

**MACEDON RANGES SHIRE COUNCIL**

**MEETING PROCEDURE**

**LOCAL LAW NO. 9**

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**PART A**  
**INTRODUCTION**

**1. Title**

This Local Law will be known as the "Meeting Procedure Local Law".

**2. Purpose of this Local Law**

The purpose of this Local Law is to:

- 2.1 provide for the election of the Mayor and Deputy Mayor;
- 2.2 regulate the use of the common seal;
- 2.3 prohibit unauthorised use of the common seal or any device resembling the common seal; and
- 2.4 provide for the procedures governing the conduct of Council meetings and Special Committee Meetings.

**3. Authorising Provision**

This Local Law is made under section 111(1) of the *Local Government Act* 1989.

**4. Commencement and End Dates**

This Local Law:

- 4.1 commences on the day following the day on which notice of the making of this Local Law is published in the *Victoria Government Gazette*, and operates throughout the *municipal district*; and
- 4.2 ends on the 10<sup>th</sup> anniversary of the day on which it commenced operation.

**5. Revocation of Local Law No. 5**

On the commencement of this Local Law, Council's Processes of Municipal Government ( Meetings and Common Seal ) Local Law No. 5 is revoked.

**6. Definitions and Notes**

- 6.1 In this Local Law:

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

"*Advisory Committee*" means an advisory committee established by *Council* under section 86(1) of the *Act*;

"*agenda*" means the notice of a meeting setting out the business to be transacted at the meeting;

"*authorised officer*" means a member of *Council* staff who is authorised by *Council* to carry out specific functions under this Local Law;

"*Chairperson*" means the Chairperson of a meeting and includes an acting, a temporary and a substitute Chairperson;

"*Chief Executive*" means the Chief Executive Officer of *Council*;

"*common seal*" means the common seal of *Council*;

"*Council*" means Macedon Ranges Shire Council

"*Council meeting*" includes a meeting at which the *Mayor or Deputy Mayor* is elected, an *Ordinary meeting* and a *Special meeting*;

"*Deputy Mayor*" means the Deputy Mayor of Council;

"*Mayor*" means the Mayor of *Council*;

"*minute book*" means the collective record of proceedings of *Council*;

"*municipal district*" means the municipal district of *Council*;

"*notice of motion*" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

"*notice of rescission*" means a *notice of motion* to rescind a resolution made by *Council*;

"*offence*" means an act or default contrary to this Local Law;

"*Ordinary meeting*" means any meeting of *Council* which is not a *Special meeting*;

"*penalty units*" mean penalty units as prescribed in the *Sentencing Act* 1992;

"*Special Committee*" means a special committee established by *Council* under section 86 of the *Act*;

"*Special meeting*" means a Special meeting of *Council* convened and held in accordance with section 84 of the *Act*;

"*visitor*" means any person (other than a Councillor, member of a *Special Committee*, or member of *Council* staff) who is in attendance at a *Council* meeting or a *Special Committee* meeting; and

"*written*" includes duplicated, lithographed, photocopied, printed and typed.

- 6.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Local Law. They are provided to assist understanding.

## PART B

### ELECTION OF MAYOR

**Introduction:** This Part is concerned with the annual election of the *Mayor* and *Deputy Mayor*. It describes how the *Mayor* is to be elected.

#### 7. Election of *Mayor*

The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the *Act*.

#### 8. Method of Voting

- 8.1 The election of the *Mayor* may be carried out by a show of hands but if *Council* so resolves must be carried out by secret ballot.
- 8.2 If the election of *Mayor* is held by secret ballot, no division is to be accepted.

#### 9. Determining the election of the *Mayor*

- 9.1 The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected, and preside until the meeting elects a temporary *Chairperson*.
- 9.2 Upon the meeting electing a temporary *Chairperson*:
  - 9.2.1 the temporary *Chairperson* must invite nominations for the office of *Mayor* (each of which must be seconded). If there is only one (1) nomination, the candidate nominated is deemed to be elected;
  - 9.2.2 if there is more than one (1) nomination, the Councillors present at the meeting must vote for one (1) of the candidates;
  - 9.2.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
  - 9.2.4 in the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one (1) of the remaining candidates;
  - 9.2.5 if one (1) of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one (1) of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;



9.2.6 in the event of two (2) or more candidates having an equality of votes and one (1) of them having to be declared:

9.2.6.1 a defeated candidate; and

9.2.6.2 duly elected

the declaration will be determined by lot.

