



Meeting Procedures and Common Seal Local Law 2013

Contents

| | |
|--|-----------|
| DIVISION 1 - PRELIMINARY PROVISIONS | 1 |
| 1 TITLE | 1 |
| 2 OBJECTIVES OF LOCAL LAW | 1 |
| 3 POWER FOR MAKING AND COMMENCEMENT OF THIS LOCAL LAW | 1 |
| 4 REVOCATION | 1 |
| 5 SUNSET PROVISION | 1 |
| 6 APPLICATION AND INCORPORATION | 1 |
| 7 DEFINITIONS AND INTERPRETATIONS | 2 |
| DIVISION 2 - THE MAYOR | 4 |
| 8 PROCEDURE FOR ELECTION OF MAYOR | 4 |
| 9 MAYOR TO TAKE CHAIR | 5 |
| DIVISION 3 - COUNCIL MEETINGS | 5 |
| 10 QUORUM | 5 |
| 11 CALL OF THE COUNCIL | 6 |
| 12 ATTENDANCE AND NOTICE OF MEETINGS | 6 |
| 13 TIME LIMIT FOR MEETINGS | 7 |
| DIVISION 4 - BUSINESS: DESCRIPTION AND PROCEDURE | 7 |
| 14 CONDUCT OF BUSINESS | 7 |
| 15 CONFLICTS OF INTEREST | 7 |
| 16 CONFIRMATION OF MINUTES | 8 |
| 17 PETITIONS | 8 |
| 18 PUBLIC PARTICIPATION/QUESTION TIME – ORDINARY MEETINGS OF COUNCIL | 9 |
| 19 NOTICE OF MOTION | 10 |
| 20 RESCISSION OR ALTERATION | 10 |
| 21 FORMAL OR PROCEDURAL MOTIONS | 11 |
| 22 URGENT BUSINESS | 11 |
| 23 REPORTS FROM COUNCIL STAFF | 11 |
| 24 REPORTS FROM COMMITTEES | 11 |
| DIVISION 5 - CONDUCT OF DEBATE AND RULES OF SPEAKING | 11 |
| 25 MOTIONS AND AMENDMENTS | 11 |
| 26 PROCEDURES WITH RESPECT TO MOTIONS | 12 |
| 27 PROCEDURES WITH RESPECT TO AMENDMENTS | 12 |
| 28 INTERRUPTIONS, INTERJECTIONS, QUESTIONS AND RELEVANCE | 13 |
| 29 PRIORITY OF ADDRESS | 14 |
| 30 RESUMPTION OF ADJOURNED DEBATE | 14 |
| 31 TIME LIMITS | 14 |
| 32 POINTS OF ORDER | 14 |
| 33 CHAIRPERSON MAY SPEAK | 15 |
| 34 PERSONAL EXPLANATION | 15 |
| 35 CRITICISM OF MEMBERS OF COUNCIL STAFF | 15 |
| 36 ORDERING WITHDRAWAL OF REMARK | 15 |
| 37 VISITORS TO BE SILENT | 15 |
| 38 EJECTION OF DISORDERLY VISITORS | 16 |
| 39 CHAIRPERSON MAY ADJOURN DISORDERLY MEETING | 16 |
| 40 REPEATING MOTION | 16 |
| 41 VOTING | 16 |
| 42 DIVISION | 16 |
| 43 RECORDING OF OPPOSITION TO MOTION | 17 |
| 44 PRODUCTION OF DOCUMENTS | 17 |
| 45 RECORDING PROCEEDINGS | 17 |
| 46 SUSPENSIONS | 17 |
| 47 REMOVAL FROM CHAMBER OR MEETING ROOM | 17 |

| | |
|---|-----------|
| DIVISION 6 - SPECIAL COMMITTEES | 18 |
| 48 APPLICATION GENERALLY | 18 |
| 49 LIMITATIONS..... | 18 |
| DIVISION 7 - SUSPENSION OF LOCAL LAW..... | 19 |
| 50 SUSPENSION OF PROCEDURE | 19 |
| 51 COMMON SEAL | 19 |
| 52 OFFENCES | 19 |
| 53 INFRINGEMENT NOTICES..... | 20 |
| APPENDIX A - QUESTION FORM FOR USE BY MEMBERS OF THE PUBLIC | 21 |
| APPENDIX B – RESCISSION MOTIONS | 22 |
| APPENDIX C – FORMAL MOTIONS: PROCEDURE AND EFFECT..... | 23 |

MEETING PROCEDURES AND COMMON SEAL LOCAL LAW 2013

DIVISION 1 - PRELIMINARY PROVISIONS

1 Title

- 1.1 This Local Law will be known as – the Meeting Procedures and Common Seal Local Law 2013 and is referred to below as ‘this Local Law’.

2 Objectives of Local Law

- 2.1 The objectives of this Local Law are to:
- 2.1.1 regulate proceedings for the election of the Mayor;
 - 2.1.2 regulate proceedings of Ordinary and Special Meetings of Council;
 - 2.1.3 regulate proceedings of Special Committees;
 - 2.1.4 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;
 - 2.1.5 regulate and control the use of Council's Common Seal; and
 - 2.1.6 revoke Local Law No. 14 – Meeting Procedures and Common Seal.

