



Warrnambool City Council

Local Law No. 1

Governance

(Meeting Procedures)

Local Law

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PART A - INTRODUCTION

1. Title

- (1) This is the Warrnambool City *Council* Governance (Meeting Procedure) Local Law No. 1.
- (2) This Local Law will be known as the “Governance Local Law” and referred to in this document as “the Local Law”.

2. Purpose

The purpose of this Local Law is to:

- (1) Facilitate good government and provide a process for good decision making of the Warrnambool City Council on matters affecting the Municipality and community;
- (2) Provide for the procedures governing the conduct of Council meetings, Special and Advisory Committee meetings;
- (3) Set the rules of behaviour for those participating in or present at Council meetings, Special and Advisory Committee meetings;
- (4) Promote and encourage community engagement in local government while at the same time ensuring that Council conducts its business in an effective and efficient manner in line with the Local Government Act 1989 (the Act);
- (5) Regulate proceedings for the election of the Mayor and *Chairs* of various committees; and
- (6) Regulate the use and control of the Common Seal.

3. Authorising Provision

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

4. Commencement and End Dates

- (1) This Local Law comes into operation on the day it is made by resolution of Council.
- (2) Unless sooner revoked, this Local Law ends on the 10th anniversary of the day on which it commenced operation.

5. Revocation of Local Law No 1 of 2009

On commencement of this Local Law, Council’s Meeting Procedure Local Law No. 1 of 2009 is revoked.

6. Definitions and Notes

- (1) In this Local Law:
 - (a) “*the Act*” means the Local Government Act 1989 (as amended from time to time);
 - (b) “*Advisory Committee*” means a committee established by Council under Section 86(1) of *the Act* for the purpose of advising Council on matters within its terms of reference;

- (c) *“Agenda”* means a document containing the date, time and place of a meeting and a list of business to be transacted at the meeting;
- (d) *“Annual (statutory) meeting”* means the Special meeting held for the purpose of electing the Mayor;
- (e) *“Authorised Officer”* means a member of Council staff who is authorised by the *Chief Executive* or the Council to carry out specific functions;
- (f) *“Assembly of Councillors Records”* means a record of a meeting (which is not a Council Meeting) but an assembly of *Councillors* as defined under *the Act*;
- (g) *“Caretaker period”* has the same meaning as ‘election period’ in Section 3(1) of *the Act*, and means the period that starts on the entitlement date and ends at 6pm on Election Day;
- (h) *“Chair”* means the chairperson of a meeting and includes an acting, a temporary, and a substitute chairperson;
- (i) *“Chief Executive”* means the person who is appointed by the Council as its *Chief Executive Officer* or any person acting in the position;
- (j) *“Committee meeting”* means a meeting of a Special or Advisory Committee of the Council;
- (k) *“Common Seal”* means the *Common Seal* of the Council;
- (l) *“Council”* means the Warrnambool City *Council*;
- (m) *“Council meeting”* includes an Ordinary Meeting and a Special Meeting of *Council* as defined under *the Act*;
- (n) *“Councillor”* means a person who holds office as a member of the *Council* as defined under *the Act*;
- (o) *“Councillor Code of Conduct”* means the code of conduct developed by the *Council* under Section 76C of *the Act*;
- (p) *“Leave of absence”* means formal leave requested and taken by a *Councillor* who is not available, or unable, to perform their *Council* duties for a specified period of time;
- (q) *“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;
- (r) *“Mayor”* means the Mayor of the *Council* as defined under *the Act*;
- (s) *“Meeting”* means an Ordinary *meeting*, Special *Meeting* or *Committee meeting*, as the context requires;
- (t) *“Minister”* means the Victorian State Government *Minister* responsible for administering *the Act*;
- (u) *“Minutes”* means the record of proceedings of a *Meeting* of the *Council* or a Special Committee of the *Council*; *“Municipality”* means the municipal district of the *Council*;
- (v) *“Newspaper”* means the newspaper(s) chosen by the *Council* for the publication of public notices pursuant to Section 3 of *the Act*;

