

PYRENEES
SHIRE



Pyrenees Shire Council
Local Law No. 1
Meeting Procedures
(Adopted by Council 17 April 2012)

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PART 1 – PRELIMINARY

1.1 TITLE

This Local Law is the Pyrenees Shire Council Meeting Procedures Local Law (No. 1 of 2011) and referred to below as this Local Law.

1.2 OBJECTIVES OF THIS LOCAL LAW

The objectives of this local law are:-

- a) To provide for the orderly conduct of Council meetings and provide procedures for fair and open decision making
- b) To regulate the proceedings for the election of the Mayor, Deputy Mayor and the chairperson of any special committees.
- c) To regulate the use of the common seal of the municipality

1.3 THE POWER TO MAKE THIS LOCAL LAW

The Council's power to make this Local Law is contained in Sections 5, 91 and 111 of the Local Government Act 1989.

1.4 COMMENCEMENT AND REVOCATIONS

- a) This Local Law 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
- b) Local Law No 1 Processes of Municipal Government (Procedures for Meetings) ceases to operate on the day this Local Law comes into operation

1.5 DEFINITIONS

In this local law, unless inconsistent with the context:

Act:	Means the Local Government Act 1989.
Agenda:	A listing of business and/or reports to be considered at a meeting.
Authorised Officer:	Means a person or agent appointed under section 224 of the Act.
Chair:	Refers to the Chairperson.
Chairperson:	The person who chairs a meeting of the Council or Special Committee of the Council.
Common Seal:	Means the common seal of the Pyrenees Shire Council.
Council:	Means the Pyrenees Shire Council from time to time comprising the Mayor and Councillors.

Councillor:	Means a person who is an elected member of the Council.
Council Meeting:	Includes Ordinary and Special meetings of the Council.
Deputy Mayor:	The Councillor elected as Deputy to the Mayor.
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.
Formal Motion:	Means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure.
Mayor:	The Councillor elected to the office of Mayor and any Councillor from time to time acting as Mayor.
Member:	Refers to a person who is entitled to vote at a meeting of the Council or a Special Committee of the Council.
Minister:	Means the Minister responsible for administering the Local Government Act 1989.
Penalty Unit(s):	Has the meaning ascribed to it in Section 110 of the Sentencing Act 1991.
Quorum:	Means a majority of the members of the Council or a Special committee
Regulations:	Means Regulations made under the Local Government Act 1989
Replica:	In relation to the common seal of the Council means any representation which purports to be, looks like or is capable of being mistaken for the common seal whether fixed to or printed on a document or advertisement or sign and includes any use of a symbol resembling the common seal which is capable of misleading a person into believing it is used with the authority of the Council.
Suspension of Standing Orders:	Means the suspension of the provisions of this Local Law to facilitate full discussion on an issue without formal constraints.

PART 2 - ELECTION OF THE MAYOR, ANY DEPUTY MAYOR AND OTHER CHAIRPERSONS

2.1 WHEN REQUIRED

The meeting to fill the vacancy of Mayor will be held:

- a) annually in accordance with the provisions of section 71 of the Act or, biennially should Council so resolve in accordance with section 71 (2) of the Act to appoint a Mayor for a two year term,
- b) Where the position of Mayor becomes vacant as soon as practicable after the vacancy has occurred.

2.2 ELECTION OF MAYOR AND CHAIRPERSONS

- a) At any meeting to elect the Mayor, the Chief Executive Officer may act as a temporary chair to deal with;
 - (i) the receipt of nominations for the election of Mayor;
 - (ii) the election of the Mayor;

In the absence of the Chief Executive Officer another senior officer appointed by the Chief Executive Officer may be temporary chair.