9.2.7 if a lot is conducted, the *Chief Executive Officer* will arrange for the conduct of the lot and the following provisions will apply:

9.2.7.1 each candidate will draw one (1) lot;

9.2.7.2 the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two (2) or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and

9.2.7.3 as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine which is a defeated candidate, the word "Defeated" shall be written on one (1) of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates). If the lot is being conducted to determine which candidate is to be duly elected, the word "Elected" must be written on one (1) of the pieces of paper, and the Councillor who draws the paper with the word "Elected" written on it must be declared to have been duly elected.

9.2.8 any election by Council of a Deputy Mayor or acting Chair of a Council Meeting or a chair of a special committee will follow the same procedure as that for an election of the Mayor.

## **10. Precedence of Mayor at Meetings**

10.1 Pursuant to Section 73 of the Act, the Mayor takes precedence at all municipal proceedings within the municipal district and must chair all meetings of Council at which they are present. If the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the Acting Mayor.

## PART C

### COUNCIL'S COMMON SEAL

**Introduction:** The common seal is a device which formally and solemnly records the collective will of *Council*. The provisions in this Part are designed to protect the integrity of the common seal, and describe when it may be affixed to a document.

#### 11. Council's Common Seal

- 11.1 The *Chief Executive Officer* must ensure the security of *Council's* common seal at all times.
- 11.2 The affixing of *Council's* common seal to any document must be attested to by the signatures of both:
  - 11.2.1 the *Mayor* and the *Chief Executive Officer*; or
  - 11.2.2 in the absence of the *Mayor*, by one Councillor and the *Chief Executive Officer* or any other member of *Council* staff authorised by *Council*.
- 11.3 A person must not use the *common seal* or any device resembling the *common seal* without the authority of *Council* given either specifically or generally by resolution of *Council*

**Penalty: 5 penalty units**

## PART D

### MEETINGS PROCEDURE

**Introduction:** This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting and the particular circumstances of *Special Committee* meetings.

#### DIVISION 1 - NOTICES OF MEETINGS AND DELIVERY OF AGENDAS

##### 12. Dates and Times of Meetings

*Council* must from time to time fix the date, time and place of all *Ordinary meetings*.

##### 13. Council May Alter Ordinary Meeting Dates

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

##### 14. Special Meetings

- 14.1 The *Mayor* or at least three (3) Councillors may by a written notice call a *Special meeting*.

- 14.2 The notice must specify the date and time of the *Special meeting* and the business to be transacted.
- 14.3 The *Chief Executive Officer* must convene the *Special meeting* as specified in the notice.
- 14.4 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice is to be transacted.
- 14.5 Subject to any resolution providing otherwise, the order of business of any *Special meeting* must be the order in which such business stands in the *agenda* for the meeting.

## **15. Notice Of Meeting**

- 15.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered to every Councillor for all *Ordinary* and *Special meetings* at least 48 hours before the meeting.
- 15.2 Reasonable notice of each *Ordinary* and *Special meeting* must be provided to the public.

Reasonable Notice has been defined as;

Ordinary Council Meetings and Special Committees – A three monthly advertisement in appropriate local papers detailing the forthcoming meetings in addition to notification on Council's webpage

Special Council Meetings – If timeframes allow an advertisement in appropriate local papers detailing the meeting in addition to notification on Council's webpage.

## **16. Leave Of Absence and Agenda**

It is unnecessary for a notice of meeting or *agenda* to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the *Chief Executive Officer* in writing to continue to give notice of any meeting to be held during the period of his or her absence.