3 Power for making and commencement of this Local Law

- 3.1 This Local Law:
- 3.1.1 is made under Section 91 and Part 5, in particular Section 111 (1) of the *Local Government Act 1989*; and
 - 3.1.2 comes into operation on the day following the day on which notice of the making of this Local Law is published in the Victoria Government Gazette.

4 Revocation

- 4.1 Local Law No. 14 - Meeting Procedures and Common Seal, ceases to operate on the day this Local Law comes into operation.

5 Sunset provision

- 5.1 This Local Law ceases to operate on the tenth anniversary of the day on which it commenced operation.

6 Application and Incorporation

- 6.1 This Local Law incorporates the provisions of the Community Local Law 2013.

7 Definitions and interpretations

- 7.1 Unless the contrary intention appears in this Local Law, the following words and phrases are defined to mean:
- 7.1.1 **'Act'** means the *Local Government Act* 1989;
 - 7.1.2 **'Advisory Committee'** means an advisory committee established by Council pursuant to section 86(1) of the Act;
 - 7.1.3 **'agenda'** means the notice of a meeting setting out the business to be transacted at the meeting;
 - 7.1.4 **'Authorised Officer'** means a person appointed as an Authorised Officer pursuant to Section 224 of the Act;
 - 7.1.5 **'Chairperson'** means the Chairperson of the meeting and includes an acting, a temporary and a substitute Chairperson;
 - 7.1.6 **'Chief Executive Officer'** means the Chief Executive Officer of Council, and includes a person acting as Chief Executive Officer;
 - 7.1.7 **'clause'** means a clause of this Local Law;
 - 7.1.8 **'Common Seal'** means the Common Seal of Council;
 - 7.1.9 **'Conflict of Interest'** means a direct interest of the kind described in section 77A of the Act ;
 - 7.1.10 **'Council'** means Whitehorse City Council;
 - 7.1.11 **'Councillor'** means a Councillor of Council who has taken the oath of office in accordance with Section 63 of the Act;
 - 7.1.12 **'Council meeting'** includes a meeting at which the Mayor is elected, an Ordinary Meeting and a Special Meeting of Council;
 - 7.1.13 **'division'** means a formal count of those for and against a motion;
 - 7.1.14 **'gallery'** means the area set aside in the Council chamber or meeting room for the public;
 - 7.1.15 **'Mayor'** means the Mayor of Council and any Councillor acting as Mayor or as Chairperson;
 - 7.1.16 **'meeting'** means an Ordinary or a Special Meeting of Council or a Special Committee meeting;
 - 7.1.17 **'member'** means any person, other than a Councillor, who is a member of a Special Committee;
 - 7.1.18 **'minutes'** means the collective record of proceedings of Council or a Special Committee;
 - 7.1.19 **'notice of motion'** means a notice in writing setting out the text of a motion which it is proposed to be moved at the next relevant meeting;
 - 7.1.20 **'offence'** means an act or default contrary to this Local Law;
 - 7.1.21 **'Ordinary Meeting'** means an Ordinary meeting of Council;

- 7.1.22 **'Direct/Indirect interest'** has the meaning ascribed by Section 77A of the Act;
- 7.1.23 **'penalty unit'** means a penalty unit as prescribed in the *Sentencing Act* 1992;
- 7.1.24 **'petition'** means a formal written application, typed or printed without erasure, signed by at least 12 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;
- 7.1.25 **'Special Committee'** means a special committee established by Council under Section 86 of the Act;
- 7.1.26 **'Special Meeting'** means a Special 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;
- 7.1.27 **'visitor'** means any person (other than a Councillor, or member of Council staff) who is in attendance at a Council meeting or a Special Committee meeting; and
- 7.1.28 **'written'** includes duplicated, lithographed, photocopied, photographed, printed and typed and extends to both hard copy and soft copy forms.
- 7.2 Headings and explanatory notes do not form part of this Local Law. They are provided to assist understanding

PART A – MEETING PROCEDURES

DIVISION 2 - THE MAYOR

8 Procedure for election of Mayor

- 8.1 Any Councillor is eligible for election or re-election to the office of Mayor.
 - 8.2 The agenda for the meeting to elect the Mayor may include:
 - 8.2.1 the taking the oath of office by each Councillor, under Section 63 of the Act;
 - 8.2.2 the fixing of allowances for the Mayor and Councillors under Section 74, of the Act; and
 - 8.2.3 the appointment of Councillor representatives to various bodies.
 - 8.3 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.
 - 8.4 The Chief Executive Officer will be the Returning Officer for the election of the Mayor.
 - 8.5 The Returning Officer shall invite nominations for the office of Mayor and the following procedures shall apply to the conduct of the election:
 - 8.5.1 every nomination shall require a seconder;
 - 8.5.2 any Councillor nominated may refuse nomination;
 - 8.5.3 if there is only one nomination received, the candidate nominated shall be declared elected Mayor;
 - 8.5.4 if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;
 - 8.5.5 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
 - 8.5.6 in the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;
 - 8.5.7 if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;
 - 8.5.8 in the event of two or more candidates having an equality of votes and one of them having to be declared:
 - (i) a defeated candidate; and
 - (ii) duly elected
- the declaration will be determined by lot.