- (w) *“Notice of Motion”* means a notice setting out the text of a motion, which a *Councillor* proposes to move at a *Council meeting*;
 - (x) *“Offence”* means an act or default contrary to this Local Law;
 - (y) *“Officer”* means a member of *Council* staff;
 - (z) *“Operational service request process”* means a request for action through the Customer Request System in use by the *Council* or request relating to the day to day management of *Council* operations as defined in Section 94A(1) of *the Act* as the functions of the *Chief Executive*;
 - (aa) *“Ordinary Meeting”* means a *meeting of Council* which is not a *Special meeting*;
 - (bb) *“Point of Order”* means a matter raised under clause 77 of this Local Law;
 - (cc) *“Quorum”* means the minimum number of members of the *Council* or of a *Special or Advisory Committee* required by this Local Law to be present in order to constitute a valid meeting of the *Council* or the *Special or Advisory Committee*;
 - (dd) *“Penalty unit”* means a *Penalty unit* as prescribed under the Sentencing Act 1992;
 - (ee) *“Rescission motion”* is Notice of Motion to rescind a resolution made by *Council*;
 - (ff) *“Senior Officer”* has the same meaning as in Section 3(1) of *the Act*;
 - (gg) *“Significant expenditure”* means one (1) percent or more of general rate income of the *Council*;
 - (hh) *“Special Committee”* means a *Special Committee* established by the *Council* pursuant to, and in accordance with, Section 86(1) of *the Act*;
 - (ii) *“Special meeting”* means a special meeting of the *Council* convened and held in accordance with Section 84, 84A or 85 of *the Act*;
 - (jj) *“Suspension of Standing Orders”* means a suspension of the provisions of this Local Law, to facilitate full discussion on an issue without formal Local Law constraints;
 - (kk) *“Visitor”* means any person (other than a *Councillor* or an *Officer*) present at a Meeting;
 - (ll) *“Website”* means the official *Website* of the *Council* maintained in accordance with section 82A of *the Act*; and
 - (mm) *“Written”* or *“In Writing”* includes duplicated, photocopied, photographed, printed and typed and extends to both hard copy and soft copy form.
- (2) Unless the contrary intention appears, words in the singular include plural and words in the plural include singular.

PART B - ELECTION OF *MAYOR* AND TEMPORARY *CHAIRS*

7. Election of the *Mayor*

- (1) The *Mayor* must be elected annually at a meeting of the *Council* called the *Annual (statutory) meeting*.
- (2) The *Chief Executive* must facilitate the election of the *Mayor* in accordance with the provisions of *the Act* and this Local Law.
- (3) Subject to sub-clause (b), the *Chief Executive* must determine the most appropriate time and date for the election of the *Mayor*, except that the election of the *Mayor* must be held:
 - (a) after the fourth Saturday in October but not later than 30 November in each year; or
 - (b) in any case, as soon as possible after the office of *Mayor* becomes vacant.
- (4) Notwithstanding clause 7(3)(a), the *Council* may resolve to elect a *Mayor* for a term of 2 years. If *Council* resolves to elect the *Mayor* for a term of 2 years, the next election of the *Mayor* is 2 years after the last Saturday in October but not later than 30 November in the second year after the election.
- (5) The order of business at the *Council meeting* to elect the *Mayor* is to be determined by the *Chief Executive*. In the absence of any changes directed by the *Chief Executive*, the default order of business will be:
 - (a) Opening and Acknowledgement of Country;
 - (b) Apologies;
 - (c) Election report (at the *Council meeting* to elect the *Mayor* following the declaration of results of a general election of *Councillors*);
 - (d) Oath of office (at the *Council meeting* to elect the *Mayor* following the declaration of results of a general election of *Councillors*);
 - (e) Term of the *Mayor* and determination of the position of deputy *Mayor*;
 - (f) Election of the *Mayor*;
 - (g) Presentation and commencement speech by the incoming *Mayor*;
 - (h) Election of Deputy *Chair* (if the position is established); and
 - (i) Ceremonial motions.
- (6) The *Councillor* elected to the position of *Mayor* may make a commencement speech for up to 10 *minutes* outlining their vision for the *Mayoral* term.
- (7) The commencement speech may not address matters outside the powers of the *Council*, be derogatory, or be prejudicial to any person or the *Council*.