## **DIVISION 2 – QUORUMS**

### **17. Ordinary Meetings**

The quorum for *Ordinary meetings* is the presence of a majority of the Councillors.

### **18. Special Meetings**

The quorum for *Special meetings* is the presence of a majority of the Councillors.

### **19. Inability To Gain A Quorum**

If after 30 minutes from the scheduled starting time of any *Ordinary* or *Special meeting*, a quorum cannot be obtained:

19.1 those Councillors present; or

19.2 if there are no Councillors present, the *Chief Executive Officer*, or, in the absence of the *Chief Executive Officer*, an *authorised officer*,

may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.

## **20. Inability To Maintain A Quorum**

If during any *Ordinary* or *Special meeting* or any adjournment of the meeting, a quorum cannot be maintained:

20.1 those Councillors present; or

20.2 if there are no Councillors present, the *Chief Executive Officer*, or, in the absence of the *Chief Executive Officer*, an *authorised officer*,

may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.

## **21. Inability To Achieve Or Maintain A Quorum Due To Conflicts Of Interests Of Councillors**

If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, the *Chief Executive Officer*, or, in his or her absence, an *authorised officer*, may adjourn the meeting for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister administering the *Act*.

## **22. Notice Of Adjourned Meeting**

The *Chief Executive Officer* must provide written notice of a meeting adjourned under clause 19, 20 or 21 but where this is not practicable because time does not permit that to occur, then, provided every reasonable attempt is made to contact every Councillor, notice by telephone, facsimile, email, in person or by some other means is sufficient.

## **23. Time limits for Meetings**

23.1 An *Ordinary* and *Special meeting* must not continue after 10.30 pm unless a majority of Councillors present vote in favour of its continuance.

23.2 In the absence of such continuance, the meeting must stand adjourned to a time, date and place to be then and there announced by the *Chairperson*.

23.3 *Council* may adjourn any meeting.

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

## **DIVISION 3 – BUSINESS OF MEETINGS**

### **24. The Order Of Business**

The order of business is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government.

### **25. Change To Order Of Business**

Once an *agenda* has been sent to Councillors, the order of business for that meeting may be altered with the consent of *Council*.

### **26. Urgent Business**

If the *agenda* for an *Ordinary meeting* makes provision for urgent business, business must not be admitted as urgent business unless :

- 26.1 it relates to or arises out of a matter which has arisen since distribution of the *agenda*; and
- 26.2 it cannot safely or conveniently be deferred until the next *Ordinary meeting*.
- 26.3 leave of *Council* is sought and approved by *Council* for the matter to be admitted as urgent business

## **DIVISION 4 – MOTIONS AND DEBATE**

### **27. Councillors May Put Up Notices Of Motion**

Councillors may ensure that an issue is listed on an *agenda* by completing a Councillor's Notice of Motion form.

### **28. Notice Of Motion**

- 28.1 A *notice of motion* must be in writing signed by a Councillor, and be lodged with the *Chief Executive Officer* at least 24 hours prior to the day of dispatch for the relevant meeting agenda.
- 28.2 The *Chief Executive Officer* may reject any *notice of motion* which is vague or unclear in intention but must:
  - 28.2.1 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
  - 28.2.2 notify the Councillor who lodged it of the rejection and reasons for the rejection.
- 28.3 The full text of any such *notice of motion* must be included in the material accompanying the *agenda*.
- 28.4 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the notice of motion book in the order in which they were received.

- 28.5 Except by leave of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the notice of motion book.
- 28.6 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chairperson*, any other Councillor may himself or herself move the motion.
- 28.7 If a notice of motion is lost and unless the *Council* resolves to re-list it at a future meeting, the *notice of motion* or similar motion must not be put before Council for at least 3 months from the date it was last lost.

## **29. Chairperson's Duty**

Any motion which is:

- 29.1 defamatory;
- 29.2 objectionable in language or nature;
- 29.3 vague or unclear in intention;
- 29.4 outside the powers of *Council*; or
- 29.5 irrelevant to the item of business on the *agenda* and has not been admitted as urgent business, or purports to be an amendment but is not,

must not be accepted by the *Chairperson*.