8.5.9 if a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:

- (i) each candidate will draw one lot;
- (ii) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
- (iii) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on 1 of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

9 Mayor to take Chair

- 9.1 After the election of the Mayor is determined, the Mayor must take the Chair.
- 9.2 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. In the absence of the Mayor, a Councillor must be elected Acting Chairperson and take the chair.

DIVISION 3 - COUNCIL MEETINGS

10 Quorum

- 10.1 The quorum of the Council is six Councillors.
- 10.2 If a quorum is not present within 30 minutes of the time appointed for the commencement of a Council meeting:
 - 10.2.1 the meeting will be deemed to have lapsed;
 - 10.2.2 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
 - 10.2.3 the Chief Executive Officer must give all Councillors notice of the meeting convened by the Mayor.
- 10.3 If a quorum fails after a Council meeting has begun, the meeting lapses and 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.

11 Call of the Council

11.1 If a call of the Council has been required pursuant to Section 85 of the Act, immediately after the opening of the meeting:

11.1.1 the Chief Executive Officer must call the name of:

- a. the Mayor; and
- b. each Councillor in alphabetical order;

and

11.1.2 each person present must answer to his or her name; and

11.1.3 all excuses for absence must be recorded in the minutes.

12 Attendance and Notice of meetings

12.1 The Chief Executive Officer must give notice to the public of any meeting of the Council through its website, customer service centres, libraries, and newspapers as appropriate in accordance with Section 89 (4) of the Act.

12.2 The dates, time and place for all Ordinary Meetings must be fixed by the Council.

12.3 The Chief Executive Officer must ensure that the agenda for any Ordinary or Special Meeting of the Council is delivered to every Councillor's usual place of residence at least 48 hours before the meeting, unless another place is nominated in writing by the Councillor. However, the Chief Executive Officer may deliver an agenda for a Special Meeting to a Councillor less than 48 hours before the meeting if the Chief Executive Officer considers that in view of the urgency of the matter(s) this should occur.

12.4 Unless all Councillors are present and the Council resolves to deal with another matter as Urgent Business, no business can be transacted at an Ordinary Meeting unless it appears on the agenda.

12.5 Despite sub-Clause 12.4, an item of business which has:

12.5.1 been referred to Council by a Special Committee which has met since the agenda was prepared; or

12.5.2 arisen since the preparation of the agenda, and is the subject of a written supplementary report by a member of Council staff;

may be considered by Council if it so resolves.

13 Time limit for meetings

- 13.1 Council meetings must conclude not later than 10.30pm unless a resolution is carried to extend the meeting (in which case the meeting shall conclude no later than 11.00pm.)

DIVISION 4 - BUSINESS: DESCRIPTION AND PROCEDURE

14 Conduct of Business

- 14.1 The order of business of an Ordinary Meeting must be conducted in the following order unless the Council otherwise resolves or the Chief Executive Officer otherwise determines:
- a. Council prayer;
 - b. Aboriginal Reconciliation Statement
 - c. welcome and apologies (including requests for leave of absence);
 - d. disclosure of any conflict of interest;
 - e. confirmation of minutes;
 - f. responses to public questions;
 - g. notice of motion;
 - h. petitions;
 - i. urgent business;
 - j. Council reports;
 - k. Reports from delegates and special committee recommendations;
 - l. Reports on conferences/seminars attendance; and
 - m. Confidential reports.

15 Conflicts of Interest

- 15.1 A Councillor must disclose any conflict of interest which that Councillor has in an item of business at the time specified in the *agenda*.
- 15.2 Nothing in clause 15.1 derogates from a Councillor's duty under the *Act* to disclose the existence, nature and class of any conflict of interest which that Councillor has in an item of business immediately before the consideration or discussion of that item of business.

Section 77A of the Act defines when a Councillor will have a conflict of interest. Any Councillor who has a conflict of interest must comply with the requirements of section 79 of the Act.

Among these requirements is the requirement to disclose the existence, nature and class of the conflict of interest. This must be done 'immediately' before the consideration or discussion of the item in which the Councillor has a conflict of interest.

So, even if the Councillor has disclosed the conflict of interest earlier in the meeting, the existence and nature of the conflict of interest must again be disclosed immediately before any consideration or discussion of the agenda item occurs.