- b) In determining the election of the Mayor, the following will apply;¹
 - (i) where only one nomination is received, that Councillor must be declared elected
 - (ii) where two nominations are received, the Councillor with the majority of votes cast will be declared elected
 - (iii) where there are two or more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot, with the first candidate drawn to be declared elected
 - (iv) where there are more than two nominations received and the result has not been determined under paragraphs 2.2(b)(ii) or 2.2(b)(iii) the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by lot) and the names of the remaining nominees must be put to the vote again
 - (v) the procedure in paragraph 2.2(b)(iv) must be repeated until the circumstances in paragraph 2.2(b)(iii) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with a majority will be declared elected or, if there is an equal division of votes, the election must be determined by lot
- c) if the Mayor is unable to attend a Council meeting for any reason:
 - (i) the Deputy Mayor will be acting Chair

- (ii) if no Deputy Mayor has been elected, or is absent, the Council will appoint one of the Councillors to be the acting Mayor*

- d) Any election by Council of a Deputy Mayor or acting Chair of a Council meeting or a chair of a special committee will follow the same procedure as that for an election of the Mayor

¹ Note: Given the provisions of section 90(1)(d) and 90(2) of the Act, it is assumed that "an equality of votes" can only take place when all votes cast are evenly distributed between two or more nominees. This would not be so where for example there were four votes for one nominee, four votes for another and one for another (in which case resort would then be held to the paragraph 2.2(b)(iv) process). If alternatively the distribution were to be three votes for each of three nominees, paragraph 2.2(b)(iii) and section 90 (2) would require determination by lot (regardless of the fact that no nominee had a majority of votes).

*s 73(3) of the Act refers

PART 3 - COUNCIL MEETINGS

3.1 DIVISION 1 - NOTICES AND AGENDAS

3.1.1 DATES AND TIMES OF MEETINGS

The date, time and place of all Council meetings are to be fixed by the Council from time to time and reasonable notice must be provided to the public.²

3.1.2 COUNCIL MAY ALTER MEETING DATES

The Council may change the date, time and place of any Council meeting which has been fixed and must provide reasonable notice of the changes to the public.

3.1.3 SPECIAL COUNCIL MEETINGS

- a) The notice necessary to call a meeting in accordance with section 84 of the Act must be delivered to the Chief Executive Officer in sufficient time to enable reasonable notice to be given to Councillors.
- b) In giving such notice, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken.

3.1.4 NOTICE OF MEETING

- a) A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be delivered to every Councillor:
 - (i) For an ordinary meeting at least 4 clear days before the meeting; and
 - (ii) For a special meeting at least 24 hours before the meeting; and
 - (iii) For a special committee meeting at least 4 clear days before the meeting
- b) The notice of agenda for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent to each Councillor either by hand, post or electronic means as nominated by the Councillors.

² Note: Reasonable notice might include an advertisement in a newspaper circulating in the municipal district, a notice on a notice board accessible to the public at Council's offices or the Council website. It might be extended as Council considers appropriate.

3.1.5 LEAVE OF ABSENCE

It will not be necessary for a notice of meeting or agenda 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.

3.1.6 SPECIAL (EMERGENCY) MEETINGS

- a) In the case of an emergency, the Chief Executive Officer or, in his or her absence, a senior officer, may call or postpone a meeting of the Council, without the necessity to comply with clauses 3.1.1 to 3.1.4 provided reasonable attempts are made to notify every Councillor.
- b) The Chief Executive Officer or senior officer must submit a full written report of the circumstances requiring his or her action to the next ordinary meeting of the Council.

3.2 DIVISION 2 – QUORUMS

3.2.1 ORDINARY COUNCIL MEETINGS

The quorum required for ordinary Council meetings will be a majority of the total number of elected Councillors.

3.2.2 SPECIAL COUNCIL MEETINGS

The quorum required for Special Council meetings will be the same as for an ordinary meeting.

3.2.3 SPECIAL COMMITTEE MEETINGS

The quorum for a special committee meeting will be determined by the Council for each committee, but in the absence of the Council's determination, the quorum required will be not less than a majority of the members for the time being appointed to that committee.