## **30. Clarifying a Motion**

Before a *notice of motion* or other motion which has been foreshadowed is moved, a Councillor may, with the leave of the *Chairperson*, ask for clarification from the *Chairperson* or Councillor expected to move the *notice of motion* or other motion of:

- 30.1 the intent; or
- 30.2 some other aspect

of such *notice of motion* or other motion.

## **31. Moving A Motion or an Amendment**

The procedure for moving any motion or amendment is:

- 31.1 the mover must state the motion without speaking to it;
- 31.2 the motion must be seconded and the seconder must be a Councillor other than the mover; if a motion is not seconded, the motion lapses for want of a seconder;
- 31.3 if a motion or an amendment is moved the *Chairperson* must ask:

"Is the motion or amendment opposed?"

- 31.4 if no Councillor indicates opposition, the *Chairperson* may declare the motion or amendment carried without discussion;
- 31.5 if a Councillor indicates opposition, then the *Chairperson* must call on the mover to address the meeting;
- 31.6 after the mover has addressed the meeting, the seconder may address the meeting;
- 31.7 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chairperson* must call on any Councillor who wishes to speak to the motion; and
- 31.8 if no Councillor speaks to the motion, then the *Chairperson* must put the motion.

## **32. Right Of Reply**

- 32.1 The mover of a motion, including an amendment, may, once debate has been exhausted, have a right of reply to matters raised during debate.
- 32.2 After the right of reply has been taken, the motion must immediately be put to the vote without any further discussion or debate.

## **33. Moving An Amendment**

- 33.1 Subject to clause 33.2 a motion which has been moved and seconded may be amended by leaving out, inserting or adding words, which words must be relevant to the subject of the motion.
- 33.2 A motion to confirm a previous resolution of *Council* cannot be amended.

## **34. Who May Propose An Amendment**

An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.

## **35. How Many Amendments May Be Proposed**

- 35.1 Any number of amendments may be proposed to a motion but only one (1) amendment may be accepted by the *Chairperson* at any one time.
- 35.2 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.

## **36. An Amendment Once Carried**

If the amendment is carried, the motion as amended then becomes the motion before the meeting.

### **37. Withdrawal Of Motions**

- 37.1 Before any motion is put to the vote, it may be withdrawn with leave of *Council*.
- 37.2 If the majority of Councillors object to the withdrawal of the motion, it may not be withdrawn.

### **38. Separation Of Motions**

Where a motion contains more than one (1) part, a Councillor may request the *Chairperson* to put the motion to the vote in separate parts.

### **39. Chairperson May Separate Motions**

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

### **40. Priority of address**

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

### **41. Repeating Motion and/or Amendment**

The *Chairperson* may request the person taking the minutes of the meeting to read the motion or amendment to the meeting before the vote is taken.

### **42. Debate Must Be Relevant To The Question**

- 42.1 Debate must always be relevant to the question before the Chair, and, if not, the *Chairperson* must request the speaker to confine debate to the question.
- 42.2 If after being requested to confine debate to the question before the Chair, the speaker continues to debate irrelevant matters, the *Chairperson* may direct the speaker to be seated and not speak further in respect of the question then before the Chair.
- 42.3 A speaker to whom a direction has been given under clause 43.2 must comply with that direction.

### **43. Speaking Times**

A Councillor must not speak longer than the time set out below, unless granted an extension by the *Chairperson*:

- 43.1 the mover of a motion or an amendment: 5 minutes and any other Councillor 3 minutes; and
- 43.2 the mover of a motion exercising a right of reply: 2 minutes.



#### 44. Addressing the Meeting

If the *Chairperson* so determines:

44.1 any person addressing the Chair must refer to the *Chairperson* as:

44.1.1 Madam Mayor; or

44.1.2 Mr Mayor; or

44.1.3 Madam Chair; or

44.1.4 Mr Chair

as the case may be;

44.2 all Councillors, other than the *Mayor*, must be addressed as

Cr .....(name).

44.3 all members of *Council* staff, must be addressed as Mr or Ms

.....(name) as appropriate or by their official title.