16 Confirmation of Minutes

- 16.1 At every meeting of the Council and any Special Committee, the minutes of the preceding meeting(s) must be dealt with as follows:
- 16.1.1 if the minutes have been delivered to each Councillor or member at least 48 hours before the meeting, a motion must be put for the confirmation of the minutes;
 - 16.1.2 if the minutes have not been delivered, the minutes must be read and a motion must be put for the confirmation of the minutes;
 - 16.1.3 the minutes must be signed by the Chairperson of the meeting at which they have been confirmed and each page initialed by the Chairperson;
 - 16.1.4 Despite subclause 41.2, a Councillor or member may abstain from voting concerning the confirmation of the minutes of a meeting if the Councillor or member was not present at that meeting.
 - 16.1.5 the minutes shall record the business of the meeting in accordance with Section 93 of the Act and in particular:
 - a. the date, place, time and nature of the meeting;
 - b. the names of the Councillors or members present and those who have submitted apologies or been granted leave of absence;
 - c. the disclosure of conflicts of interest made by a Councillor or member;
 - d. arrivals and departures (including temporary) of Councillors and members during the course of the meeting;
 - e. each motion and amendment moved and seconded;
 - f. the vote cast by each Councillor or member upon a division;
 - g. questions upon notice;
 - h. the failure of a quorum;
 - i. when requested by a Councillor or member a record of their opposition to any motion; and
 - j. closure of the meeting to members of the public and the reasons for such closure.

17 Petitions

- 17.1 A petition must not be presented at a meeting of the Council or received by the Council unless:
- 17.1.1 each page of the petition bears the whole of the wording of the petition;
 - 17.1.2 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; and
 - 17.1.3 the petition and any letter or document presented with or accompanying the petition, the name(s) and physical address(es) of the person(s) and/or organisation(s) submitting the petition, letter or document appear on such petition, letter or document.

- 17.2 The Council may, by resolution, resolve to receive a petition which does not comply with one or all of sub clauses 17.1.1, 17.1.2 or 17.1.3.
- 17.3 Petitions may be presented by Councillors at any Ordinary Meeting, subject to the provisions of sub clause 17.1.
- 17.4 When a petition presented to a meeting of the Council relates to an item of business on the agenda, the petition is to be considered by the Council as part of its deliberations on such item.
- 17.5 Unless the 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, until the next Ordinary Meeting after that at which the petition has been presented.

18 Public Participation/Question Time – Ordinary Meetings of Council

- 18.1 There shall be a public question time not exceeding thirty minutes at every Ordinary Meeting of the Council to enable members of the public to submit questions to the Council.
- 18.2 Questions submitted to the Council must be in writing, state the name and address of the person submitting the question and be in a form generally in accordance with Appendix A.
- 18.3 No person may submit more than two (2) questions at any one (1) meeting.
- 18.4 The form incorporating the question(s) must be lodged in the receptacle designated for such purposes prior to the time specified for the Council meeting to commence.
- 18.5 A question must not be read unless the person asking the question is in the gallery at the time it is due to be read.
- 18.6 A question may be disallowed by the Chairperson if it:
 - 18.6.1 relates to matters outside the duties, functions and powers of the Council;
 - 18.6.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - 18.6.3 deals with a subject matter already answered;
 - 18.6.4 is aimed at embarrassing a Councillor or a member of Council staff; or
 - 18.6.5 is confidential in nature in accordance with section 89(2) of the Act.
- 18.7 All questions and answers must be as brief as possible, and no discussion must be allowed other than for the purposes of clarification.
- 18.8 The Chairperson may nominate a Councillor or member of Council staff to answer a question.
- 18.9 A Councillor or member of Council staff may:
 - 18.9.1 require a question to be put on notice until the next Ordinary Meeting, at which time the question must be answered; or
 - 18.9.2 elect to submit a written answer to the person asking the question.

- 18.10 A Councillor or member of Council staff may advise the Council that it is his or her opinion that the reply to a question should be given in a meeting closed to the public. The Councillor or member of Council staff must state briefly the reason why the reply should be given in a closed meeting and, unless the Council resolves to the contrary, the reply to such question shall be so given.
- 18.11 Only the question, the name, and address of the person asking the question together with the name of the Councillor or member of Council staff who responded to the question shall be recorded in the minutes.

19 Notice of Motion

- 19.1 A notice of motion must be in writing signed by a Councillor, and lodged with the Chief Executive Officer in sufficient time for the full text of such notice of motion to be included on the agenda for circulation to Councillors.
- 19.2 The Chief Executive Officer may reject any notice of motion which is unlawful, vague or unclear in intention but must:
 - 19.2.1 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - 19.2.2 notify the Councillor who lodged it of the rejection and the reasons for the rejection.
- 19.3 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.
- 19.4 A notice of motion, listed on the agenda must lapse unless the motion is moved by the Councillor who listed it or by any other Councillor present if the Councillor who listed it is absent or elects not to move it.
- 19.5 Any notice of motion may be amended and the mover and seconder of the motion may accept a proposed amendment or amend the motion when first putting it.

20 Rescission or Alteration

- 20.1 A Councillor may propose a motion to amend or rescind a previous resolution of Council provided:
 - 20.1.1 the resolution has not been acted upon; and
 - 20.1.2 the notice of motion is signed by three (3) Councillors and delivered to the Chief Executive Officer no later than 24 hours following the meeting of the Council at which the motion proposed to be rescinded or altered was adopted.
- 20.2 A resolution will be deemed to have been acted upon if:
 - 20.2.1 its contents have or substance has been formally communicated to a person whose interests are materially affected by it;
 - 20.2.2 a statutory process has been commenced so as to vest enforceable rights in or obligations on Council or any other person
- 20.3 Rescission motions are to be lodged in the form of Appendix B.
- 20.4 The Chief Executive Officer or an appropriate member of Council staff may implement a resolution at any time after the close of the meeting at which it was made.