3.2.4 INABILITY TO GAIN A QUORUM

If a quorum cannot be obtained within thirty (30) minutes of the scheduled starting time of any meeting or adjournment those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in his or her absence, a senior officer may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.³

3.2.5 INABILITY TO MAINTAIN A QUORUM

If during any meeting or any adjournment of the meeting, a quorum cannot be achieved and maintained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, or in his or her absence, a senior officer, must adjourn the meeting for a period not exceeding seven days from the date of the adjournment.³

3.2.6 INABILITY TO ACHIEVE OR MAINTAIN A QUORUM DUE TO PECUNIARY INTERESTS OF COUNCILLORS

If during any meeting or adjournment a quorum cannot be achieved or maintained due to the number of declaration of conflicts of interests by Councillors, the Chief Executive Officer, or in his or her absence, a senior officer, may adjourn the matter of business for a length of time sufficient to enable an exemption for the affected Councillors to be obtained from the Minister.*

3.2.7 NOTICE FOR ADJOURNED MEETING

The Chief Executive Officer may provide written notice of an adjourned meeting but where that is not practicable because time does not permit that to occur then, provided a reasonable attempt is made to contact each member, notice by telephone, facsimile, in person or by some other means will be sufficient.

³ Note: Should these circumstances arise then s85 of the Act provides that the Minister or the CEO may require all Councillors to attend a Call of the Council. Should a Call of the Council meeting be called then the provisions of s85 of the Act apply to its conduct.

*Section 80 of the Act refers

PART 4 – MINUTES

4.1 KEEPING OF MINUTES

The Chief Executive Officer is responsible for arranging for the keeping of minutes on behalf of the Council.

4.2 NO DEBATE ON CONFIRMATION OF MINUTES

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

4.3 OBJECTION TO CONFIRMATION OF MINUTES

If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:

- a) state the items or items with which he or she is dissatisfied; and
- b) propose a motion clearly outlining the alternative wording to amend the minutes.

4.4 DEFERRAL OF CONFIRMATION OF MINUTES

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

4.5 CONTENTS OF MINUTES

- a) In keeping the minutes of any meeting, the Chief Executive Officer must arrange the recording of minutes so as to show:
 - (i) the names of Councillors, whether they are PRESENT, an APOLOGY, on LEAVE OF ABSENCE, etc;
 - (ii) the names of Officers IN ATTENDANCE with their organisational title;
 - (iii) the arrival and departure times of Councillors
 - (iv) every motion and amendment moved, including the mover (and seconder*) of any motion or amendment; * Note: Formal motions do not require a seconder
 - (v) the outcome of every motion, that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED, AMENDED etc. and identification of those motions voted on by secret ballot;
 - (vi) where a valid division is called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST;
 - (vii) when requested by a Councillor, a record of that Councillor's support or opposition for any motion;

- (viii) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
 - (ix) the time and reason for any adjournment of the meeting or suspension of standing orders;
 - (x) disclosure of the declaration and the nature of any conflict of interest of a Councillor declared at or identified to a meeting; and
 - (xi) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the Minutes.
- b) In addition, of the Minutes should:
- (i) bear the date and time the meeting was commenced, adjourned, resumed and concluded;
 - (ii) be consecutively page numbered; and
 - (iii) contain consecutive item numbers which are clearly headed with a subject titles and where appropriate sub-titles and file references
- c) Once confirmed by Council the minutes should be signed by the chair of the meeting.

PART 5 - BUSINESS OF MEETINGS

5.1 THE ORDER OF BUSINESS

The order of business of Council meetings will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.

5.2 CHANGE TO ORDER OF BUSINESS

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

5.3 CHIEF EXECUTIVE OFFICER MAY INCLUDE ITEMS ON AN AGENDA

The Chief Executive Officer may include any matter on an agenda which he or she thinks should be considered by the meeting.