#### 45. Foreshadowing Motions

45.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.

45.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chairperson* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.

45.3 A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.

45.4 The *Chief Executive Officer* or person taking the minutes of the meeting would not be expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

### DIVISION 5 – PROCEDURAL MOTIONS

#### 46. Procedural Motions

46.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chairperson*.

46.2 Procedural motions require a seconder.

46.3 The mover of a procedural motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.

- 46.4 Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the following table:

## PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor	Any matter	(a) During the election of a Chairperson; (b) When another Councillor is speaking	Motion and amendments postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor	Any matter except: (a) election of a Chairperson; (b) a matter in respect of which a call of the Council has been made for that meeting	(a) During the election of a Chairperson; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the Council has been made ( Refer S83 of Local Government Act 1989 )	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover &amp; Seconder</b>	<b>Matter in Respect of Which Motion May be Moved</b>	<b>When Motion Prohibited</b>	<b>Effect if Carried</b>	<b>Effect if Lost</b>	<b>Debate Permitted on Motion</b>
3. The closure	That the motion be now put	A Councillor who has not spoken to the motion or any amendment of it	Any matter	During nominations for Chairperson	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion	Debate continues unaffected	No

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover &amp; Seconder</b>	<b>Matter in Respect of Which Motion May be Moved</b>	<b>When Motion Prohibited</b>	<b>Effect if Carried</b>	<b>Effect if Lost</b>	<b>Debate Permitted on Motion</b>
4. Laying question on the table	That the question lie on the table	A Councillor who has not spoken to the motion or amendment of it	Any matter	(a)During the election of a Chairperson; (b)During a meeting which is a call of the Council	Motion and amendments not further discussed or voted on until: (a)Council resolves to take the question from the table at the same meeting; (b)The matter is placed on an agenda and Council resolves to take the question from the table	Debate continues unaffected	No

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
5. Previous question	That the question be not now put	A Councillor who has not spoken to the motion or any amendment of it	Any matter except: (a) election of a Chairperson; (b) a matter in respect of which a call of the Council has been made for that meeting	(a) During the election of a Chairperson; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the Council has been made; (d) When an amendment is before Council	(a) No vote or further discussion on the motion until it is placed on an agenda for a later meeting; (b) Proceed to next business	Motion (as amended up to that time) put immediately without further amendment or debate	Yes

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
6. Proceeding to next business	That the meeting proceed to the next business Note: This Motion: (a)May not be amended (b)May not be debated; (c)Must be put to the vote as soon as seconded	A Councillor who has not spoken to the motion or any amendment of it	Any matter except: (a)Election of a Chairperson; (b)A matter in respect of which a call of the Council has been made for that meeting	(a)During the election of a Chairperson; (b)When another Councillor is speaking; (c)When the matter is one in respect of which a call of the Council has been made	If carried in respect of: (a)An amendment , Council considers the motion without reference to the amendment : (b)A motion - no vote or further discussion on the motion until it is placed on an agenda for a later meeting	Debate continues unaffected	No

## **DIVISION 6 – RESCISSION MOTIONS**

### **47. Notice of Rescission**

47.1 A Councillor may propose a *notice of rescission* provided:

47.1.1 the resolution proposed to be rescinded has not been acted on; and

47.1.2 the *notice of rescission* is in writing signed by a Councillor, and is lodged with the *Chief Executive Officer* at least 24 hours prior to the day of dispatch for the relevant meeting agenda, setting out -

47.1.2.1 the resolution to be rescinded; and

47.1.2.2 the meeting and date when the resolution was carried.

47.2 The *Chief Executive Officer* or an appropriate member of *Council* staff is entitled to implement a resolution at any time after the close of the meeting at which it was made. A resolution will therefore be deemed to have been acted on if:

47.2.1 its contents have or substance has been formally communicated to a person whose interests are materially affected by it; or

47.2.2 a statutory process has been commenced

so as to vest enforceable rights in or obligations on *Council* or any other person.