8. Method of Voting

The election of the *Mayor* must be carried out by a show of hands.

9. Procedure for Election of the *Mayor*

- (1) The election of the *Mayor* will be conducted in accordance with the provisions of *the Act* and this clause.
- (2) The *Chief Executive* must open the meeting at which the *Mayor* is to be elected.
- (3) Before nominations for the office of *Mayor* are invited by the *Chief Executive*, the *Council* must resolve if the term of the *Mayor* is to be for one (1) year or two (2) years.
- (4) Any nominations for the office of *Mayor* must be made verbally by *Councillors* present at the meeting.
- (5) A nomination for *Mayor* does not require a seconder.
- (6) If there is only one nomination, the *Councillor* 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 nominated.
- (8) Before a vote is conducted, each of the candidates shall be invited to speak to their nomination in alphabetical order of their surnames. No candidate may speak for more than three (3) minutes.
- (9) If a 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 taken 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 elected.
- (11) In the event of two (2) or more candidates having an equality of votes and one (1) of them having to be declared a defeated candidate, the result must be determined by lot.
- (12) The following provisions apply to the conduct of the lot:
 - (a) each candidate will draw one (1) lot;
 - (b) 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;
 - (c) as many identical pieces of paper as there are *Councillors* who received an equal number of votes must be placed in a receptacle. 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;
 - (d) if only one candidate remains, that candidate is deemed to be elected; and

- (e) if more than one candidate remains, a further vote must be taken on the remaining candidates and the above process repeated if necessary, in which case that candidate will be declared duly elected.

- (13) The *Chief Executive* will declare the result of the election and the successful candidate.

10. Procedure for Election of the Deputy and Temporary Chairs

- (1) At a *Meeting* to elect the *Mayor*, the *Council* may determine to elect a *Deputy Chair*.
- (2) The procedure used for the election of *Mayor* will be used to elect a *Deputy Chair* or temporary *Chair* (in cases where the *Mayor* and *Deputy Chair* are absent from a *Council meeting*), provided that a reference to the *Mayor* is a reference to the *Deputy Chair* or to the temporary *Chair*, as the case may be.
- (3) The *Chief Executive* or his/her delegate will conduct the election of the *Deputy Chair* and temporary *Chair*.

PART C - COUNCIL'S COMMON SEAL

11. Use of *Common Seal*

- (1) The use of the *Common Seal* shall be in accordance with the *Chief Executive's* delegation.
- (2) The *Chief Executive* shall sign documents to which the *Common Seal* is affixed or in the absence of the *Chief Executive*, any other member of staff acting as the *Chief Executive*.
- (3) The *Chief Executive* must keep the *Common Seal* in safe custody at all times.
- (4) A person who uses the *Common Seal* or any device resembling the *Common Seal* without delegated authority is guilty of an *Offence*. See *Part 1 – Offences and Penalties*.

PART D - COUNCIL MEETING PROCEDURES

DIVISION 1 – ROLE OF CHAIR

12. Mayor to take Chair

- (1) The *Mayor* must take the *Chair* at all *Council meetings* at which the *Mayor* is present.
- (2) If the *Mayor* is not in attendance at a *Council meeting*, the *Deputy Chair* (if applicable) must take the *Chair*.
- (3) If the *Mayor* and any *Deputy Chair* are not in attendance at a *Council meeting*, the *Council* must elect one (1) of the *Councillors* as temporary *Chair*.