PART 6 - VOTING AT MEETINGS

6.1 HOW DETERMINED AND BY SHOW OF HANDS

- a) Subject to clause 8.2.2 in determining a question before a meeting of Council, the Chairperson will first call those in favour of the motion and then those opposed to the motion and will declare the result to the meeting.
- b) Unless the Council resolves otherwise, voting on any matter will be by show of hands.*

6.2 BY SECRET BALLOT

The Council may resolve to deal with any matter by secret ballot.*

*S90 (1) (a) of the Act provides that voting cannot be conducted in secret on any matter being considered in a meeting that is open to the public

6.3 SYSTEM OF VOTING BY SECRET BALLOT

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

6.4 WHEN A DIVISION PERMITTED

- a) Subject to clause 6.8, a division may be requested by any Councillor on any matter.
- b) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the consideration of next item of business has commenced.

6.5 PROCEDURE FOR A DIVISION

Once a division has been requested in circumstances other than those dealt with in clause 6.8, the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion. The names of those Councillors voting both for and against the motion must be recorded in the minutes.

6.6 CHANGE BETWEEN THE ORIGINAL VOTE AND THE DIVISION

No Councillor is prevented from changing his or her original vote at the voting on the division, and the voting on the division will determine the Council's resolution on the issue.

6.7 DIVISION NOT ALLOWABLE IF VOTING BY SECRET BALLOT

If the question on any matter is determined by secret ballot, a request to the Chairperson for a Division must not be accepted.*

*S90 (1) (a) of the Act provides that voting cannot be conducted in secret on any matter being considered in a meeting that is open to the public

6.8 NO DISCUSSION ONCE DECLARED

Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion is:

- a) for a Councillor to request that his or her opposition to the motion be recorded in the minutes; or
- b) there is a call for a division

6.9 APPLICATIONS TO ALL MEETINGS

The provisions of this Part apply to meetings of special committees of Council to the extent that they are relevant to the proceedings of any special committee and any reference to Councillor in those clauses extends to any member of a special committee.

PART 7 - ADDRESSING THE MEETING

7.1 ADDRESSING THE MEETING

- a) Except for the Chairperson, any Councillor or person who addresses the meeting must stand and direct all remarks through the Chair, however, the Chairperson may permit at their discretion any Councillor or other person to remain seated while addressing the chair.
- b) Any person addressing the Chair should refer to the Chairperson as:
 - (i) Madam Mayor
 - (ii) Mr. Mayor
 - (iii) Madam Chairperson; or
 - (iv) Mr. Chairperson as the case may be.
- c) All Councillors, other than the Mayor, should be addressed as Cr.....(name)
- d) All officers should be addressed as Mrs, Ms, Miss or Mr..(name)..as the case may be.

7.2 SUSPENSION OF STANDING ORDERS

- a) Subject to clause 7.3, compliance with this Local Law may be suspended for a particular purpose by resolution of the Council.
- b) The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- c) The purpose is to enable the formalities of meeting procedure to be temporarily suspended while an issue is discussed.
- d) It should not be used purely to dispense with the processes and protocol of the government of the Council.
- e) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary.

7.3 NO MOTIONS MAY BE ACCEPTED DURING SUSPENSION OF STANDING ORDERS

No motion may be accepted by the Chair or be lawfully dealt with during any suspension of standing orders other than the motion for resumption of standing orders.

7.4 INTERRUPTION FOR POINT OF ORDER

A Councillor who is addressing the meeting must not be interrupted unless called to order when he or she must sit down and remain silent until the Councillor raising the point of order has been heard and the question disposed of.

PART 8 - OTHER MEETING PROCEDURES

8.1 DIVISION 1 - MATTERS NOT PROVIDED FOR

8.1.1 MATTERS NOT PROVIDED FOR

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

8.2 DIVISION 2 – MOTIONS

8.2.1 CHAIRPERSON'S DUTY

Any motion or amendment which:

- a) is defamatory; or
- b) is objectionable in language or nature; or
- c) is outside the powers of the Council; or
- d) is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or
- e) purports to be an amendment but is not
- f) is unclear or ambiguous

must not be accepted by the Chairperson.