- 20.5 No action will be taken to implement a resolution on which a notice to rescind or alter the resolution has been given pursuant to Clause 20.1.
- 20.6 A notice of motion to rescind or alter a previous resolution of the Council:
 - 20.6.1 will be deemed to have been withdrawn if not moved at the next meeting at which such business may be transacted; and
 - 20.6.2 if it is a second or subsequent notice to revoke or alter an earlier resolution, must not be accepted by the Chief Executive Officer until a period of three (3) months has elapsed since the date of the meeting at which the first or last motion of revocation or alteration was dealt with.

21 Formal or Procedural Motions

- 21.1 Formal or procedural motions, unless otherwise prohibited may be moved at any time, and shall be dealt with in accordance with the procedures set out in Appendix C.

22 Urgent Business

- 22.1 Urgent business must not be admitted unless:
 - 22.1.1 it relates to or arises out of a matter which has arisen since distribution of the Agenda;
 - 22.1.2 it cannot safely or conveniently be deferred until the next Ordinary Meeting; and
 - 22.1.3 the Council resolves to admit the business

23 Reports from Council Staff

- 23.1 Any report(s) by members of Council Staff to a Council meeting must contain a recommendation and be in the appropriate report style format.

24 Reports from Committees

- 24.1 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. A Special Committee is not required to report on matters dealt with provided those matters relate to a matter delegated to that Special Committee.
- 24.2 When the report(s) of a Committee is before a Council meeting the same process as detailed in sub-clause 23.2 is to be followed.

DIVISION 5 - CONDUCT OF DEBATE AND RULES OF SPEAKING

25 Motions and amendments

- 25.1 A motion or an amendment must:
 - 25.1.1 relate to the powers or functions of Council;
 - 25.1.2 be in writing, if requested by the Chairperson;

- 25.1.3 except in the case of urgent business, be relevant to an item of business on the agenda; and
- 25.1.4 be moved and seconded. Any motion or amendment which is not seconded lapses.
- 25.2 A motion or amendment must not be defamatory or objectionable in language or nature.
- 25.3 The Chairperson may refuse to accept any motion or amendment which contravenes sub-clause 25.1 or 25.2.
- 25.4 A motion or amendment cannot be withdrawn without the consent of the meeting.
- 25.5 Debate must always be relevant to the question before the Chair and if not, the Chairperson must request the speaker to confine debate to the question.
- 25.6 If after being requested to confine debate to the question before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to be seated and not to speak further in respect of the matter. The speaker must comply with any such direction.

26 Procedures with respect to motions

- 26.1 A Councillor or member who is proposing a motion must first state briefly the nature of the motion and then move it, without speaking to it.
- 26.2 The Chairperson shall ask immediately after a motion is moved and seconded and after the mover has spoken to the motion (or reserved the right to speak) and the seconder has spoken to the motion (or chosen not to) whether it is opposed and if no opposition is indicated he or she may then put it to the vote, without debate.
- 26.3 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.
- 26.4 Apart from the mover's right of reply referred to in sub-clause 26.3 a Councillor or member may only speak once on the motion.
- 26.5 The Chairperson may after the mover has spoken to the motion (or reserved the right to speak) and the seconder has spoken to the motion (or chosen not to) and there is opposition to the motion, ask for a speaker against the motion and alternate between for and against until there is either no more speakers for or against the motion or the debate has been exhausted (i.e. no more speakers). The mover will then be given the right of reply.
- 26.6 The mover of a motion must not introduce fresh matter when exercising any right of reply.
- 26.7 Where a motion contains more than one (1) part, a Councillor or member may request the Chairperson to put the motion to the vote in separate parts.
- 26.8 The Chairperson may decide to put any motion to the vote in several parts.

27 Procedures with respect to Amendments

- 27.1 No notice need be given of any amendment.
- 27.2 A Councillor or member proposing an amendment must first state briefly the nature of the amendment and then move it, without speaking to it.

- 27.3 The Chairperson shall ask immediately after an amendment is moved and seconded and after the mover has spoken to the amendment (or reserved the right to speak) and the seconder has spoken to the amendment (or chosen not to) whether it is opposed and if no opposition is indicated, he or she may then put it to the vote, without debate.
- 27.4 Amendments must be dealt with one at a time.
- 27.5 An amendment must be relevant to the motion upon which it is moved.
- 27.6 The mover or seconder of a motion cannot move an amendment.
- 27.7 The Chairperson may after the mover has spoken to the amendment (or reserved the right to speak) and the seconder has spoken to the amendment (or chosen not to) and there is opposition to the amendment, ask for a speaker against the amendment and alternate between for and against until there is either no more speakers for or against the amendment or the debate has been exhausted (i.e. no more speakers).
- 27.8 The mover of an amendment has no right of reply.
- 27.9 A second or subsequent amendment cannot be moved until the immediately preceding amendment is disposed of.
- 27.10 If the amendment effectively negates the substance of the motion it is ruled to be an alternative motion and shall only be considered in the event that the motion is lost
- 27.11 If an amendment is adopted it becomes the substantive motion and, as such must be put to the vote by the Chairperson, or be subject to amendment.
- 27.12 A Councillor or member cannot move more than two (2) amendments in succession.
- 27.13 Only one amendment can be before the meeting at a time and until it is put to the vote no further amendment can be proposed, but with the leave of the Chairperson another amendment or a new motion can be foreshadowed by any Councillor or member stating in brief terms the nature of the amendment.
- 27.14 A Councillor or member can speak only once on the amendment.

