



City of
DAREBIN

the place
to live

**COUNCIL
MEETING
GOVERNANCE
RULES
(MEETING
PROCEDURE AND
COMMON SEAL)
LOCAL LAW 2020
(Local Law No. 1 of 2020)**

(Adopted by Council on

CERTIFICATION

This Local Law was made by resolution of Darebin City Council on _____ and is effective from _____ (say # ten days later#).

I certify that this is true copy of a Local Law made by the City of Darebin on the..... 2020, in accordance with the requirement of Section 119 of the Local Government Act 1989 (the Act)

The notices required to be given by Section 119(2) of the Act were given in the Victorian Government Gazette No..... of the2019 (page.....) and in newspapers circulating in the municipal district during the week commencing

The notices required to be given by Section 119(3) of the Act were given in the Victorian Government Gazette No..... of the2020 (page.....) and in newspapers circulating in the municipal district during the week commencing

A copy of the Local Law was sent to the Minister for Local Government on the 2020

The Local Law came into operation on the2020 and will expire on the

Sue Wilkinson
Chief Executive Officer

The COMMON SEAL of)
DAREBIN CITY COUNCIL)
was affixed on)
with the authority of the Council:

.....
Councillor

.....
Chief Executive Officer

Version	Date Adopted by Council	Amendment
1.0	<i>Insert date of adoption as above</i>	Initial version

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CHAPTER 1 - PRELIMINARY

Italicised Notes

Italicised notes are to be found through the Local Law. These are explanatory notes only and are provided as guidance. They do not form part of the Local Law.

The italicised notes may be updated from time to time to reflect changes to legislation or to assist understanding.

Overview:

The Preliminary chapter of the Local Law outlines the title, purpose, authority and the application of the Local Law.

It also defines key terms used throughout the Local Law.

1 Title

This is the Darebin City Council Governance Rules (Meeting Procedure and Common Seal) Local Law 2019 (Local Law No. 1 of 2020) and is made under sections 91(1) and 111 of the *Local Government Act 1989*.

2 Objectives

The objectives of this Local Law are to:

- (1) regulate proceedings at Council and Special Committee meetings and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of the Local Law are to apply
- (2) regulate the proceedings for the election of the Mayor, Deputy Mayor (if any) and Chairpersons of Committees
- (3) regulate the use of the common seal
- (4) make provision for related administrative procedures
- (5) provide for the peace, order and good government of the municipal district.

3 Commencement

This Local Law comes into operation on _____ 2020.

4 Cessation Date

This Local Law ceases to operate on (# 10 years later #).

5 Revocation of Previous Local Law (Local Law No. 1 of 2017)

On the commencement of this Local Law, Darebin City Council Governance Local Law 2017 (Local Law No. 1 of 2017) is revoked.

6 Application of the Local Law

- (1) This Local Law applies at all times throughout the Municipality.
- (2) Where applicable the Local Law must be read in conjunction with the Councillor Code of Conduct.
- (3) This Local Law will apply to all meetings of Council and any Special Committees established by Council under the Act.
- (4) Any reference to a Councillor in this Local Law may also be read as a reference to a 'member' of any Special Committee.

7 Definitions

In this Local Law:

- (1) **'Act'** means the Local Government Act 1989
- (2) **'Agenda'** means a document containing the date, time and place of a meeting and a list of business to be transacted at the meeting
- (3) **'Authorised Officer'** means a Member of Council staff who is authorised by Council under section 224 of the Act
- (4) **'Chairperson'** means the person who chairs a meeting
- (5) **'Chief Executive Officer'** means the person who is appointed to the position of Chief Executive Officer of Council, their delegate, and any person acting in that position
- (6) **'Committee'** means a Committee established by Council, including a Special Committee
- (7) **'Common Seal'** means the Common Seal of the Council
- (8) **'Committee Meeting'** means a Meeting of a Special Committee
- (9) **'Continuance'** means a continuance of a Meeting beyond the time limit prescribed by clause 18(1) of the Local Law
- (10) **'Council'** means the Darebin City Council
- (11) **'Councillor'** means a Councillor of Council
- (12) **'Electronic Means'** means email or facsimile transmission or similar electronic means of communication including utilising in house, hosted or cloud based file and document sharing software or systems
- (13) **'Full Days'** means complete days from midnight to midnight, including weekends and public holidays
- (14) **'Give Notice'** in respect of communication to and from Councillors includes an email forwarded to the Council-provided email account of the Councillor or the provision of documents transmitted via a secure software application to a Council-provided device
- (15) **'Majority of the Votes'** means the votes cast by a majority of the Councillors or members of a Special Committee present at a Meeting at the time the vote is taken

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- (16) **'Mayor'** means the Mayor of Council
 - (17) **'Meeting'** includes an Ordinary Meeting, a Special Meeting, and a Special Committee Meeting
 - (18) **'Member'** means a Member of a Special Committee
 - (19) **'Minister'** means the Minister responsible for the administration of the Act
 - (20) **'Minutes'** means the record of proceedings of a Meeting
 - (21) **'Municipality'** means the municipal district of Council
 - (22) **'Notice of Motion'** means a notice setting out the text of a motion which a Councillor proposes to move at a Meeting
 - (23) **'Offence'** means an act or default in contravention of this Local Law
 - (24) **'Officer'** means a member of Council staff
 - (25) **'Opposite'**, in relation to a motion or amendment, means a direct negation of the underlying action or intent contained within that motion or amendment
 - (26) **'Ordinary Meeting'** means an Ordinary Meeting of Council
 - (27) **'Penalty Units'** means Penalty Units as prescribed under the *Sentencing Act 1991*
 - (28) **'Petition'** means a document purporting to be a Petition to Council that meets the requirements outlined in Section 178 of this Local Law
 - (29) **'Procedural Motion'** means a motion specified as such in clause 55 of this Local Law
 - (30) **'Quorum'** means presence by a majority of Councillors at an Ordinary or Special Meeting or a majority of Members at a meeting of a Special Committee or any other Meeting
 - (31) **'Senior Officer'** has the same meaning as in the Act
 - (32) **'Special Committee'** means a Special Committee established by Council pursuant to, and in accordance with, section 86 of the Act
 - (33) **'Special Meeting'** means a special Meeting of Council convened and held in accordance with section 84, 84A or 85 of the Act

CHAPTER 2 - COUNCIL'S COMMON SEAL

Overview:

The purpose of this Section is to provide for the security and proper use of the Common Seal. The Common Seal is the corporate signature of Council, and exists in the form of a stamp. It evidences Council's corporate will and authenticates decisions taken and acts performed by Council.

As many of the powers, duties and functions of a Council are delegated to the Chief Executive Officer and other members of Council staff, the Common Seal of Council is only used on legal documents such as local laws, contracts, agreements, transfers of land and other documents where required by legislation or where outside the Chief Executive Officer's delegation.

8 Council's Common Seal

- (1) The Chief Executive Officer must keep the Common Seal in safe custody at all times.
- (2) The authority to affix the Common Seal shall be given either specifically or generally by resolution of Council.
- (3) 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)
DAREBIN CITY COUNCIL)
was affixed on)
with the authority of the Council:

..... Councillor

..... Chief Executive Officer/Senior Officer

- (4) Subject to sub-clause (5), every document to which the Common Seal is affixed must be signed by the Chief Executive Officer and one Councillor.
- (5) Where a document to which the Common Seal is to be affixed concerns the Chief Executive Officer, or the Chief Executive Officer is unavailable, a document to which the Common Seal is affixed must be signed by another Senior Officer and the Councillor.
- (6) A person must not use the Common Seal or any device resembling the Common Seal without authority from Council or the Chief Executive Officer exercising a relevant delegation.

Penalty: 3 penalty units

CHAPTER 3 - INFRINGEMENT NOTICES

9 Infringement Notices

- (1) An Authorised Officer may issue an infringement notice in respect of an Offence against this Local Law.
- (2) The fixed penalty in respect of an infringement is the amount set out in Schedule 1 to the Local Law and, if no penalty is specified therein, one penalty unit will apply. A summary of the penalties for infringements is set out in Schedule 1 of this Local Law.

CHAPTER 4 - ORDINARY COUNCIL MEETINGS, SPECIAL COUNCIL MEETINGS AND SPECIAL COMMITTEES OF COUNCIL

Section 1 - Notice of Meetings and Agenda Distribution

Overview:

Ordinary Meetings are held regularly to conduct the ongoing business of the Council.

Special Council Meetings are special meetings of Council convened and held in accordance with section 84, 84A or 85 of the Act.

Special Committee Meetings are meetings of Special Committee established by Council pursuant to, and in accordance with, section 86 of the Act.

Wherever possible, an agenda for each type of Meeting must be provided to Councillors in advance so that they can prepare adequately for the Meeting.

The Act provides that Council must at least seven (7) days before the holding of an Ordinary Council Meeting, a Special Council Meeting or a meeting of a Special Committee comprising solely of Councillors give public notice of the Meeting (s89(4)).

If urgent or extraordinary circumstances prevent the Council from giving the prescribed notice, Council must give such public notice as is practicable and specify in the minutes of the Meeting the urgent or extraordinary circumstances which prevented Council from complying (s89(4A)).

In the case of Special Committees that are not comprised solely of Councillors, the Chairperson must provide reasonable notice to the public of meetings of the Special Committee (s89(5)). Council must ensure that public notice of any meeting is also published on Council's website (s89(2A)).