8.2.2 MOVING A MOTION

The procedure for any motion is:

- a) The mover must state the motion without speaking to it;
- b) Unless the motion is a formal motion, it must be seconded by a Councillor other than the mover;
- c) If a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
- d) If the motion is seconded, the Chairperson must ask:
 - (i) the mover to address the Council on the motion; and
 - (ii) the seconder to address the Council on the motion (who may, without speaking on the motion, reserve his or her address until later in debate); and
 - (iii) any Councillor opposed to debate the motion; and
 - (iv) any other Councillors for and against the motion to debate in turn.

- e) Except as provided for in Clause 8.2.3, or for the purposes of Clauses 8.2.5 to 8.2.9, or for the raising of a point of order, or with the leave of the Chairperson, no Councillor may speak more than once on any motion.

8.2.3 RIGHT OF REPLY

- a) The mover of an original motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate.
- b) After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

8.2.4 NO RIGHT OF REPLY FOR AMENDMENTS

No right of reply is available where an amendment is before the Council.

8.2.5 MOVING AN AMENDMENT

A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole.

8.2.6 WHO MAY PROPOSE AN AMENDMENT

An amendment may be proposed or seconded by any Councillor.

8.2.7 WHO MAY DEBATE AN AMENDMENT

A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion, but debate must be confined to the terms of the amendment.

8.2.8 HOW MANY AMENDMENTS MAY BE PROPOSED

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

8.2.9 AN AMENDMENT ONCE CARRIED

If the amended motion is carried, it then becomes the question before the Chair.

8.2.10 FORESHADOWING MOTIONS

- a) At any time during debate a Councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- b) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- c) The Chief Executive Officer is not required to have foreshadowed motions recorded in the Minutes until the foreshadowed motion is formally moved, but may do so if it is thought appropriate.

8.2.11 WITHDRAWAL OF MOTIONS

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

8.2.12 SEPARATION OF MOTIONS

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

8.2.13 CHAIRPERSON MAY SEPARATE MOTIONS

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

8.2.14 MOTIONS IN WRITING

- a) The Chairperson may require any motion to be submitted in writing where it is lengthy, unclear or for any other reason.
- b) The Chairperson may suspend the meeting while the motion is being written or may request the Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

8.2.15 DEBATE MUST BE RELEVANT TO THE MOTION

- a) Debate must always be relevant to the question before the Chair, and if not, the Chairperson may request the speaker to confine debate to the motion being considered.
- b) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.

8.2.16 SPEAKING TIMES

Unless a motion for an extension of time has been carried, the maximum speaking times will be:

- a) the mover of a motion - five minutes;
- b) the mover of a motion when exercising his or her right of reply - five minutes;
- c) any other Councillor - five minutes.

8.2.17 BY RESOLUTION OF THE COUNCIL

An extension of speaking time may be granted by resolution of the Council.

8.2.18 NO EXTENSION AFTER NEXT SPEAKER COMMENCED

A motion for an extension of speaking time for a speaker cannot be accepted by the Chair if another speaker has commenced his or her debate.

8.2.19 LENGTH OF EXTENSION

Any extension of speaking time must not exceed five minutes.

8.3 DIVISION 3 - POINTS OF ORDER**8.3.1 CHAIRPERSON TO DECIDE**

The Chairperson will decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

8.3.2 CHAIRPERSON MAY ADJOURN TO CONSIDER

- (a) The Chairperson may adjourn the meeting to consider a point of order otherwise she or he must rule on it as soon as it is raised.
- (b) All other matters before the Council will be suspended until the point of order is decided.

8.3.3 FINAL RULING ON A POINT OF ORDER

The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive.

8.3.4 PROCEDURE FOR POINT OF ORDER

A Councillor raising a point of order must:

- (a) state the point of order; and
- (b) the clause, paragraph or provision constituting the point of order.

8.3.5 VALID POINTS OF ORDER

A point of order may be raised in relation to:

- (a) a procedural matter which may be,
 - (i) contrary to this local law
 - (ii) outside Council's powers
- (b) a Councillor who is or appears to be out of order, or
- (c) any act of disorder.