28 Interruptions, interjections, questions and relevance

- 28.1 A Councillor or member must not be interrupted except by the Chairperson or upon a point of order or personal explanation.
- 28.2 If a Councillor or member 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).
- 28.3 Unless with the consent of the Chairperson, a Councillor or member must not ask a question with respect to an item of business before the Chair until a motion with respect to that item of business has been moved and seconded.
- 28.4 Unless with the consent of the Chairperson, a Councillor or member cannot ask more than one question with respect to any motion or amendment on an item of business before the Chair.
- 28.5 A Councillor or member must not digress from the subject matter of the motion or business under discussion.

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 or members concerned will be heard.

30 Resumption of adjourned debate

- 30.1 If a debate is adjourned by motion, the Councillor or member 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.

31 Time limits

- 31.1 A Councillor or member must not speak longer than the time set out below, unless granted an extension by the meeting:
- 31.1.1 the mover of a motion or an amendment: five (5) minutes;
 - 31.1.2 any other Councillor or member: three (3) minutes; and
 - 31.1.3 the mover of a motion exercising a right of reply: two (2) minutes.

32 Points of order

- 32.1 A point of order is an objection that the motion, amendment or statement made is:
- 32.1.1 contrary to this Local Law;
 - 32.1.2 defamatory;
 - 32.1.3 irrelevant;
 - 32.1.4 improper; or
 - 32.1.5 outside Council's legal powers;
- and may be made despite the fact that the Councillor, member or Chairperson is speaking at the time.
- 32.2 A point of order must be taken by stating:
- 32.2.1 the matter complained of; and
 - 32.2.2 the reason constituting the point of order.
- 32.3 The Chairperson may raise a point of order without it having been made by a Councillor or member.
- 32.4 When called to order, a Councillor or member must remain silent until the point of order is decided unless he or she is requested by the Chairperson to provide an explanation.
- 32.5 The Chairperson may adjourn the meeting to consider a point of order but must otherwise rule upon it as soon as it is taken.
- 32.6 The Chairperson must, when ruling on a point of order, give reasons for the ruling.
- 32.7 The Chairperson's ruling is 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..

32.8 A motion of dissent must state the provision or practice in substitution for the Chairperson's ruling.

32.9 A motion of dissent that is carried must be acted on by the Chairperson.

33 Chairperson may speak

33.1 The Chairperson may address a meeting upon any matter under discussion, and is not deemed to have left the Chair on such occasions. The Chairperson may vacate the Chair for the duration of any item under discussion whereupon a temporary Chairperson elected by the meeting must take the Chair until such item has been disposed of.

34 Personal explanation

34.1 A Councillor or member may, at a time convenient to the Council, make a brief personal explanation in respect of any statement (whether made at a Council meeting or not) affecting him or her as a Councillor.

34.2 A personal explanation arising out of a statement at a Council meeting or Special Committee meeting must be made as soon as possible.

34.3 A personal explanation must not be debated except upon a motion to censure the Councillor or member who has made it.

35 Criticism of members of Council staff

35.1 A member of Council staff may make a brief statement at a Council meeting or meeting of a Special Committee in respect of any statement (whether made at a Council meeting or meeting of a Special Committee or not) affecting him or her as a member of Council staff or any member of Council staff under his or her control.

35.2 A statement made under sub clause 35.1 must be made at such time during the meeting at which the member of Council staff desires to bring it forward and as the Chairperson thinks appropriate.

36 Ordering withdrawal of remark

36.1 All Councillors, members and visitors at a meeting must refrain from making any remark which is inappropriate defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature. In the event that such a remark is made, the Chairperson may require a Councillor, member or visitor to withdraw any such remark.

36.2 A Councillor or member required to withdraw a remark must do so immediately without qualification or explanation.

37 Visitors to be silent

37.1 Visitors must not interject or take part in the debate.

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

37.3 Any visitor at a meeting must extend due courtesy and respect to the Council or Special Committee and the processes under which it operates and must take direction from the Chairperson whenever called upon to do so.

38 Ejection of disorderly visitors

- 38.1 If any visitor is called to order by the Chairperson and thereafter again acts in breach of this Local Law, the Chairperson may order him or her to be removed from the gallery.

39 Chairperson may adjourn disorderly meeting

- 39.1 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.

40 Repeating motion

- 40.1 Before any matter is put to the vote, a Councillor or member may require that the question, motion or amendment be read again.
- 40.2 The Chairperson without being so requested may direct the Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) to read the question, motion or amendment to the meeting before the vote is taken.