10 Calling and Scheduling of Ordinary Meetings and Special Committees comprising entirely of Councillors

- (1) The dates, times and locations of Ordinary Council Meetings will be fixed by Council from time to time.
- (2) Notwithstanding sub clause (1) the date, time and location of an Ordinary Meeting may be altered by Council resolution, or the Chief Executive Officer, may change the date, time and place of, or cancel, any Ordinary Meeting which has been fixed and must provide notice of the change to the public.
- (3) A schedule of Council Meetings must be prepared and published in a local newspaper and on Council's website at least once each year and with such greater frequency as the Chief Executive Officer determines.

11 Calling and Scheduling of Special Meetings

- (1) A notice to call a Special Meeting must be delivered to the Chief Executive Officer in sufficient time to enable notice to be given in accordance with section 84 of the Act.
- (2) Any resolution of Council to call a Special Meeting must specify the date and time of the Special Council Meeting and the business to be transacted. The date and time of the Special

Meeting must not be prior to 6pm on the day following the Council Meeting at which the resolution was made.

Section 84 of the Act provides that:

84(1) The mayor or at least 3 Councillors may by written notice call a special meeting of the Council

(2) The notice must specify the date and time of the special meeting and the business to be transacted

(2A) The Council may by resolution call a special meeting of the Council

(2B) The resolution must specify the date and time of the special meeting and the business to be transacted

(3) The Chief Executive Officer must call the special meeting as specified in the notice or resolution

(4) Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice or resolution is to be transacted.

The Chief Executive Officer may call a Special Meeting within 14 days of the result of a Council election being declared. (s84A).

12 Agenda Distribution

- (1) This clause applies to Ordinary Meetings, Special Meetings and Meetings of Special Committees that are comprised entirely of Councillors.
- (2) At least six (6) days before a Meeting is scheduled to occur, an Agenda incorporating the business to be dealt with must be:
 - (a) delivered to each Councillor by electronic means; and
 - (b) published on Council's website.
- (3) If it not possible to comply with sub-clause (2) for any reason, the Chief Executive Officer must ensure delivery and publication of the Agenda as soon as reasonably possible.

13 Adjourned, Cancelled or Postponed Meetings

- (1) The Chief Executive Officer may cancel or postpone any Meeting by giving such notice to Councillors via electronic means and the public via publication on Council's website as soon as is reasonably practicable, where they are satisfied that the cancellation or postponement is warranted because:
 - (a) of an emergency;
 - (b) a quorum will not be achieved due to apologies received ahead of the Meeting;
 - (c) there is insufficient material in the Agenda to justify a Meeting being held;
 - (d) holding the Meeting would give rise to a risk to health and / or safety; or

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- (e) of any other circumstances have arisen which make the holding of the Meeting undesirable.
- (2) If a Meeting is adjourned, cancelled or postponed to another day for any reason, clauses 12(1), 12(2) and 12(3) apply to the extent that is reasonably practicable.

Section 2 - Quorums

Overview:

No business can be transacted at any Meeting unless a majority of the Councillors are present (Quorum).

If there is no Quorum at the commencement of a Meeting or if a Quorum cannot be maintained during a Meeting, the Meeting is to be adjourned to another date and/or time.

14 Quorum to be present

- (1) No business may be conducted at any Council Meeting unless a Quorum is present.
- (2) Quorum means presence by a majority of Councillors

15 Failure to Raise a Quorum

- (1) If a Quorum is not present within 30 minutes of the time appointed for the commencement of a Meeting, the Chief Executive Officer or, in their absence, another Officer, will adjourn the Meeting to another date and time not more than 14 days from the original date of the Meeting.
- (2) Unless the Meeting is adjourned to a later time on the same day, the Chief Executive Officer or, in their absence, another Officer, must give notice to all Councillors of the adjourned Meeting in accordance with clause 12 of this Local Law.
- (3) The requirement in sub-clause (2) does not apply in respect of any Councillor who has been granted leave of absence pursuant to section 66B of the Act and who has not requested the Chief Executive Officer, in writing, to continue to give notice of Meetings to be held during the period of leave of absence.

16 Inability to Maintain a Quorum

- (1) If a Quorum is lost after a Meeting has commenced, the Chief Executive Officer or, in their absence, another Senior Officer, must immediately adjourn the Meeting for a period not exceeding 30 minutes, at which time, if a Quorum is:
 - (a) present, the Meeting resumes; or
 - (b) not present and, after using their best endeavours to regain a Quorum, and they cannot do so, they must announce that the Meeting has closed.
- (2) If a Meeting closes under sub-clause (1)(b), the undisposed business must be disposed of at:
 - (a) a subsequent Special Meeting convened for this purpose; or
 - (b) a subsequent Special Meeting where the undisposed business is included in the business to be transacted for that Meeting; or

(c) the next Ordinary Meeting.

- (3) All business transacted prior to the closure of a Meeting due to loss of a Quorum is valid and capable of being acted upon.

17 Inability to Achieve or Maintain a Quorum Due to Conflicts of Interest of Councillors

- (1) The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a Quorum to be lost, and direct the Chief Executive Officer to include that item of business on an Agenda for a future Meeting. This does not require a resolution of Council.
- (2) If a Quorum cannot be achieved or maintained due to the declaration of conflicts of interest by the majority of Councillors, the Chief Executive Officer or, in their absence, another Officer, may adjourn the Meeting for a length of time sufficient to enable exemption for the affected Councillors to be obtained from the Minister.

Section 3 - Time Limits for Meetings

18 Time Limits for Meetings

- (1) A Meeting must not continue for more than four (4) hours from the time that the Meeting started unless a Procedural Motion for a Continuance is carried (with a mover and seconder, and no debate).
- (2) A Continuance of a Meeting will be in a block period of 30 minutes.
- (3) After the initial 30-minute Continuance, the Meeting must not continue unless a Procedural Motion for a further Continuance is carried.
- (4) A Meeting may only be continued for a maximum of two (2) 30-minute Continuances.
- (5) In the absence of a Continuance or in the event there is further business to be transacted at the completion of two Continuances, the Meeting must stand adjourned and be re-convened in accordance with this Local Law.
- (6) If sub-clause (5) applies, clause 13 operates with respect to the provision of notice of the adjourned Meeting.
- (7) Notwithstanding sub-clause (5), the Chairperson may seek the agreement of Councillors not to adjourn the Meeting to a subsequent day, if the Chairperson reasonably believes the remaining business will take less than 15 minutes to transact.
- (8) In the absence of a Continuance under clause 18:
 - (a) Council may, during the time allowed for the Meeting, resolve that the Meeting be adjourned; or
 - (b) at the conclusion of the time allowed for the Meeting, the Meeting must stand adjourned and any undisposed business must be disposed of in accordance with clause 16(2).

19 Chairperson may Temporarily Adjourn a Meeting

- (1) The Chairperson may adjourn a Meeting for a 10-minute break, at an appropriate point in proceedings, after 2 hours has elapsed. This does not require a Council resolution.

20 Business Transacted Valid

- (1) All business transacted at the Meeting before any adjournment will remain valid and be capable of being acted upon.

Section 4 - Business of Meetings

Overview:

The business to be transacted at a Council Meeting is contained in the Agenda provided to Councillors and available to the public on Council's website.

The Chief Executive Officer oversees preparation of the Agenda and determines the content and order of business to facilitate open, efficient and effective processes of government. Council can, in some circumstances, admit an item of urgent business after the distribution of the Agenda.

Relevant Provisions of the Local Government Act – Conflict of Interest

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 of a conflict of interest and the type (direct or one of the defined indirect interests) and nature of the interest. This must be done immediately before the consideration or discussion of the item in which the Councillor has a conflict of interest, unless the type and nature of the conflict of interest have been disclosed to the Chief Executive Officer in writing before the Meeting. If the type and nature of the interest have been disclosed to the Chief Executive Officer in writing before the Meeting, only the existence of the conflict of interest and the type of interest must be disclosed in the Meeting.

Whilst a Councillor must disclose the conflict of interest at the commencement of the Meeting when conflicts of interest are called for, the existence of the conflict of interest and the class and nature of the interest must again be disclosed immediately before any consideration or discussion of the relevant Agenda item occurs.

21 Order of Business

- (1) The Chief Executive Officer is responsible for preparation and delivery of the Agenda, including the determination of the order of business.
- (2) Once the Agenda has been circulated, no further changes will be made to the Agenda, unless the Chief Executive Officer determines to issue a supplementary report.
- (3) The Agenda for each Ordinary Meeting (only) must contain the following items:
 - (a) Opening of Meeting
 - (b) Acknowledgement of Traditional Owners
 - (c) Apologies
 - (d) Disclosures of Conflicts of Interest
 - (e) Confirmation of the Minutes of Council Meetings
 - (f) Public Question Time
 - (g) Petitions
 - (h) Consideration of Reports

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- (i) Notices of Motion
 - (j) Urgent Business
 - (k) Reports of Standing Committees
 - (l) Records of Assemblies of Councillors
 - (m) Reports by Mayor and Councillors
 - (n) Consideration of Reports Considered Confidential
 - (o) Close of Meeting
- (4) The items to be listed on the Agenda of any Meeting of a Special Committee will be determined by the Chief Executive Officer.

22 Change to the Order of Business

- (1) A change to the order of business may only be made by through a Procedural Motion. (with a mover and seconder, and no debate)
- (2) Changes to the order of business through a Procedural Motion may be made more than once during a Meeting.