8.3.6 CONTRADICTION OF OPINION

Expressing a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

8.3.7 ADJOURNMENT AND RESUMPTION OF MEETING

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

8.3.8 FORMAL MOTIONS

- (a) Unless otherwise prohibited, a formal motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (b) Formal motions are not required to be seconded.
- (c) A formal motion cannot be moved by the Chairperson.
- (d) Unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.

- (e) Unless otherwise provided a formal motion cannot be amended.

8.3.9 LAYING THE QUESTION ON THE TABLE

- (a) A motion "That the (question, letter, document, report etc.) lay on the table":-
- (i) is a formal motion which may be debated and, if carried, has the effect of adjourning any further debate on the matter currently before the Council until such time (if any) as the Council resolves to take the question from the table; and
 - (ii) if carried in respect to an amendment, has the effect that both the original motion and the amendment will be adjourned; and
 - (iii) prevents debate on the matter currently before the Council proceeding until a motion to take the question from the table is passed.

8.3.10 PROCEEDING TO THE NEXT BUSINESS

- (a) A motion "that the meeting proceed to the next business";-
- (i) is a formal motion which cannot be moved during the election of Chairperson; and
 - (ii) if carried in respect to an original motion, requires the Chairperson to direct the meeting to the next item of business; and
 - (iii) if carried in respect to a formal motion, disposes of the formal motion immediately and permits debate upon the original motion to proceed; and
 - (iv) if carried in respect to an amendment, disposes of the amendment immediately and permits debate upon the original motion to proceed but no similar amendment may be moved at that meeting or any adjournment of it.

8.3.11 THE CLOSURE

- (a) A motion "That the motion be now put":
- (i) is a formal motion which if carried in respect to an original motion, requires that the original motion must be put to the vote immediately without any further debate, discussion or amendment; and
 - (ii) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and
 - (iii) if lost, allows debate to continue unaffected; and
- (b) The Chairperson has the discretion to reject a motion for closure if the motion upon which it is proposed has not been sufficiently debated.
- (c) Sufficient debate is deemed to have been achieved when those possessing different views have been given an opportunity to state them.

8.3.13 ADJOURNING THE DEBATE

- (a) A motion "That the motion (and amendments*) now before the meeting be adjourned until"

*If applicable

- (i) is a formal motion which cannot be moved while any person is speaking or during the election of a Chairperson; and
- (ii) may be debated but may only be amended in relation to the time, date and place of the proposed adjournment;
- (iii) should provide a date or time to which the adjournment is sought but if no date or time is included, it may be re-listed at the discretion of the Chief Executive Officer or upon a subsequent resolution of Council.

8.4 DIVISION 4 - NOTICE OF MOTION**8.4.1 MUST BE LISTED ON AGENDA**

A notice of motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.

8.4.2 PROCEDURE

A Councillor may give notice of motion on any matter he or she wants discussed at a meeting by delivering a notice of motion outlining the subject and the motion proposed for discussion to the Chief Executive Officer.

8.4.3 REJECTION OF A VAGUE NOTICE

The Chief Executive Officer:

- (a) may reject any notice of motion that is too vague, but before rejecting it must give the Councillor delivering the notice an opportunity to amend; and
- (b) must notify the relevant Councillor of any notice of motion which has been rejected and give the reasons for its rejection.

8.4.4 LISTING NOTICE ON AGENDA

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

8.4.5 REGISTER OF NOTICES

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

8.4.6 MAY BE MOVED BY ANY COUNCILLOR AND AMENDED

A notice of motion listed on a meeting agenda, may be moved by any Councillor present and, except where the notice of motion is to confirm a previous resolution of the Council, may be amended

8.4.7 EXCEPT FOR CONFIRMATION OF PREVIOUS RESOLUTION

If a notice of motion to confirm a previous resolution of the Council cannot be carried in its original form, it is lost.