41 Voting

- 41.1 Except that a Councillor or member may demand a division, Councillors and members must remain seated in silence while a vote is being taken.
- 41.2 Unless this Local Law provides otherwise or the Council or a Special Committee otherwise determines, voting is compulsory and must be by a show of hands.
- 41.3 The Chairperson may direct that the vote be recounted as often as may be necessary for him or her to satisfy him or herself of the result.

42 Division

- 42.1 Immediately after any motion, amendment or question is put to a meeting and before the next item of business has commenced, a Councillor or member may call for a division.
- 42.2 When a division is called for, the vote already taken must be treated as a nullity and the division shall decide the motion, amendment or question.
- 42.3 When a division is called for, the Chairperson must:
- 42.3.1 first ask each Councillor or member wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor or member wishing to vote in the affirmative must raise one of his or her hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record the names of those Councillors or members voting in the affirmative; and
- 42.3.2 then ask each Councillor or member wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor or member wishing to vote in the negative must raise one of his or her hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record, the names of those Councillors or members voting in the negative.
- 42.4 The Chairperson must declare the result of the vote or division as soon as it is taken.

43 Recording of Opposition to Motion

- 43.1 Any Councillor or member may ask that his or her opposition to a motion adopted by the meeting be recorded. It must then be recorded in the minutes of the Council meeting or meeting of the Special Committee.

44 Production of documents

- 44.1 A Councillor or member may, at a meeting, require the production of any documents kept in the municipal offices and directly relevant to the business being considered.
- 44.2 Upon any demand being made the Chief Executive Officer must use his or her best endeavours to produce the documents.

45 Recording Proceedings

- 45.1 The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may for minute purposes, record the proceedings of a Council meeting or Special Committee meeting and following confirmation of those minutes, destroy the recording.
- 45.2 Except as authorised in sub clause 45.1, a person must not record any Council or Special Committee meeting or any other meeting of the Council without first obtaining the consent of the Chairperson. Such consent may at any time during the course of such meeting be revoked by the Chairperson.

46 Suspensions

- 46.1 The Council or a Special Committee may by resolution suspend from a meeting, and for the balance of the meeting, any Councillor or member whose actions have disrupted the business of the Council or Special Committee, and have impeded its orderly conduct, provided the Councillor or member 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.

47 Removal from Chamber or Meeting Room

- 47.1 The Chairperson, or the Council in the case of a suspension, may ask any Authorised Officer or member of the Victoria Police Force to remove from the chamber or meeting room any person who acts in breach of this Local Law or whom the Chairperson has ordered to be removed from the gallery under clause 38 of this Local Law.

DIVISION 6 - SPECIAL COMMITTEES

48 Application Generally

- 48.1 Except as provided in this Division, if Council establishes a Special Committee, the provisions of this Local Law shall apply with any necessary modifications.
- 48.2 The quorum of a Special Committee is a majority of the number of members which the whole Special Committee as constituted comprises.
- 48.3 The following provisions of this local law do not apply to Special Committees:
 - 48.3.1 all of Division 2;
 - 48.3.2 Division 3, clause 11; and
 - 48.3.3 Division 4, clauses 17 and 18.1 to 18.11 (inclusive).
- 48.4 The order of business at a meeting of a Special Committee must include:
 - 48.4.1 welcome and apologies (including requests for leave of absence);
 - 48.4.2 declaration of conflict of interest;
 - 48.4.3 confirmation of minutes;
 - 48.4.4 an opportunity for public input;
 - 48.4.5 reports from officers;
 - 48.4.6 other business; and
 - 48.4.7 confidential items.
- 48.5 Public participation in a meeting of a Special Committee shall be permitted in accordance with guidelines and policies adopted by the Council from time to time.
- 48.6 If the Chairperson so determines:
 - 48.6.1 any person addressing the Mayor must refer to the Mayor as "Mayor" (Surname)
 - 48.6.2 all Councillors, other than the Mayor must be addressed as Cr_____(name); and
 - 48.6.3 all members of Council staff are to be addressed as Mr, Mrs or Ms _____ (name) or by their official title.
- 48.7 Councillors must comply with the Councillor Code of Conduct as adopted by the Council from time to time.

49 Limitations

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

DIVISION 7 - SUSPENSION OF LOCAL LAW

50 Suspension of procedure

- 50.1 Any provisions of this Local Law applicable to a Council meeting or Special Committee meeting may be suspended by resolution.

PART B – COMMON SEAL

51 Common Seal

- 51.1 The common seal of the Council may only be used with the authority of the Council or in accordance with the Instrument of Delegation issued to the Chief Executive Officer.
- 51.2 The Chief Executive Officer must keep the common seal in safe custody.
- 51.3 Every document to which the common seal is affixed must be signed by:
- 51.3.1 a Councillor and the Chief Executive Officer;
- 51.3.2 the Chief Executive Officer if the document is being sealed under delegation.
- 51.4 A person must not use the common seal or any device resembling the common seal without the authority of the Council or Chief Executive Officer.