### **48. Majority To Rescind A Resolution**

For a resolution of *Council* to be rescinded, the motion for rescission must be carried by a majority of the votes cast.

### **49. If Lost**

If a motion for rescission is lost, a similar motion may not be put before *Council* for at least three(3) months from the date it was last lost, unless *Council* resolves that the motion be re-listed at a future meeting.

### **50. If Not Moved**

If a motion for rescission is not moved at the meeting for which it is listed, it lapses.

### **51. May Be Moved By Any Councillor**

A motion for rescission listed on an *agenda* may be moved by any Councillor present but may not be amended.

### **52. When Not Required**

52.1 A motion for rescission is not required where *Council* wishes to change policy.



52.2 Notwithstanding clause 52.1, the following standards should generally apply if *Council* wishes to change policy:

52.2.1 if the policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* should be presented to *Council*; and

52.2.2 any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

*Council* may determine the extent to which these standards should be followed, which will depend on the circumstances of each case.

## **DIVISION 7 – POINTS OF ORDER**

### **53. Chairperson To Decide**

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

### **54. Chairperson May Adjourn To Consider**

54.1 The *Chairperson* may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

54.2 All other questions before *Council* are suspended until the point of order is decided.

### **55. Dissent From *Chairperson's* Ruling**

55.1 A Councillor may move that the meeting disagree with the *Chairperson's* ruling on a point of order, by moving:

"That the *Chairperson's* ruling be dissented from".

55.2 When a motion in accordance with this clause is moved and seconded, the *Chairperson* must leave the Chair and a temporary *Chairperson* elected by the meeting must take his or her place.

55.3 The temporary *Chairperson* must invite the mover to state the reasons for his or her dissent and the *Chairperson* may then reply.

55.4 The temporary *Chairperson* must put the motion in the following form:

"That the *Chairperson's* ruling be dissented from."

55.5 If the vote is in the negative, the *Chairperson* resumes the Chair and the meeting proceeds.

55.6 If the vote is in the affirmative, the *Chairperson* must then resume the Chair, reverse his or her previous ruling and proceed.

- 55.7 The defeat of the *Chairperson's* ruling is in no way a motion of censure or non- confidence, and should not be so regarded by the meeting.

## **56. Procedure For Point Of Order**

A Councillor raising a point of order must:

- 56.1 state the point of order; and
- 56.2 state any section, clause, paragraph or provision relevant to the point of order.

## **57. Valid Points Of Order**

A point of order may be raised in relation to:

- 57.1 a motion, which, under clause 29, or a question which, under clause 59.7, should not be accepted by the *Chairperson*;
- 57.2 a question of procedure;
- 57.3 a Councillor who is or appears to be out of order; or
- 57.4 any act of disorder.

## **58. Contradiction Or Opinion**

Rising to express a mere difference of opinion or to contradict a speaker is not a point of order.

## **DIVISION 8 – PUBLIC QUESTION TIME**

### **59. Question Time**

- 59.1 There shall be a public question time at every *Ordinary meeting* to enable members of the public to submit questions to *Council*.
- 59.2 Questions submitted to *Council* must be in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*.
- 59.3 No person may submit more than two (2) questions at any one (1) meeting.
- 59.4 The form incorporating the question(s) will be collected from the gallery by a member of Council staff generally 30 minutes after the commencement of the meeting
- 59.5 The *Chairperson* or member of *Council* staff nominated by the *Chairperson* may read a question to those present.
- 59.6 No question must be so read unless:
- 59.6.1 the person asking the same is in the gallery at the time it is due to be read.

- 59.7 A question may be disallowed by the *Chairperson* if it:
- 59.7.1 relates to a matter outside the duties, functions and powers of *Council*;
  - 59.7.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - 59.7.3 deals with a subject matter already answered;
  - 59.7.4 is aimed at embarrassing a Councillor or a member of *Council* staff;
  - 59.7.5 relates to personnel matters;
  - 59.7.6 relates to the personal hardship of any resident or ratepayer;
  - 59.7.7 relates to industrial matters;
  - 59.7.8 relates to contractual matters;
  - 59.7.9 relates to proposed developments;
  - 59.7.10 relates to legal advice;
  - 59.7.11 relates to matters affecting the security of *Council* property; or
  - 59.7.12 relates to any other matter which *Council* considers would prejudice *Council* or any person.
- 59.8 All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification.
- 59.9 The *Chairperson* may nominate a Councillor or member of *Council* staff to respond to a question.