23 Business at Meetings

- (1) No business can be dealt with at an Ordinary Meeting unless:
 - (a) it is contained on the Agenda; or
 - (b) it is admitted as urgent business in accordance with clause 50.
- (2) No business can be dealt with at a Special Meeting or a Special Committee Meeting unless it is contained on the Agenda.

24 Conflict of Interest

- (1) Councillors must provide a full disclosure of any conflict of interest in accordance with section 79 of the Act.

25 Presence of Councillors

- (1) Councillors must be physically present in the Council Chamber in order to participate in the Meeting and to vote.

Section 5 - Role of the Chairperson

Overview:

In accordance with the Act, the Mayor must take the Chair at all Council Meetings at which the Mayor is present. If the Mayor is absent, the Deputy Mayor (if any) must take the Chair and if both are absent, Council must elect one of the Councillors as temporary Chairperson.

The way in which Council and Committee Meetings are conducted makes a significant contribution to good governance. The Chairperson plays a crucial role in facilitating an orderly, respectful, transparent and constructive meeting by ensuring all Councillors and members of Committees have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed and statutory requirements are adhered to.

The Chairperson is an independent leader of meetings and generally does not participate in debate or move or second motions. Specific duties and discretions of the Chairperson are outlined throughout this Local Law.

26 Mayor to Take Chair

- (1) The Mayor must take the chair at all Ordinary Meetings and other Meetings conducted by or on behalf of Council at which they are present unless:
 - (a) they are precluded from doing so because of a conflict of interest;
 - (b) they step down from the chair for a short period with the consent of the Meeting; or
 - (c) in the case of a Special Committee Meeting, Council or the Special Committee has appointed someone else as a Chairperson for that Special Committee.
- (2) If the Mayor is unable to take the chair or steps down in accordance with sub-clause (1), the Deputy Mayor must take the chair.
- (3) If the Deputy Mayor is not present or is unable to take the chair, an acting or temporary Chairperson will be appointed.

27 Appointment of an Acting or Temporary Chairperson

- (1) The election of an acting or temporary Chairperson will be made by through a Procedural Motion. (requiring a mover and seconder, and with no debate)
- (2) While considering a motion to appoint of an acting or temporary Chairperson, the Meeting will be chaired by:
 - (a) the Mayor; or where the Mayor is not present
 - (b) the Deputy Mayor; or where the Deputy Mayor is not present
 - (c) the Chief Executive Officer or her or his delegate or nominee.

28 The Chairperson's Duties and Discretions

In addition to the specific duties and discretions provided in this Local Law, the Chairperson has the following duties.

- (1) The Chairperson must not accept any motion which is determined by the Chairperson to be:

Council Meeting Governance Rules (Meeting Procedure and Common Seal Local Law) 2020

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- (a) defamatory, malicious, abusive or objectionable in language or substance;
 - (b) vague or unclear in intention;
 - (c) outside the powers of Council;
 - (d) irrelevant to the item being considered;
 - (e) purporting to be an amendment but is not.
- (2) The Chairperson must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the Meeting.
 - (3) The Chairperson must ensure that silence is preserved in the public galley during a Meeting.
 - (4) The Chairperson must call to order any person if their behaviour is disruptive or unruly or interferes with the conduct of the business of Council.
 - (5) The Chairperson must call to order any member of the public who approaches the Council table during the Meeting, unless invited by the Chairperson to do so.
 - (6) The Chairperson must decide on all points of order in accordance with clause 56.

29 Chairperson's Ruling

- (1) Where this Local Law does not provide for a procedure for a Meeting, the Chairperson will determine the procedure to be followed.

Section 6 - Motions

Overview:

This section describes the procedure for introducing a motion or amendment, the rules of debate, foreshadowing a motion or amendment and the duty of the Chairperson in relation to accepting motions and amendments.

A Councillor may move any motion related to an item included in the Agenda. In the interests of transparency and informed decision making, motions or amendments should not introduce new matters to a debate that have not been the subject of the report or background of the motion being considered by Council.

As a resolution must be able to be acted upon, a motion must clearly state what is intended and what its impact will be. This provides clarity for the implementation of Council decisions.

30 Moving a Motion

- (1) The procedure for moving any motion is as follows.
 - (a) A Councillor who wishes to move a motion must raise their hand (not stand).
 - (b) The Chairperson will call on the Councillor they determine raised their hand first.
 - (c) The mover must state the motion without speaking to it.
 - (d) The motion must be seconded by a Councillor other than the mover by raising their hand (not standing).
 - (e) The Chairperson is unable to move or second a motion.
 - (f) If the Chairperson wishes to move or second a motion, then:
 - (i) the Deputy Mayor must take the chair or, if there is no Deputy Mayor or the Deputy Mayor is absent or is the current Chairperson, the Meeting must elect a temporary Chairperson; and
 - (ii) whereupon the Chairperson must vacate the chair and not return to it until the motion has been resolved upon.
 - (g) If a motion is not seconded, the motion lapses for want of a seconder. There will be no discussion or debate on a motion that has not been seconded.
 - (h) If there is a seconder, the Chairperson must call on the mover to speak to the motion prior to any amendment. This signals the beginning of the debate.
 - (i) Prior to the commencement of debate on a motion or an amendment a Councillor may, when no other Councillor is speaking, ask any question of Officers concerning or arising out of the motion for the purposes of clarification. A Councillor may not ask a question of Officers once debate has commenced on a motion
 - (j) After the mover has spoken to the motion, the seconder (unless they reserve their right to speak later in the debate) may also speak to the motion prior to any amendment.

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- (k) Except for the mover of a motion who has a right of reply in accordance with clause 34 of this Local Law, all other Councillors can only speak once to the motion.
 - (l) The Chairperson may only speak to a motion when all Councillors who wish to speak to it have done so, and just before closure of debate by the mover of the motion.
 - (m) After the seconder has spoken to the motion (or after the mover has spoken to the motion if the seconder does not speak to the motion), the Chairperson must call on any Councillor who wishes to speak against the motion, then on any Councillor who wishes to speak for the motion, alternating with all Councillors wishing to speak.
 - (n) After waiting until all Councillors wishing to speak to the motion have spoken, the Chairperson will put the matter to the vote or, if no Councillor indicates opposition or a desire to speak to the motion, the Chairperson will put the matter to the vote immediately.
 - (o) Before putting a motion to the vote, the Chairperson may require the Chief Executive Officer or their delegate to read out the text of the motion.

31 Debate Must be Relevant

- (1) Debate must always be relevant to the motion or amendment before the Meeting and, if not, the Chairperson must request the speaker to confine debate to the motion or amendment.
- (2) If, after being requested by the Chairperson to confine debate to the motion or amendment before the Meeting, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to be seated and not speak further in respect of the motion or amendment. The speaker must immediately comply with any such direction.

32 Miscellaneous Rules of Debate

- (1) A Councillor must not, in any debate, make any defamatory, indecent, abusive, offensive or disorderly statement or comment about any Councillor, Officer or other person.
- (2) If a statement or comment described in sub-clause (1) is made, the Chairperson may, without a point of order being raised, direct the Councillor to withdraw it and the Councillor concerned must immediately and unreservedly do so.
- (3) Failure to comply with Chairpersons direction in relation to clause (1) may result in a warning pursuant to clause 62 of this Local Law.
- (4) In cases where there is competition for the right to speak at a Meeting, including moving or seconding a motion or amendment, the Chairperson must decide the order in which Councillors may speak.
- (5) If a debate is adjourned by Procedural Motion, then the Councillor who moved the adjournment has the right to speak first when the debate is resumed.
- (6) A Councillor must not be interrupted except by the Chairperson or upon a point of order being taken.
- (7) A mover and seconder of a motion or amendment are not permitted to withdraw their moving and seconding of the motion or amendment after debate has commenced.

33 Right to Ask Questions

- (1) Prior to the commencement of debate on a motion or an amendment a Councillor may, when no other Councillor is speaking, ask any question of Officers concerning or arising out of the motion for the purposes of clarification. A Councillor may not ask a question of Officers once debate has commenced on a motion
- (2) A Councillor must not ask any question that is in any way defamatory, indecent, abusive, offensive or disorderly about any Councillor, Officer or other person.
- (3) The Chairperson has the right to limit questions and direct that debate be commenced.
- (4) A Councillor asking a question under sub-clause (1) is not deemed to be speaking to the motion before the Meeting.

34 Right of Reply

- (1) The mover of a motion that has not been amended may, once debate has been exhausted, exercise a right of reply to matters raised during debate immediately before the vote is taken.
- (2) No new matters may be raised in the right of reply.
- (3) If no Councillor has spoken against a motion, there will be no right of reply.
- (4) The mover of a motion loses his or her right of reply if an amendment to the motion is carried.
- (5) The mover of an amendment to a motion does not have a right of reply.
- (6) After the right of reply has been exercised, the motion must immediately be put to the vote without any further questions, discussion or debate.

35 Time Limits for Debate

- (1) A Councillor must not speak on any one motion for a time longer than that stated below:
 - (a) the mover of a motion: 3 minutes
 - (b) any other speaker: 2 minutes
 - (c) the mover of a motion exercising a right of reply: 2 minutes

36 Moving an Amendment

- (1) A motion that has been moved and seconded may be amended by leaving out, inserting or adding words that are relevant to the subject of the motion.
- (2) An amendment must not be directly Opposite to the motion.

If a proposed amendment is ruled by the Chairperson to be directly opposite or substantially contrary to the motion, it should be treated as an alternative motion to be considered only in the event that the motion before the Council is lost.

- (3) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original motion and the Chairperson.