8.4.8 IF LOST

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

8.5 DIVISION 5 - NOTICE OF AMENDMENT OR RESCISSION**8.5.1 PROCEDURE**

- (a) A Councillor may propose a motion to amend or rescind a decision of the Council provided:
- (i) the previous motion has not been acted upon, and
 - (ii) a notice is delivered to the Chief Executive Officer outlining;
 - the decision proposed to be amended or rescinded; and
 - the meeting and date when the decision was made
- (b) A decision will be deemed to have 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 been carried out as a result of that decision.
- (c) No action will be taken to implement a resolution on which notice to rescind or alter the resolution has been given.

8.5.2 LISTING NOTICE ON AGENDA

The Chief Executive Officer will list the Notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate meeting agenda, together with a brief report outlining the effect of the amendment or rescission and any subsequent action required of Council.

8.5.3 IF LOST

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

8.5.4 IF NOT MOVED

If a notice of amendment or rescission is not moved at the meeting for which it is listed, it will lapse.

8.5.5 MAY BE MOVED BY ANY COUNCILLOR

A notice of amendment or rescission listed on a meeting agenda may be moved by any Councillor present but cannot be amended.

8.5.6 WHEN NOT REQUIRED

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

8.5.7 REGISTER OF NOTICES

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

8.5.8 URGENT AND OTHER BUSINESS

Business which has not been listed on the Agenda may only be raised as urgent or other business by resolution of the Council.

8.6 DIVISION 6 - PUBLIC PARTICIPATION

8.6.1 PUBLIC QUESTIONS AND SUBMISSIONS

From time to time Council may adopt policies and procedures which allow for public submissions to be made and for questions from the public to be asked at Council meetings. In the event that Council has resolved to adopt such policies or procedures, the processes outlined within them will be applied by the Chairperson.

8.6.2 MEETINGS

Any member of the public or community addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called upon to do so.

8.6.3 CHAIRPERSON MAY REMOVE

- (a) Any person who has been called to order including any Councillor who fails to comply with the Chairperson's direction will be guilty of an offence.

Penalty: Five (5) penalty units

- (b) The Chairperson has discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction.

8.6.4 PETITIONS AND JOINT LETTERS

A petition or joint letter to Council will be tabled and received at the next appropriate Council meeting. Petitions or joint letters not related to (Town) Planning matters will then be forwarded to the appropriate Director for action. Petitions or joint letters concerning a (Town) Planning permit application or Planning Scheme amendment will referred to the relevant Director and considered through the applicable Planning process.

8.6.5 SIGNING PETITIONS

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

Penalty: Ten (10) Penalty units

8.6.6 COUNCILLOR PRESENTING PETITION - OBLIGATIONS

Any Councillor presenting a petition or joint letter will be responsible for ensuring that:

- (a) he or she is familiar with the contents and purpose of the petition or joint letter; and
(b) the petition or joint letter is not derogatory or defamatory.

8.6.7 ADDITIONAL DUTIES OF A CHAIRPERSON

8.6.7.1 THE CHAIRPERSON'S DUTIES AND DISCRETIONS

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

- (a) must not accept any motion, question or statement which is derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public;
(b) must call to order any person who is disruptive or unruly during any meeting;

8.6.7.2 PENALTY

- (a) Any person failing to obey a direction of the Chairperson in relation to the conduct of the meeting and the maintenance of order will be guilty of an offence.
- (b) Any prosecution under this Local Law may be undertaken at the discretion of the Chief Executive Officer.

Penalty: Twenty (20) penalty units

PART 9 - COMMON SEAL**9.1 THE COUNCIL'S COMMON SEAL**

- (a) The Chief Executive Officer must ensure the security of the Council's common seal at all times;
- (b) The Council's common seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed;
- (c) Any person who uses the Council's common seal without authority is guilty of an offence;
- (d) Any person who uses any replica of the Council's seal without authority is guilty of an offence;

Penalty: Ten (10) penalty units

- (e) Signature to accompany seal:

Every document to which the seal is affixed must be signed by one Councillor and the Chief Executive Officer or some other officer authorised by the Chief Executive Officer.