recommended. Following the election of the Mayor, the Mayor assumes responsibility of Chairperson, including for the election of the Deputy Mayor. This is common practice within local government and considered appropriate.</p> <p>In regard to nominations, no nominations can be accepted on the night. All nominations to be in writing by the date and time fixed by the CEO. If a Councillor wishes to nominate for both Mayor and Deputy Mayor, then that nomination to be submitted accordingly by the date and time fixed. If a candidate is successful in the election of Mayor, then their nomination for Deputy Mayor would be deemed to be withdrawn. New clause 6.11.6 and 6.11.7 proposed to clarify and to read as follows:</p> <p><i>6.11.6 A candidate may withdraw their nomination at any time prior to the election being conducted.</i></p> <p><i>6.11.7 If a candidate is nominated for both the position of Mayor and Deputy Mayor and is</i></p>

ITEM NO.	SECTION	CLAUSE NO.	OFFICER RESPONSE TO ITEM RAISED BY SUBMITTER
			<i>successfully elected as Mayor, then their nomination for Deputy Mayor is deemed to be withdrawn.</i>
6.	Attendance & Notice of Meetings	Clause 10.6	No change recommended. In some cases it may not be considered appropriate to publically explain the nature of the extraordinary circumstances.
7.	Chairpersons Duties & Responsibilities	Clause 11.6	No change recommended. Reading the names of those voting for and against is considered unnecessary and irrelevant to the final 'majority rules' decision. If an individual Councillor wishes to have their vote for or against a motion recorded, then Section 44 – Recording of Opposition or Support for Motion applies as does Section 43 – Division.
8.	Quorum	Clause 12.2	No change recommended. Section 25 – Keeping of Minutes, clause 25.1.4 provides provisions for the recording of arrival and departures of Councillors.
9.	Time Limits for Council Meetings	Clause 14.4	No change recommended. Section 10 – Attendance & Notice of Meetings applies.
10.	Disclosure of Conflict of Interest	Clause 16	No change recommended. The disclosure of conflict of interest is the responsibility of each individual Councillor. Conflict of interest is further pursuant to Sections 77, 78 & 79 of the Local Government Act.
11.	Reports from Officers	Clause 22.2	No change recommended. Retain words 'appropriate motion'. A Councillor may wish to move an alternative motion rather than the recommendations included in the report. Section 34 - Procedures with Respect to Recommendations and Motions applies.
12.	Digital Recording of Meetings	Clause 27.5 and 27.6	No change recommended. In some circumstances, making digital recordings available or broadcasting meetings may not be logistically possible, feasible or appropriate. The word 'may' allows discretion to be applied as appropriate.
13.	Addressing the Council Meeting	Clause 28.1	No change recommended. Clause 28.1 increases formality of meetings by notionally giving 'the floor' to the speaker. At the time when Council moves to live streaming of meetings, standing to speak will assist those watching in identifying and recognising the speaker. That being said, the Chairperson may still permit for persons to remain seated. That practice to be the decision of each Chairperson.
14.	Procedures with Respect to Seeking Clarification of Asking Questions of Officers	Clause 33.1 and 33.2	No change recommended. Questions prior to the meeting provides an opportunity for officer reports to be updated and strengthened prior to inclusion of that report in the agenda. Councillors retain the ability to ask questions at the meeting as in accordance with clause 33.2.
15.	Procedures with Respect to Recommendations & Motions	Clause 34.4	No change recommended. If there is no opposition a Councillor can still speak in favour of the motion, at the discretion of the Chairperson.

ITEM NO.	SECTION	CLAUSE NO.	OFFICER RESPONSE TO ITEM RAISED BY SUBMITTER
16.	Debate of the Motion	Clause 40.2	No change recommended. Clause appropriately provides ability for the Chairperson to confine and oversee debate.
17.	Rules for Voting	Clause 42.5	No change recommended. As a Councillor, pursuant to Section 90 of the Local Government Act, the Mayor is required to cast a vote (in the capacity of a Councillor) for every item. As Chairperson, the Mayor has a second vote in an event there is an equality of votes. Rules for voting is further pursuant to Section 90 of the Local Government Act 1989.
18.	Division	Clause 43.2	No change recommended. Provisions considered appropriate for dealing with divisions.
19.	Removal from Meeting	Clause 57.2	No change recommended. Section 56 – Public Behaviour and Section 61 Offences applies.
Council Policy 4.4			
20.	Public Question Time	Clause 1.16 and 1.16.9	<p>No change recommended. The reference to 'proposed developments' essentially means a town planning application where persons have the right under the planning legislation to lodge an objection which is considered by Council when making a decision on the application. The disallowance of a question relating to a proposed development appropriately prevents a person from having a further opportunity to raise the matter outside the planning process at a Council meeting. That being said, the Local Laws does provide the opportunity for Council to hear submissions as it has commonly provided for.</p> <p>The second element is disallow questions pertaining to confidential matters (that would normally be considered in a meeting closed to the public) as defined under Section 89 of the Local Government Act. The provisions in the policy are taken from the Act and ensure Council are not obliged to answer questions on confidential matters. That being said, the key word is that the question 'may' be disallowed providing the opportunity for the Mayor and CEO to apply discretion as appropriate</p> <p>In regard to Special Committees, public question time and public presentations do not apply to Special Committees in accordance with Section 58 and 59 of the local law.</p>