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- (4) If a Councillor proposes an amendment and the original mover and seconder of the motion both indicate their agreement with the amendment, the amended motion becomes the substantive motion without debate or vote.
 - (5) A motion to confirm a previous resolution of Council cannot be amended.
 - (6) The procedure for moving any amendment is as follows.
 - (a) Councillor who wishes to move an amendment must raise their hand (not stand).
 - (b) The Chairperson will call on the Councillor they determine raised their hand first.
 - (c) The mover must state the amendment without speaking to it.
 - (d) The amendment must be seconded by a Councillor other than the mover by raising their hand (not standing).
 - (e) The Chairperson is unable to move or second an amendment.
 - (f) If the Chairperson wishes to move or second an amendment, then:
 - (i) the Deputy Mayor must take the chair or, if there is no Deputy Mayor or the Deputy Mayor is absent or is the current Chairperson the Meeting must elect a temporary Chairperson; and
 - (ii) whereupon the Chairperson must vacate the chair and not return to it until the amendment has been resolved upon.
 - (g) If an amendment is not seconded, the amendment lapses for want of a seconder. There will be no discussion or debate on an amendment that has not been seconded.
 - (h) If there is a seconder, the Chairperson must call on the mover to speak to the amendment. This signals the beginning of the debate.
 - (i) Prior to the commencement of debate on an amendment a Councillor may, when no other Councillor is speaking, ask any question of Officers concerning or arising out of the motion for the purposes of clarification. A Councillor may not ask a question of Officers once debate has commenced on an amendment
 - (j) After the mover has spoken to the amendment, the seconder (unless they reserve their right to speak later in the debate) may also speak to the amendment.
 - (k) After the seconder has spoken to an amendment (or after the mover has spoken to the amendment if the seconder does not speak to the amendment), the Chairperson must call on any Councillor who wishes to speak against the amendment, then on any Councillor who wishes to speak for the amendment, alternating with all Councillors wishing to speak.
 - (l) After waiting until all Councillors wishing to speak to the amendment have spoken, the Chairperson will put the amendment to the vote or, if no Councillor indicates opposition or a desire to speak to the amendment, the Chairperson will put the amendment to the vote immediately.
 - (m) Before putting an amendment to the vote, the Chairperson may require the Chief Executive Officer or delegate to read out the text of the amendment.

37 Miscellaneous Rules for an Amendment

- (1) A Councillor may speak on any amendment once, whether or not she or he has spoken to the motion, but debate must be confined to the terms of the amendment.
- (2) Any number of amendments may be proposed to a motion, but only one amendment may be accepted by the Chairperson at any one time.
- (3) No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with and voted on.
- (4) The mover of an amendment does not have any right of reply.
- (5) Any one Councillor cannot, without the leave of the Chairperson, move more than two amendments in succession.
- (6) If an amendment is carried, the motion as amended then becomes the substantive motion before the Meeting.
- (7) Neither the mover of the original motion, nor the mover of the amendment, has a right of reply to that amended motion.

38 Time Limits for Debate for an Amendment

- (1) A Councillor must not speak on an amendment for a time longer than stated below, unless granted an extension by the Chairperson:
 - (a) the mover of an amendment: 3 minutes
 - (b) any other speaker: 2 minutes

39 Foreshadowing Motions

- (1) At any time during debate, a Councillor may foreshadow a motion so as to inform Council of their intention to move a motion at a later stage in the Meeting, however, this does not extend any special right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that, in the event of a particular motion before the Meeting being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) The Chief Executive Officer or person taking the Minutes of the Meeting is not required to record a foreshadowed motion in the Minutes until the foreshadowed motion is formally moved.
- (4) A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a Meeting.
- (5) A Councillor foreshadowing a motion under this clause is not deemed to be speaking to the motion or amendment before the Meeting.

40 Motions Moved in a Block

- (1) The Chairperson may direct that like motions be moved in a block (en bloc) if the motions note actions already taken by Council and / or will not commit Council to take any further action, incurring any expenditure or making any changes to policy.

41 Motions and amendments in writing

- (1) The Chairperson may require that any motions and amendments be submitted in writing.
- (2) The Chairperson may adjourn a Meeting while a motion or an amendment is being written, or may request Council to defer the matter until the motion or amendment has been written, allowing the Meeting to proceed uninterrupted.

Relevant Provisions of the Local Government Act

Section 91(4) of the Act requires resolutions made at a Council meeting to clearly state the intention and effect of the resolution.

This is generally interpreted to mean that a resolution must be capable of standing alone, that is, a person reading the decision of Council in the minutes will be able to understand what Council is seeking to achieve without reference to other sources.

Section 7 - Voting

Overview:

At the conclusion of debate on a matter before the Meeting, the Chairperson must put the motion or amendment to the vote. Each Councillor is entitled to one vote and voting must be by show of hands. The vote is determined by a majority of the Councillors present at the meeting at the time the vote is taken voting in favour of the motion or amendment.

If a vote is tied, the Chairperson has a casting vote.

42 How a Motion or an Amendment is Determined

- (1) To determine a motion or amendment before a Meeting, the Chairperson must first call for those voting in favour of the motion or amendment, then those voting against the motion or amendment.
- (2) Voting on any matter is by a show of hands.
- (3) Voting must take place in silence.
- (4) The Chairperson may direct that a vote be recounted to satisfy herself or himself of the result.
- (5) When a vote is tied, the Chairperson has a second, casting vote and may use this vote as they see fit.
- (6) A Councillor may, after a vote on a motion or amendment has been taken, request that their opposition to the motion or amendment be recorded in the Minutes of the Meeting.
- (7) Once a vote on a motion or amendment has been taken, no further discussion relating to the motion or amendment is permitted.

43 Separation of Motions

- (1) Where a motion contains two or more parts, a Councillor may request at any time before a vote is taken that the Chairperson put each part of the motion to the vote separately.
- (2) The Chairperson may grant or refuse such a request at their discretion. This does not require a Council resolution.
- (3) The Chairperson may decide to put any motion to the vote in separate parts of their own volition.
- (4) A part of a motion that is put to the vote separately will not otherwise be considered to be a separate motion for the purpose of this clause.

Section 8 - Notices of Motion

Overview:

A Notice of Motion is a request (in the form of a Council motion) prepared by a Councillor which intends to require the Council to discuss a particular matter and/or make a decision for action to be taken.

Notices of Motion can only be considered at an Ordinary Meeting.

A Notice of Motion is a useful way for Councillor to raise an issue which doesn't require advice or a lot of consideration on an Agenda. For example it might involve asking Council to recognise a significant achievement of a local community member which is already generally known.

This section outlines the rules and processes that govern the submission of Notices of Motion.

44 Notice of Motion Arrangements

- (1) A Councillor may submit a Notice of Motion for consideration at an Ordinary Meeting.
- (2) A Notice of Motion must be lodged in accordance with this clause 44.
- (3) The Councillor proposing a Notice of Motion must circulate the draft Notice of Motion to all Councillors for information before lodging it with the Chief Executive Officer.
- (4) Evidence that a draft Notice of Motion has been circulated to all Councillors prior to being lodged with the Chief Executive Officer must be provided to the Chief Executive Officer at the time of lodging the Notice of Motion.
- (5) The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda for the next Ordinary Meeting.
- (6) The Chief Executive Officer must cause all Notices of Motion to be sequentially numbered, dated and entered in a register.
- (7) Each Notice of Motion must be considered in the order in which it is entered in the Notice of Motion register.

45 Valid Notices of Motion

- (1) A Notice of Motion must:
 - (a) be submitted in writing;
 - (b) be signed (including by electronic means) and dated by the Councillor;
 - (c) relate to the objectives, role and functions of Council as outlined in the Act and align with the Council Plan;
 - (d) do no more than call for a Council report if the Notice of Motion:
 - (i) affects the levels of Council service;
 - (ii) is inconsistent with the strategic objectives of the Council as outlined in the Council Plan;

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- (iii) commits Council to expenditure greater than \$5,000 that is not included in the Budget;
 - (iv) proposes to establish, amend or extend an adopted Council policy or position;
 - (v) commits Council to any contractual arrangement;
 - (vi) concerns any litigation in respect of which Council is a party; or
 - (vii) impacts on perceived procedural fairness to a person or entity which is the subject of a pending decision by Council;
- (e) not be the same as, or similar in intent to, a Notice of Motion that has been listed on the Agenda of an Ordinary Meeting within the 6 (six) months preceding the due date for lodgement as set out in sub-clause (f); and
- (f) be lodged with the Chief Executive Officer no later than 12 noon at least fourteen full days prior to the Ordinary Meeting at which it is intended to be considered to allow sufficient time to include it on the Agenda.

46 Rejection of Notice of Motion

- (1) The Chief Executive Officer must reject any Notice of Motion if they are of the opinion that:
- (a) it is the same as, or similar in intent to, a Notice of Motion or other motion (including lost and lapsed motions) that has been considered by Council in the preceding six (6) months;
 - (b) it is defamatory;
 - (c) it is objectionable in language or nature;
 - (d) it is inconsistent with Councillor Code of Conduct;
 - (e) it is vague or unclear in intention;
 - (f) it is outside the powers of Council;
 - (g) evidence of circulation to other Councillors has not been provided to the Chief Executive Officer, as required by clause 44(4);
 - (h) it relates to a matter that can be addressed through the operational service request process. or
 - (i) does not comply with clause 45.
- (2) If rejecting a Notice of Motion, the Chief Executive Officer must:
- (a) inform the Councillor who lodged it of the rejection and the reasons for it;
 - (b) provide the Councillor who lodged it 24 hours to amend and lodge a revised Notice of Motion; and
 - (c) if the Notice of Motion cannot be amended to the satisfaction of the Chief Executive Officer, notify the Councillor who lodged it of the rejection in writing and the reasons for the rejection.

