



**LOCAL LAW No. 1 of 2019  
(DRAFT)**

**COUNCIL MEETING PROCEDURES  
&  
COMMON SEAL**

(Adopted by Council <<Insert Date>>)



GOLDEN PLAINS SHIRE

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COUNCIL MEETING PROCEDURES & COMMON SEAL (DRAFT)**

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**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1 of 2009 – Processes of Municipal Government and Local Law No. 1A of 2011 Processes of Municipal Government will be repealed and will cease to have force and effect.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;

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- '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 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;
- '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;

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'**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 at least ten people 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.

## 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

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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.

**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.



## 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;

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- 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.

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**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.

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**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.

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**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.

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**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.

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**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;

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- 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.



## 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.

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**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.

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**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.

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- 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.

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**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.

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- 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.

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**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.

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**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.



## **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.

## **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.
- 53.3 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.



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**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:

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

[Affix common seal here]

.....  
*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.

## 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.



GOLDEN PLAINS SHIRE

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

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*

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*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. <<No>> public submissions were received OR <<XX>> public submissions were received and considered by Council at its meeting held on <<Insert Date>>.*

*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 (DRAFT)**

**SCHEDULE - FORMAL MOTIONS PROCEDURE & EFFECT**

<b>FORMAL MOTION</b>	<b>FORM</b>	<b>WHO CAN MOVE OR SECOND</b>	<b>IS A SECONDER REQUIRED</b>	<b>MATTERS IN RESPECT OF WHICH MOTION MAY BE MOVED</b>	<b>EFFECT IF CARRIED</b>	<b>EFFECT IF LOST</b>	<b>WHEN MOTION PROHIBITED</b>
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.