PART C – OFFENCES AND PENALTIES

52 Offences

- 52.1 It is an offence:
- 52.1.1 for a Councillor or member to not withdraw an expression which is considered by the Chairperson to be inappropriate, defamatory, indecent, abusive, offensive, disorderly or objectionable, and to not satisfactorily apologise when called upon twice by the Chairperson to do so:
Penalty: 5 penalty units
- 52.1.2 for any person, not being a Councillor or member, who is guilty of any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so:
Penalty: 5 penalty units
- 52.1.3 for any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order:
Penalty: 5 penalty units
- 52.1.4 for a Councillor or member to refuse to leave the chamber or meeting room on suspension:
Penalty: 5 penalty units
- 52.1.5 for any person to use the common seal of the Council or any device resembling the common seal without the authority of the Council:
Penalty: 20 penalty units
- 52.1.6 for a Councillor or member to not vote at a meeting of the Council (including at a meeting for the election of the Mayor) or a special committee but excluding not voting on a motion to confirm the minutes of a meeting at which the Councillor or member did not attend:

Penalty: 5 penalty units

53 Infringement Notices


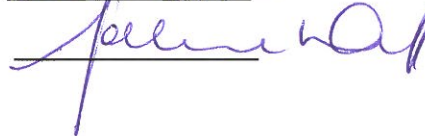
- 53.1 An Authorised Officer may issue an infringement notice for a fixed penalty of one penalty unit for an offence.
- 53.2 The form of an infringement notice shall be in the form as described in section 13 of the *Infringements Act 2006*.

THE COMMON SEAL of the
WHITEHORSE CITY COUNCIL
was hereunto affixed this
23rd day of October 2013
in the presence of:



COUNCILLOR

CHIEF EXECUTIVE OFFICER

Appendix A**WHITEHORSE CITY COUNCIL****MEETING PROCEDURES LOCAL LAW****QUESTION FORM FOR USE BY MEMBERS OF THE PUBLIC**

This form is required to be completed by the commencement of the Council Meeting and placed in the question box located in the gallery.

Privacy Information: Please note that as required by Council's Local Law, your name and address will be read out in a public meeting and form part of the Minutes of the Council Meeting. If you wish only your name and not your address to be called, please indicate this below:

I give/do not give (*delete one*) permission for my address to be disclosed at the Council meeting.

| | | |
|------------|-----------------|---------|
| Name | | |
| Address | | |
| Telephone | Business hours: | Mobile: |
| E mail | | |
| Question 1 | | |
| Question 2 | | |

GUIDELINES FOR THE CONDUCT OF PUBLIC QUESTION AND ANSWER TIME AT ORDINARY MEETINGS OF THE COUNCIL

- 1 The number of questions that any person may ask is limited to two.
- 2 Questions should be lodged in the question box by 7.00pm on the night of the Council Meeting.

If you have an issue to raise with Council you may wish to discuss the matter immediately after the meeting in the foyer area with the Chief Executive Officer or any other member of Council staff.

Appendix B

**WHITEHORSE CITY COUNCIL
MEETING PROCEDURES LOCAL LAW
RESCISSION MOTIONS**

The following guidelines apply for the lodgment of a notice of intention to move that a resolution passed by Council be rescinded:

- 1 Notices of rescission must be in the correct format, viz:

It is the intention of Councillor _____ to intention to move at the Ordinary/Special Meeting of Council to be held on / / :

That the motion of Council passed on / / , viz:

be rescinded and subject to that motion being carried in its place, Cr _____ proposes to move:

Councillor

Councillor

Councillor

This notice was received by me at _____ am/pm on ____/____/____

CHIEF EXECUTIVE OFFICER

Appendix C
FORMAL MOTIONS
PROCEDURE AND EFFECT

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

Appendix C (Continued)

FORMAL MOTIONS PROCEDURE AND EFFECT

| FORMAL MOTION | FORM | WHO CAN MOVE OR SECOND | IS A SECONDER REQUIRED? | MATTERS IN RESPECT OF WHICH MOTION MAY BE MOVED | WHEN MOTION PROHIBITED | EFFECT IF CARRIED | EFFECT IF LOST |
|---|--|--|-------------------------|---|---|---|--|
| The closure | That the question be now put. | A Councillor who has not moved, seconded or spoken to the motion or any amendment of it. | Yes | Any matter except where prohibited. | During nominations for Chairperson. (A closure motion shall not be accepted by the Chairperson unless the Chairperson considers there has been sufficient debate for and against the original motion or amendment.) | Motion or amendment in respect of which the closure carried is put to the vote immediately, without further debate. | Debate continues unaffected. |
| Proceeding to the next item of business | That the meeting proceed to the next item of business. | A Councillor who has not moved, seconded or spoken to the motion or any amendment of it. | Yes | Any matter except where prohibited. | (a) During the election of the Chairperson. (b) During a meeting which is a call of the Council. | (a) If carried in respect to a formal motion, its effect is to remove that motion from consideration. (b) If carried in respect to an amendment, its effect is to dispose of the amendment and debate resumes upon the motion. | Debate resumed at point of interruption. |