47 Debating a Notice of Motion

- (1) The Councillor who is the author of the Notice of Motion must move the Notice of Motion if the Councillor is present at the Ordinary Meeting at which it is to be considered.
- (2) If the author of the Notice of Motion is not present at the Ordinary Meeting at which it is to be considered, any Councillor present at the Meeting, except for the Chairperson, may move the Notice of Motion.
- (3) If a Notice of Motion is not moved and seconded at the Ordinary Meeting at which it is to be considered, it lapses.
- (4) Except where the Notice of Motion is to confirm a previous resolution of Council, the Notice of Motion may be amended.
- (5) If a Councillor who has lodged or is moving a Notice of Motion wishes to amend it, they may only do so by seeking leave of the Chairperson to amend it prior to it being seconded.
- (6) Once a Notice of Motion has been moved and seconded, neither the mover nor the seconder may amend it.
- (7) A mover and seconder of a Notice of Motion are not permitted to withdraw their moving and seconding of the Notice of Motion after debate has commenced.
- (8) Notwithstanding sub-clause (6), another Councillor may move an amendment to a Notice of Motion, which may be accepted by the mover and seconder, and must be dealt with in accordance with Section 6 of this Local Law.
- (9) Any amendment made to the Notice of Motion must not be directly Opposite to the Notice of Motion.
- (10) No member of the public may make a submission on a Notice of Motion when it is presented at an Ordinary Meeting.

Section 9 - Notice of Rescission or Amendment

Overview:

A notice of rescission or amendment is a form of Notice of Motion. Accordingly, all provisions in this Local Law regulating Notices of Motion equally apply to notices of rescission and amendment.

This section describes the circumstances and procedures under which a Council decision can be rescinded or amended.

48 Procedure for a Notice of Rescission or Amendment

- (1) Motions to rescind or amend a previous resolution of Council can be made by:
 - (a) a Councillor submitting a Notice of Motion in accordance with Section 8 of this Local Law; or
 - (b) a recommendation contained in an Officer's report included in the Agenda.
- (2) A Councillor may propose a motion to rescind or amend a previous resolution of Council, provided that:
 - (a) the previous resolution has not been acted on, and
 - (b) a notice is delivered to the Chief Executive Officer or their delegate setting out:
 - (i) the relevant previous resolution to be rescinded or amended; and
 - (ii) the Meeting and date when the relevant previous resolution was carried.
- (3) The Chief Executive Officer, or other Officer with responsibility for the subject matter of a resolution, may implement a resolution of Council at any time after the close of the Meeting at which it was made. A resolution of Council will be deemed to have been acted on if:
 - (a) its content or substance has been formally communicated to a person whose interests are materially affected by it, including by publishing the proposed Minutes of a Meeting on Council's website; or
 - (b) a statutory process has been commenced so as to vest enforceable rights in, or obligations on, Council or any other person.
- (4) The Chief Executive Officer or other Officer must defer implementing a resolution which:
 - (a) has not been acted on; and
 - (b) is the subject of a Notice of Motion to rescind or amend it which has been delivered to the Chief Executive Officer in accordance with Section 8 of this Local Law, unless deferring implementation of the resolution would have the effect of depriving the resolution of usefulness, giving rise to non-compliance with a legal obligation or placing Council at legal, financial or other risk.
- (5) The lodgement and acceptance by the Chief Executive Officer of a Notice of Motion to rescind or amend a previous resolution of Council does not prevent the Chief Executive Officer or other Officer from giving notice to any person that the Notice of Motion to rescind or amend has been lodged.

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- (6) If a Notice of Motion to rescind or amend a previous resolution of Council is lost or lapses, a similar motion may not be put before Council for at least 6 (six) months from the date it was lost.
 - (7) If a Notice of Motion to rescind or amend a previous resolution of Council is not moved and/or seconded at the Meeting for which it is listed, it lapses.
 - (8) A Notice of Motion to rescind or amend a previous resolution of Council listed on an Agenda may be moved by any Councillor present, except the Chairperson, but must not be amended.

49 Rejecting a Notice of Motion to Rescind or Amend

- (1) If rejecting a Notice of Motion to rescind or amend a previous resolution of Council, the Chief Executive Officer must inform the Councillor who lodged it of the rejection and the reasons for it.

Section 10 - Urgent Business

50 Urgent Business

- (1) Business can only be admitted as urgent business at an Ordinary Meeting.
- (2) Business can only be admitted as urgent business through a Procedural Motion. (with a mover and seconder and no debate beyond the mover briefly explaining their reasons for urgency)
- (3) A Procedural Motion to admit an item of urgent business can only be approved by Council if the proposed motion of urgent business:
 - (a) relates to or arises out of a matter which has arisen since the distribution of the Agenda; and
 - (b) cannot safely or conveniently be deferred until the next Ordinary Meeting; and
 - (c) cannot be addressed through an operational service request process; and
 - (d) does not, if passed, commit the Council to any direct expenditure; and
 - (e) will not, if passed, alter the Council Plan or Budget; and
 - (f) will not, if passed, directly and significantly affect the exercise of a person's rights; or
 - (g) involves a matter of urgency as determined by the Chief Executive Officer in.
- (4) A proposed Procedural Motion to admit urgent business must:
 - (a) be submitted in writing to the Chief Executive Officer no later than 12 noon on the day of the Ordinary Meeting at which it is to be considered,
 - (b) be circulated to all Councillors for information before or at the same time as lodging it with the Chief Executive Officer;
 - (c) be signed (including by electronic means) and dated by the Councillor;
 - (d) relate to the objectives, role and functions of Council as outlined in the Act and align with the Council Plan; and
 - (e) do no more than call for a Council report if the matter:
 - (i) affects the levels of Council service;
 - (ii) commits Council to any contractual arrangement; or
 - (iii) concerns any litigation in respect of which Council is a party.
- (5) Evidence that the proposed Procedural Motion to admit urgent business has been circulated to all Councillors must be provided to the Chief Executive Officer at the time of lodging the proposed Procedural Motion item.
- (6) The Chief Executive Officer will advise the Mayor of any matter they determine is appropriate for Council to consider admitting as urgent business.

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- (7) No member of the public may make a submission on an item of urgent business when it is presented at an Ordinary Meeting.

Section 11 - Procedural Motions

Overview:

Procedural Motions allow for the process of the Meeting to be changed, within certain parameters. Suspension of standing orders is a type of Procedural Motion.

Standing orders are the rules made to govern the procedure at Meetings contained in this Local Law.

The standing orders cover a range of matters including the order of business, rules of debate, Procedural Motions and election procedures. Standing orders can be suspended to facilitate the business of a Meeting, but should not be used purely to dispense with the processes and protocol of the government of Council.

51 Process for Procedural Motions

- (1) Unless otherwise prohibited, a Procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) All Procedural Motions require a mover and seconder.
- (3) The Chairperson may reject a Procedural Motion if they believe the motion before the Meeting at the time that it is moved has not been adequately or sufficiently debated.
- (4) Notwithstanding any other provision in this Local Law, Procedural Motions must be dealt with in accordance with the provisions of the Schedule of Procedural Motions in clause 53.
- (5) A Procedural Motion may be moved and seconded by any Councillor except the Chairperson.
- (6) Unless otherwise prescribed, debate on a Procedural Motion is not permitted and the mover does not have a right of reply.
- (7) A Procedural Motion must not be amended.

52 Suspension of Standing Orders

- (1) To temporarily remove the constraints of formal meeting procedure and allow full discussion or clarification of an issue, Council may, by resolution, suspend standing orders.
- (2) Any provision of this Local Law, except that relating to a quorum, may by resolution be suspended for any part of a Meeting.
- (3) Suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council.
- (4) No motion can be accepted by the Chairperson or lawfully be dealt with during any suspension of standing orders, except a motion to resume standing orders.
- (5) No motion to suspend standing orders can be accepted by the Chairperson during a second or subsequent Continuance.