## **DIVISION 9 – PETITIONS AND JOINT LETTERS**

### **60. Petitions and Joint Letters**

- 60.1 Unless *Council* determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next *Ordinary meeting* after that at which it has been presented.
- 60.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council* and that the contents do not violate any Local Law.
- 60.3 Every Councillor presenting a petition or joint letter to *Council* must write his or her name at the beginning of the petition or joint letter.

- 60.4 Every petition or joint letter presented to *Council* must be in writing (other than pencil), typing or printing, contain the request of the petitioners or signatories.
- 60.5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.

## **DIVISION 10 - VOTING**

### **61. How Motion Determined**

To determine a motion before a meeting, the *Chairperson* must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the meeting.

### **62. Casting Vote**

In the event of a tied vote, the *Chairperson* must exercise the casting vote in accordance with the *Act*.

### **63. By Show Of Hands**

Unless *Council* resolves otherwise, voting on any matter is by show of hands.

### **64. Procedure For A Division**

A division may only be requested by a Councillor on a matter considered at an Ordinary Council Meeting or a Special Council Meeting or a Special Committee of Council that has delegated authority to determine the matter.

- 64.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.
- 64.2 When a division is called for, the vote already taken must be treated as a nullity and the division shall decide the question, motion or amendment.
- 64.3 When a division is called for, the *Chairperson* must:
  - 64.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one (1) of his or her hands. The *Chairperson* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors voting in the affirmative; and
  - 64.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one (1) of his or her hands. The *Chairperson* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors voting in the negative.

**65. No Discussion Once Declared**

Once a vote on a question has been taken no further discussion relating to the question is allowed unless the discussion is:

- 65.1 for a Councillor to request that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- 65.2 on a *notice of rescission*, or where a resolution has been rescinded.

**DIVISION 11 – MINUTES****66. Confirmation of Minutes**

At every meeting of *Council* the minutes of the preceding meeting(s) must be dealt with as follows:

- 66.1 a copy of the minutes must be delivered to each Councillor no later than 48 hours before the next meeting. This clause shall not apply in respect of Councillor who has been granted leave of absence pursuant to section 69 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.
- 66.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
- 66.3 if a Councillor indicates opposition to the minutes:
  - 66.3.1 he or she must specify the item(s) to which he or she objects;
  - 66.3.2 the objected item(s) must be considered separately and in the order in which they appear in the minutes;
  - 66.3.3 the Councillor objecting must move accordingly without speaking to the motion;
  - 66.3.4 the mover of the motion of objection may then speak to it;
  - 66.3.5 the motion must then be open to debate; and
  - 66.3.6 when all objections to the minutes have been determined, the *Chairperson* must ask:
    - "The question is that the minutes be confirmed" or
    - "The question is that the minutes, as amended, be confirmed",
- and he or she must put the question to the vote accordingly;
- 66.4 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chairperson* of the meeting at which they have been confirmed;

- 66.5 the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively;
- 66.6 unless otherwise resolved or required by law, minutes of a *Special Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*; and
- 66.7 the *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must record:
  - 66.7.1 the date, place, time and nature of the meeting;
  - 66.7.2 the names of the Councillors present;
  - 66.7.3 the names of the members of *Council* staff present;
  - 66.7.4 any disclosure of interest made by a Councillor;
  - 66.7.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
  - 66.7.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
  - 66.7.7 the vote cast by each Councillor upon a division;
  - 66.7.8 questions upon notice; and
  - 66.7.9 the failure of a quorum.

#### **67. No Debate on Confirmation Of Minutes**

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

#### **68. Objection To Confirmation Of Minutes**

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

- 68.1 state the item or items with which he or she are dissatisfied; and
- 68.2 propose a motion clearly setting out the alternative wording to amend the minutes.