53 Schedule of Procedural Motions

MOTION	FORM (WORDING OF THE MOTION)	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	CAN THERE BE DEBATE	EFFECT IF CARRIED	EFFECT IF LOST
1. Changes to the order of business	That the order of business be amended as follows:	Any matter, except the - Acknowledgement of Traditional Owners, - Apologies, Disclosures of Conflicts of Interest and Confirmation of the Minutes	Not applicable	No	Change to the order of business	No change to the order of business
2. Deferral of an item of business	That consideration of [<i>Item No, Name of Item</i>] be deferred to [<i>date, time</i>]	Any matter, except the Acknowledgement of Traditional Owners, Apologies, Disclosures of Conflicts of Interest and Confirmation of the Minutes	When debate has commenced on the item of business	No, but the mover may briefly explain their reasons (no more than 1 minute)	Consideration of the matter will be deferred as set out in the motion	The item of business is considered
3. Adjournment of debate to later time or date	That the debate on this matter be adjourned to [<i>date, time</i>]	Any matter	When another Councillor is speaking	No, but the mover may briefly explain their reasons (no more than 1 minute)	Debate on motion and amendments postponed to the stated date and time	Debate continues unaffected
4. Adjournment of Meeting to later time or date	That the Meeting be adjourned to [<i>date, time</i>]	Any Meeting	When another Councillor is speaking	No, but the mover may briefly explain their reasons (no more than 1 minute)	Meeting adjourns immediately until the stated date and time	The Meeting continues unaffected

MOTION	FORM (WORDING OF THE MOTION)	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	CAN THERE BE DEBATE	EFFECT IF CARRIED	EFFECT IF LOST
5. The closure	That the motion be now put	Any matter	When the Chairperson believes the motion on which it has been proposed has not been adequately or sufficiently debated.	No	Motion or amendment in respect of which the closure is carried is put to the vote immediately without further debate	Debate continues unaffected
6. Continuance of Meeting	That the Meeting continue for a further 30 minutes	Any Meeting	When the Meeting has already been extended to the maximum time allowed	No	The Meeting will continue for the additional time resolved	Where all business is not disposed of, the Meeting will stand adjourned at the time of the scheduled closure
7. Extending speaking time	That the time available for the speaker be extended by a further ____ minutes	Any matter	Not applicable	No	Extend the time available for the speaker	No change to the time available for speaker
8. Urgent business	That the matter of ____ be admitted as urgent business	Any matter, subject to clause 51	If the provisions of Clause 50 are not met	No, but the mover may briefly explain their reasons (no more than 1 minute)	The item is admitted to Agenda for discussion as urgent business	No change to the Agenda

MOTION	FORM (WORDING OF THE MOTION)	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	CAN THERE BE DEBATE	EFFECT IF CARRIED	EFFECT IF LOST
9. Suspension of standing orders	That standing orders be suspended	Not applicable	Standing orders relating to a Quorum cannot be suspended	No, except that the mover of the motion may briefly explain reasons (no more than 1 minute).	To suspend this Local Law to enable an activity or action that would otherwise not be permitted until Councillors resolve that standing orders be resumed	The provisions of this Local Law will continue to have effect
10. Resumption of standing orders	That standing orders be resumed	Not applicable	When standing orders have not been suspended	No	Standing orders are resumed	Standing orders remain suspended and no matters on the Agenda can be formally considered until they are resumed
11. Election of temporary Chairperson	That [<i>name</i>] be elected as temporary Chairperson	Not applicable	When the Chair is occupied	No	Temporary Chairperson is appointed and takes the Chair	The Meeting is unable to proceed due to the inability to appoint a Chairperson
12. Extending Public Question Time	That Public Question Time be extended by 30 minutes	Not applicable	Public Question Time may only be extended once per meeting	No	Public Question Time is extended by 30 minutes	Public Question Time must cease at the end of the initial 30-minute period

MOTION	FORM (WORDING OF THE MOTION)	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	CAN THERE BE DEBATE	EFFECT IF CARRIED	EFFECT IF LOST
13. To close the Meeting pursuant to Section 89 of the Act	That the meeting be closed pursuant to Section [state relevant section] to consider [state matter]	Any matter	Not applicable	No	Meeting closed to the public	Meeting continues

Section 12 - Points of Order

Overview:

A point of order is taken when a Councillor draws the attention of the Chairperson to an alleged irregularity in the proceedings. Valid points of order and the process for raising and ruling on a point of order are described in this section.

54 Valid Points of Order

- (1) A point of order may be raised in relation to anything which:
 - (a) is contrary to this Local Law;
 - (b) is irrelevant to the matter under consideration;
 - (c) is outside the powers of Council;
 - (d) constitutes improper behaviour;
 - (e) is offensive;
 - (f) constitutes a tedious repetition of something already said; or
 - (g) is an act of disorder.
- (2) Rising to express a difference of opinion or contradict a speaker is not grounds for raising a point of order.

55 Procedure for a Point of Order

- (1) A Councillor raising a point of order must:
 - (a) Clearly state the point of order in accordance with the provisions of clause 54(1); and
 - (b) state any section, clause, paragraph or provision relevant to the point of order before resuming his or her seat.
- (2) If the Councillor raising the point of order does not follow the process in sub-clause (1), the point of order will not be considered.
- (3) A Councillor raising a point of order under this clause is not deemed to be speaking to the motion or amendment before the Meeting.

56 Chairperson to Decide

- (1) The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.
- (2) The Chairperson's ruling on a point of order is final.

57 Chairperson May Adjourn to Consider

- (1) The Chairperson may adjourn the Meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- (2) All other questions before the Meeting are suspended until the point of order is decided.

58 Dissent from Chairperson's Ruling

- (1) A Councillor may only move a motion of dissent in the Chairperson's ruling on a point of order, without speaking to it, by moving:
"That the Chairperson's ruling [setting out that ruling or part of that ruling] be dissented from."
- (2) A motion of dissent cannot be moved at any other time.
- (3) A motion of dissent must be seconded, otherwise it will lapse.
- (4) If a motion of dissent is moved and seconded:
 - (a) the Chairperson must leave the chair and the Deputy Mayor must chair the Meeting as the temporary Chairperson; or
 - (b) if there is no Deputy Mayor, the Chairperson must leave the chair after the Meeting has elected a temporary Chairperson.
- (5) The temporary Chairperson must invite the mover of the motion of dissent to state the reasons for her or his dissent (only).
- (6) The temporary Chairperson must then invite the Chairperson to respond.
- (7) The mover of the motion of dissent and the Chairperson must not speak on the motion for a time longer than one (1) minute each.
- (8) No other speakers are allowed to address a motion of dissent.
- (9) The temporary Chairperson must put the motion to the vote in the following form:
"That the Chairperson's ruling be dissented from."
- (10) If the vote is in the negative, the Chairperson resumes the Chair and the Meeting proceeds.
- (11) If the vote is in the affirmative, the Chairperson resumes the Chair and must reverse or vary (as the case may be) their previous ruling and proceed.
- (12) The defeat of the Chairperson's ruling is in no way a vote of no-confidence in the Chairperson and should not be so regarded by the Meeting.

Section 13 - Meeting Conduct

Overview:

This section provides clear guidance on the expectations of behaviour by Councillors, Officers and members of the public. This supports an environment that is conducive to effective decision-making and good governance.

59 Display of Placards and Posters

- (1) A person must not display any placards or posters in the Council Chamber or in any building where a Meeting is being or is about to be held that give rise to a risk to the health and safety of persons in the Council Chamber or building where the Meeting is being held.

Penalty: 1 Penalty units

- (2) A person must not:
- (a) display any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, in the Council Chamber, or
 - (b) obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held.

Penalty: 1 Penalty units

- (3) The Chairperson may order and cause the removal of any placard or poster that is deemed by the Chairperson to be contrary to sub-clause (1) or (2) or is objectionable, disrespectful or otherwise inappropriate.

60 Addressing the Meeting

- (1) A Councillor or any other person who addresses a Meeting must do so in a courteous and respectful manner and must take direction from the Chairperson whenever called on to do so.
- (2) Any person addressing the Chairperson must refer to her or him as:
- (a) Mayor _____ (surname), or
 - (b) Chairperson.
- (3) All Councillors, other than the Mayor, must be addressed as Cr. _____ (surname).
- (4) All Officers must be addressed as Mr or Ms _____ (surname) as appropriate, or by their official title.
- (5) Except for the Chairperson, any Councillor who addresses a Meeting must stand and direct all remarks through the Chairperson.

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- (6) It will not be necessary for Councillors to rise when speaking to the Chairperson in a Meeting that is closed to the public (Confidential Business) in accordance with section 89(2) of the Act.
 - (7) Despite sub-clause (5), the Chairperson may permit any Councillor or person to remain seated while addressing the Chairperson at a Meeting for reasons of sickness, infirmity, disability or otherwise at her or his discretion.
 - (8) Any member of the public attending a Meeting must not interject or take part in the debate.
 - (9) Any member of the public attending a Meeting must not utter any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, or interject or gesticulate offensively in the Council Chamber.
 - (10) Silence must be preserved by the gallery (other than by a person in the gallery who is invited to address the Meeting) at all times during a Meeting.
 - (11) If any member of the public engages in conduct that is improper or disorderly, the Chairperson may direct that person to cease their conduct and the person must comply with that direction.

61 Chairperson May Remove a Member of the Public

- (1) The Chairperson may order and cause the removal of any person, other than a Councillor, who disrupts any Meeting or fails to comply with a direction of the Chairperson.
- (2) In causing a person's removal under sub-clause (1) , or the removal of an object or material under clause (59) (1) (2) and (3), the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the person or the object or material.
- (3) A person must not refuse or neglect to leave a Meeting, or to remove an object or material, when ordered by the Chairperson.

Penalty: 0.5 Penalty units

62 Disorderly Conduct by Councillors

- (1) The conduct of Councillors at Meetings is governed by the Act, this Local Law and the Councillor Code of Conduct.
- (2) Where a Councillor engages in improper or disorderly conduct or acts in a way that otherwise disrupts a Meeting, or impedes its orderly conduct, Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has first warned the Councillor to cease that behaviour.
- (3) Where Council suspends a Councillor under sub-clause (2), the Councillor will take no active part in the portion of the Meeting from which she or he has been suspended.
- (4) The Chairperson, or Council by resolution, may order and cause the removal of a Councillor who has been suspended under sub-clause (2) from the Meeting for the duration of the suspension.

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- (5) In causing the removal of a Councillor under sub-clause (4), the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the Councillor.
 - (6) A Councillor must not refuse or neglect to leave a meeting when ordered to do so under sub-clause (4).

Penalty: 0.5 Penalty units

63 Chairperson May Adjourn Disorderly Meeting

- (1) The Chairperson may adjourn the Meeting for either a short time, or to resume another day, if the behaviour at the Council table or in the gallery is significantly disrupting the Meeting.
- (2) If the Chairperson adjourns the Meeting to another day, clause 13 applies with respect to the provision of notice of the adjourned Meeting.

Section 14 - Minutes

Overview:

Section 93 of the Act requires that the Chief Executive Officer shall cause Minutes of each Meeting to be kept.

64 Keeping Minutes

- (1) The Chief Executive Officer shall ensure that Minutes are kept of each Meeting.

65 Confirmation of Minutes

- (1) When confirming the Minutes of a Meeting, opposition can only be expressed on the basis that the record contained in the Minutes is incomplete or inaccurate.
- (2) The Chairperson must not allow discussion or motions on any issue other than an alleged omission from, or inaccuracy of, the Minutes.
- (3) If no Councillor indicates opposition, the Chairperson must, after seeking a mover and seconder, declare the Minutes to be confirmed.
- (4) If any Councillor indicates opposition, he or she must specify the particular item or items in the Minutes concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the record.
- (5) A copy of the Minutes shall be sent electronically to every Councillor and placed on the Council website no later than seven (7) days after the Meeting to which they relate.
- (6) The minutes of a Council Meeting or of a meeting of any Special Committee comprised entirely of Councillors will be defined as 'unconfirmed minutes' until they are formally confirmed at the next Ordinary Meeting or Special Committee Meeting (as the case may be).
- (7) Once the Minutes are confirmed, they must be signed by the Chairperson of the Meeting at which they were confirmed.

Section 15 - Webcasting and Recording of Proceedings

66 Webcasting and Recording of Proceedings

- (1) The Chief Executive Officer (or their delegate or nominee) may, for the purposes of minute taking, transparency and accessibility of Meetings to the public, record on suitable audio recording equipment all proceedings of a Meeting.
- (2) The Chief Executive Officer (or such other person authorised by the Chief Executive Officer for that purpose) will conduct a live webcast of the proceedings of a Meeting.
- (3) A recording of a Meeting that is webcast will be made available to the public on Council's website for viewing or listening for a period of two years from the date of the Meeting.
- (4) A person in the gallery must not operate film, photographic, tape or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson. In deciding whether or not to give such consent, the Chairperson is to ask whether any person present at the Meeting objects.

Penalty: 1 Penalty units

- (5) Consent given under sub-clause (4) may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease, at which time the recording must cease.

Penalty: 1 Penalty units

- (6) This clause does not apply to any part of a Meeting that is closed to the public in accordance with section 89(2) of the Act.

Section 16 - Submissions

Overview:

There are several statutory powers conferred on Council which require a public submissions process under section 223 of the Act – these include the adoption of key Council documents (such as the Council Plan and Budget), proposals to sell Council land, the closure of roads and the making of Local Laws. This public submission process requires Council to give public notice of the proposal and to consider (and hear if requested) submissions received before making a final decision on the particular matter. The hearing of these submissions are generally dealt with by Councils Hearings Committee (a Special Committee of Council pursuant to the Act).

In addition to these statutory public submissions processes, and the process established in relation to planning matters (i.e. where Applicants and Objectors to Planning Matters are afforded the opportunity to make submission before Councils Planning Committee (a Special Committee of Council pursuant to the Act). Council has also established a submission process at Ordinary Meetings that enables community members to provide input on certain matters listed on the Agenda, prior to their consideration by Council.

67 Community Submissions

- (1) Members of the public may only address an Ordinary Meeting in accordance with the provisions of this Local Law.
- (2) Members of the public will be given the opportunity to make a submission in relation to matters listed on the Agenda for an Ordinary Meeting except for Notices of Motion, Petitions and urgent business.
- (3) Submissions may be presented immediately prior to the Agenda item being considered and prior to any motions relating to the item being accepted.
- (4) Submissions may, at the discretion of the Chairperson, be made during Public Question Time if all questions have been asked and answered and there is time remaining. Priority will be given to public questions during Public Question Time.
- (5) Submissions are not able to be made during:
 - (a) any period when a Meeting is closed to the public in accordance with section 89(2) of the Act; or
 - (b) a local government election or caretaker period as defined in Council's Election Period Policy.

68 Submissions to Special Committees

- (1) Submissions to any Special Committee will be governed by the processes outlined in the Special Committee's Charter or as determined by the Special Committee.

69 Lodging a Submission

- (1) Members of the public wishing to make a submission must register their intention to do so no later than 12 noon on the working day prior to the Meeting.

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- (2) Submissions can be lodged using one of the following methods:
- (a) online at www.darebin.vic.gov.au/questionsandsubmissions;
 - (b) by email to Q&S@darebin.vic.gov.au;
 - (c) in person at the Preston Customer Service Centre, 274 Gower Street, Preston; or
 - (d) by mail to PO Box 91, Preston 3072.
- (3) Late registrations to make a submission will not be accepted.

70 Validity of Submissions

- (1) A submission will be disallowed by the Chairperson if they determine that it:
- (a) relates to a matter outside the duties, functions or powers of Council;
 - (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - (c) may lead to a breach of Council's statutory obligations;
 - (d) does not relate to a matter listed on the Agenda;
 - (e) relates to a Notice of Motion, Petition or item of urgent business;
 - (f) was not received by the deadline in clause 69(1);
 - (g) is aimed at embarrassing a Councillor or an Officer; or
 - (h) deals with a matter that should be, or has been, considered as a confidential matter or relates to any matter in respect of which Council may close the Meeting to the public under section 89(2) of the Act.
- (2) No submissions directed at an individual Councillor or Officer will be allowed.

71 Making a Submission

- (1) Persons wishing to make a submission must be present in the gallery during the Meeting, either in person or by representative.
- (2) If the person wishing to make a submission or their representative is not present in the gallery when the Agenda item is to be considered, their submission will not be read out.
- (3) Submissions must be directed through the Chairperson and must not be directed to individual Councillors or Officers.
- (4) Submissions must be as brief as possible (not longer than two (2) minutes).
- (5) The Chairperson may, at their absolute discretion, extend the time for an individual's submission beyond two (2) minutes.

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- (6) The person making the submission must clearly state their name and their suburb.
 - (7) The name of the submitter must be recorded in the Minutes, as an official record.
 - (8) The content of submissions and any subsequent discussion will not be recorded in the Minutes.

Section 17 - Public Questions

Overview:

As outlined in the purpose of this Local Law, Council Meetings are held for Council to make its decisions. Members of the public do not have a right to address Council except under the provisions of Sections 15 and 16 of this Local Law.

At each Council Meeting, there is an opportunity for members of the public to ask questions of the Council. This section sets out the procedures to be followed to submit a question, the circumstances under which a question may be disallowed and the process for addressing and responding to the question at or after the Meeting.

72 Public Question Time

- (1) Subject to sub-clause (2), and any resolution of Council to the contrary, there must be Public Question Time at every Ordinary Meeting to enable members of the public to submit questions to Council.
- (2) Public Question Time will not be held during:
 - (a) any period when a Meeting is closed to the public in accordance with section 89(2) of the Act; or
 - (b) a local government election or caretaker period as defined in the Councils Election Period Policy
- (3) Public Question Time will not exceed 30 minutes in duration unless extended by resolution of Council through a Procedural Motion, in which case, it may only be extended for one (1) period of up to 30 minutes.

73 Lodging a Question

- (1) Members of the public wishing to ask a question must register their questions using the Public Question Time form no later than 12 noon on the working day prior to the Meeting.
- (2) Questions can be lodged using one of the following methods:
 - (a) online at darebin.vic.gov.au/questionsandsubmissions;
 - (b) by email to Q&S@darebin.vic.gov.au;
 - (c) in person at the Preston Customer Service Centre, 274 Gower Street, Preston; or
 - (d) by mail to PO Box 91, Preston 3072.
- (3) Late questions will not be accepted.
- (4) A maximum of three (3) questions is permitted per person (with no sub parts).
- (5) If more than three (3) questions are received from one person, only the first three questions will be considered.

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- (6) A further question arising out of anything said in response to a question will be allowed.
 - (7) A question may not be split into sub-parts.
 - (8) Like questions may be grouped together and a single answer provided.

74 Questions Not Permitted

- (1) A question may be disallowed by the Chairperson if the Chairperson determines that it:
 - (a) relates to a matter outside the duties, functions or powers of Council;
 - (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - (c) may lead to a breach of Council's statutory obligations;
 - (d) relates to a Notice of Motion, Petition or item of urgent business;
 - (e) deals with a subject matter already answered;
 - (f) was not received by the deadline outlined in clause 73(1);
 - (g) is aimed at embarrassing a Councillor or an Officer; or
 - (h) deals with a matter that should be, or has been, considered as a confidential matter or relates to any matter in respect of which Council may close the Meeting to the public under section 89(2) of the Act.
- (2) No questions directed at an individual Councillor or Officer will be allowed.

75 Asking a Question

- (1) If a person submitting a question is not present in the gallery during Public Question Time, their questions will be read out and a response provided at the Meeting or taken on notice and a written response provided after the Meeting, as determined by the Chairperson.
- (2) When invited by the Chairperson, the person asking their questions may do so, without taking longer than two (2) minutes in total.
- (3) No introductory or background statements are permitted.
- (4) Questions must be directed through the Chairperson and must not be directed to individual Councillors or Officers.
- (5) The person asking the question must clearly state their name and their suburb.
- (6) The Chairperson may elect to answer the question themselves or request the Chief Executive Officer or any other Officer to respond to a question.