#### **69. Deferral Of Confirmation Of Minutes**

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

**70. Recording Of Minutes**

- 70.1 The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer*) may record with appropriate recording equipment all the proceedings of a *Council meeting*.
- 70.2 Subject to clause 70.1, a person must not operate any visual or sound recording equipment at any *Council meeting* without first obtaining the consent of *Council* or the *Chairperson* (as the case may be). Such consent may at any time during the course of such meeting be revoked by *Council* or the *Chairperson* (as the case may be).

**Penalty: 5 penalty units.**

**DIVISION 12 - BEHAVIOUR****71. Public Addressing The Meeting**

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

**72. Chairperson May Remove**

The *Chairperson* may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction.

**73. Offences**

It is an offence for:

- 73.1 a Councillor to not withdraw an expression considered by the *Chairperson* to be offensive or disorderly, and apologise when called on twice by the *Chairperson* to do so;

**Penalty: 2 penalty units**

- 73.2 any person, not being a Councillor, who is guilty of any improper or disorderly conduct, to not leave the Chamber when requested by the *Chairperson* to do so;

**Penalty: 5 penalty units**

- 73.3 any person to fail to comply with a direction of the *Chairperson* in relation to the conduct of the meeting and the maintenance of order;

**Penalty: 2 penalty units**

- 73.4 a Councillor to refuse to leave the Chamber on suspension.

**Penalty: 5 penalty units**

**74. Chairperson may adjourn disorderly meeting**

If the *Chairperson* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper.

**75. Suspensions**

*Council* may suspend from a meeting, and for the balance of the meeting, any Councillor whose actions have disrupted the business of *Council*, and have impeded its orderly conduct.

**76. Removal from Chamber**

The *Chairperson*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Local Law or whom the *Chairperson* has ordered to be removed from the gallery under clause 72 of this Local Law.

**DIVISION 13 – ADDITIONAL DUTIES OF CHAIRPERSON****77. The Chairperson's Duties And Discretions**

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

- 77.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of *Council* staff, or member of the community; and
- 77.2 must call to order any person who is disruptive or unruly during any meeting.

**DIVISION 14 – SUSPENSION OF STANDING ORDERS****78. Suspension of Standing Orders**

- 78.1 To expedite the business of a meeting, the *Chairperson* may indicate an intention to suspend standing orders and may proceed on that intention with the support of the meeting.
- 78.2 The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- 78.3 Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
- 78.4 It should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:  
  
"That standing order be suspended to enable discussion on....."
- 78.5 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:



"That standing orders be resumed."

## **79. Procedure not provided in Local Law**

In all cases not specifically provided for by this Local Law, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to *Council* proceedings).

## **DIVISION 15 - SPECIAL COMMITTEES**

### **80. Application Generally**

80.1 If *Council* establishes a *Special Committee*, all of the provisions of Divisions 1-14 of this Local Law shall apply with any necessary modifications or adaptations.

80.2 For the purposes of clause 80.1, a reference in Division 1-14 of this Local Law to:

80.2.1 a *Council meeting* is to be read as a reference to a meeting of the *Special Committee*;

80.2.2 a Councillor is to be read as a reference to a member of the *Special Committee*; and

80.2.3 the *Mayor* is to be read as a reference to the *Chairperson* of the *Special Committee*.

### **81. Application Specifically**

Notwithstanding clause 80, if *Council* establishes a *Special Committee*:

81.1 *Council* may; or

81.2 the *Special Committee* may, with the approval of *Council*

resolve that any provision(s) of Divisions 1-14 is or are (as appropriate) not to apply, whereupon that provision or those provisions shall not apply until *Council* resolves, or the *Special Committee* with the approval of *Council* resolves, otherwise.

The Common Seal of the Macedon  
Ranges Shire Council was hereunto  
affixed in the presence of:

On Friday 3<sup>rd</sup> August 2007

..... Councillor

..... Chief Executive Officer