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- (7) The Chairperson, Chief Executive Officer or Officer may require a question to be taken on notice. If a question is taken on notice, a written copy of the answer will be sent to the person who asked the question.
 - (8) The name of the questioner, the question and the response must be recorded in the Minutes, as an official record of the questions submitted to the Meeting.
 - (9) Where a question is taken on notice, the response will be recorded in the Minutes of the next Ordinary Meeting after the response has been provided.

Section 18 - Petitions

Overview:

Petitioning is a long-established process for members of the community to demonstrate community support for a request or views on a matter, and for that request or view to be presented directly to Council. This section sets out the procedures to be followed to submit a petition.

76 Valid Petitions

- (1) Every Petition submitted to Council must:
 - (a) be in legible and in a permanent form of writing, typing or printing;
 - (b) not be derogatory, defamatory, indecent, abusive or objectionable in language or substance;
 - (c) not relate to matters outside the powers of Council;
 - (d) clearly state the request or describe the action that Council is asked to undertake on each page of the Petition and include the name, address and signature of petitioners; and
 - (e) include the names, full addresses (either postal or electronic) and original signatures of at least 10 people.
- (2) Where a Petition has been signed by fewer than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate Officer for action as an operational item. These will not be tabled at Ordinary Meetings.
- (3) A Petition generated via an online or electronic process that does not contain the signatures of the persons who are represented as having supported it will be accepted only if it complies with all other provisions of sub-clause (1).
- (4) A person must not inscribe upon a Petition a name or signature purporting to be the name or signature of another person.

Penalty: 1 Penalty unit

- (5) Any signature appearing on a page which does not bear the text of the whole of the Petition or request will not be considered by Council.
- (6) Every page of a Petition must be a single- or double-sided page of paper and not be attached to any piece of paper other than another page of the Petition.

77 Tabling Petitions

- (1) A Petition may only be presented to an Ordinary Meeting by a Councillor.
- (2) Any Councillor presenting a Petition is responsible for ensuring that:
 - (a) they are familiar with the contents and purpose of the Petition; and

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- (b) the Petition meets the requirements of clause 76.
- (3) Any Councillor, except the Chairperson, may present a Petition to an Ordinary Meeting and must confine themselves to a statement of the:
- (a) persons from whom it comes;
 - (b) number of signatories to it;
 - (c) material matters expressed in it; and
 - (d) text of the Petition.
- (4) A Petition tabled by a Councillor at an Ordinary Meeting may be dealt with as follows:
- (a) a motion may be proposed to accept and note the Petition and resolve to:
 - (i) deal with it in conjunction with an item on the Agenda; or
 - (ii) refer it to the Chief Executive Officer for consideration and response; or.
 - (iii) call for a report on the subject matter of the Petition.
- (5) If a Petition relates to an operational or service matter, Council must only resolve to refer it to the Chief Executive Officer for consideration.
- (6) No member of the public is permitted to speak to a Petition when presented at an Ordinary Meeting or ask a question pertaining to the Petition during Public Question Time.

Section 19 - Election Procedures

Overview:

The role and functions of the Mayor are provided in the Act. The holder of this significant office is the Chairperson at Council Meetings, is the leader of the Councillors, acts as the principal spokesperson for Council and carries out civic and ceremonial duties.

The purpose of this section is to regulate proceedings for the election of the Mayor and the Deputy Mayor (if any).

78 Procedures for Election of the Mayor

- (1) The election of the Mayor will be conducted by the Chief Executive Officer in accordance with the provisions of the Act.
- (2) The Chief Executive Officer must invite nominations for the office of Mayor.
- (3) The nomination of a candidate must be moved and seconded and the candidate must consent to their nomination.
- (4) If a person nominated does not consent to the nomination, it must not be accepted by the Chief Executive Officer.
- (5) No Councillor is permitted to speak to the nominations (including candidates) prior to the election result being declared by the Chief Executive Officer.
- (6) If there is only one nomination, the candidate nominated is deemed to be elected.
- (7) If there is more than one nomination, a vote must be taken to elect one of the candidates.
- (8) Voting must be carried out by a show of hands.
- (9) If one candidate receives a Majority of the Votes, that candidate is declared to have been elected.
- (10) If no candidate receives a Majority of the Votes, the candidate with the fewest number of votes is declared to be a defeated candidate. A further vote will then be held for the remaining candidates. This process shall continue until one of the candidates has received a Majority of the Votes. That candidate is then declared to have been elected.
- (11) In the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate, the Chief Executive Officer must determine the result by lot.
- (12) The following provisions apply to the conduct of the lot by the Chief Executive Officer:
 - (a) each candidate will draw one lot;
 - (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal number of votes, except

that, if two or more candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names;

- (c) as many identical pieces of paper as there are candidates who receive an equal number of votes must be placed in a receptacle;
- (d) the word 'Defeated' shall be written on one of the pieces of paper;
- (e) the candidate who draws the paper with the word 'Defeated' written on it must be declared the defeated candidate (in which event a further vote will be held for the remaining candidates and the above process repeated if necessary, unless there is only one candidate remaining, in which case that candidate will be declared duly elected); and
- (f) the Chief Executive Officer will declare the result of the election and the successful candidate.

79 Ceremonial Mayoral Speech

- (1) Upon being elected, the Mayor may make a ceremonial speech.
- (2) The purpose of the ceremonial speech is to outline priorities for the year ahead based on the adopted Council Plan.
- (3) The ceremonial speech must not exceed five (5) minutes.

80 Mayor to Take Chair

- (1) After the election of the Mayor, the Mayor must take the chair in accordance with section 73 of the Act.

81 Role and Procedures for Election of Deputy Mayor

- (1) At the Meeting at which the Mayor is to be elected, Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- (2) The term of a Deputy Mayor is to be identical to the term of the Mayor as resolved by Council.
- (3) If Council has not resolved to establish the position of Deputy Mayor, any provisions in this Local Law relating to the Deputy Mayor have no effect.
- (4) The procedure used for the election of Mayor will be used to elect the Deputy Mayor, except that:
 - (a) the Mayor will conduct the election of Deputy Mayor; and
 - (b) any references to the office of the Mayor shall be taken as a reference to the Deputy Mayor.

Relevant Provisions of the Local Government Act

The Act has specific provisions governing the election of the Mayor and the term of office for the Mayor:

Section 71 – Election of Mayor

- (1) *At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.*
- (2) *Before a Mayor is elected under this section, the Council may resolve to elect a Mayor for a term of 2 years.*
- (3) *The Mayor is to be elected—*
 - (a) *after the fourth Saturday in October but not later than 30 November in each year; or*
 - (b) *if under subsection (2), the Mayor is elected for a term of 2 years, the next election of Mayor is 2 years after the fourth Saturday in October but not later than 30 November in the second year after the election; or*
 - (c) *as soon as possible after any vacancy in the office of Mayor occurs.*
- (4) *The election of a Mayor after the period specified in this section does not invalidate the election.*

Section 72 – Term of office

- (1) *The office of Mayor becomes vacant—*
 - (a) *at 6 a.m. on the day of the election of the Mayor; or*
 - (b) *if he or she dies or ceases to be a Councillor; or*
 - (ba) *if his or her office as a Councillor is suspended for any period under this Act; or*
 - (c) *if he or she resigns in writing which is given at a Council Meeting or to the Chief Executive Officer; or*
 - (ca) *if he or she becomes ineligible to hold office under section 81K; or*
 - (d) *if he or she is ousted from office.*
- (2) *For the avoidance of doubt, the office of Mayor becomes vacant under subsection (1)(b) at 6 a.m. on the day of a general election whether or not the Mayor has completed his or her term of office as resolved by the Council under section 71(1).*
- (3) *Any Councillor is eligible for election or re-election to the office of Mayor.*

Appointment of Deputy Mayor

The Act does not contain any reference to the role of Deputy Mayor. Council may establish the role of Deputy Mayor in order to provide clarity regarding who will take the Chair if the Mayor is absent from a Council Meeting, or who will undertake the Mayoral duties, if the Mayor is absent, incapable of performing the duties of the Mayor, or unwilling to perform those duties. In these cases, the Mayor will take leave of absence.

In addition to electing a Deputy Mayor (if Council establishes the role), Council must also resolve to appoint an Acting Mayor on each occasion that the Mayor takes a leave of absence. Convention would suggest that electing a Councillor to the position of Deputy Mayor indicates they will be appointed if the Mayor takes leave of absence.

If a Deputy Mayor, or any other Councillor, is appointed as Acting Mayor, they will continue to receive only their Councillor allowance unless Section 74A(1A) of the Act applies: Section 74A(1A): If a Councillor is appointed to act as Mayor under section 73(3) for a continuous period exceeding 50 days, the acting Mayor may be paid a Mayoral allowance instead of a Councillor allowance for the period that they are acting as Mayor.

Schedule 1 Penalties Fixed For Infringements

Persons who contravene this local law may receive an infringement of the following penalty amounts.

In addition, or alternatively contravention may be subject to court action which may result in the maximum penalties as detailed in the body of this local law.

Clause	Offence	Infringement Penalty
	Using the Common seal or replica without authority	3
	Recording Meeting without prior approval	1
	Continuing to record a Meeting after consent is revoked by the Chairperson	2
	Fraudulently signing a Petition or joint letter	1
	Displaying placard or poster within Council Chamber or building	1
	Displaying objects or words or obstructing entrance to Council Chamber or building	1
	Failing to comply with a requirement, direction or order of the Chairperson	0.5