13. The Chair's Duties and Discretions

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

- (1) the *Chair* must not accept any motion, question or statement which the *Chair* determines is:
 - (a) is derogatory;
 - (b) defamatory;
 - (c) objectionable in language or nature;
 - (d) vague or unclear in intention;
 - (e) outside the powers of the *Council*; or
 - (f) 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; and
- (2) if the behaviour of a person is disruptive and interferes with the conduct of the business of the *Council*, the *Chair* must call that person to order.

Also see Division 14 – Conduct & Behaviour

DIVISION 2 – NOTICE OF MEETINGS & DELIVERY OF AGENDAS

14. Meetings Open to the Public

- (1) The *Council* may hold:
 - (a) *Ordinary meetings* at which the business of the *Council* may be transacted; and
 - (b) *Special meetings* at which the business specified in the notice calling the *Meeting* may be transacted.
- (2) In accordance with Section 89(1) of *the Act*, all *Meetings* of the *Council* (*Ordinary* or *Special*) must be open to the public unless a resolution is made to close the *Meetings* to members of the public pursuant to Section 82(2) of *the Act*.

See clause 15 – Meetings Closed to the Public

- (3) The *Council* may hold *Special meetings* to deal with the following:
- (a) Adoption of the *Council* Plan and the Declaration of Rates and Charges;
 - (b) Adoption of the *Council's* Audited Financial Report, Standard Statement and Performance Statement;
 - (c) Election of the *Mayor* and appointment of *Council* representatives;
 - (d) Presentation of the Annual Budget; and
 - (e) Any other matter.

15. Meetings Closed to the Public

In accordance with 82(2) of the *Act*, *Council* may resolve that a *Council meeting* referred to as a 'Committee of the Whole of *Council*' be closed to the public.

16. Appointment of *Council* Representatives and Delegates

At a *Council meeting* held as soon as practicable after the *Annual (statutory) meeting* at which the *Mayor* is elected, *Council* must resolve to:

- (1) appoint *Councillors* as members of, or representatives on, *Special* and *Advisory Committees* established by the *Council*; and
- (2) appoint *Councillors* as delegates to external committees and organisations,

for the ensuing year.

17. Date and Times of Meetings

- (1) The *Council* will fix the dates, times and places of all *Ordinary meetings* for a twelve month period at the first *Council meeting* following the *Annual (statutory) meeting*.
- (2) The dates, times and places of all *Ordinary meetings* are to be made available to the public.

See Clause 21 – Notice of Meeting to the Public

18. Meeting Locations

- (1) *Council Meetings* will be held in the *Council* Chambers or any building within the Civic Centre Precinct as determined by the *Chief Executive*, or another location outside the Civic Centre Precinct by resolution of the *Council*.
- (2) *Special Meetings* of *Council* may be held at the *Council* Chambers or within the Civic Centre Precinct as determined by the *Chief Executive* by the formal notice calling the *Special Meeting*.

19. Cancellation of Meeting

- (1) The *Chief Executive* may, in the case of an administrative matter or an emergency necessitating the cancellation or postponement of a *Meeting*, cancel or postpone a *Meeting* by giving such notice to *Councillors* and the public as is practicable.
- (2) The *Chief Executive* must submit a *Written* report of the circumstances requiring this action to the next *Ordinary Meeting of Council*.

20. Altering Meeting Dates, Time and Venue

- (1) The *Council* may, by resolution, alter the day, time and/or place at which an *Ordinary meeting* will be held, and must provide reasonable notice of the change to the public.
- (2) In consideration of public interest in *Agenda* items or an emergency arising, the *Chief Executive*, in consultation with the *Mayor*, may, without resolution of *Council*, alter the place at which an *Ordinary meeting* will be held, and must provide reasonable notice of the change to the public.

21. Notice of a Meeting to the Public

- (1) Seven (7) days-notice of *Council meeting* must be given to the public by advertising on the *Council Website* and in a local *Newspaper* generally circulating within the municipality unless time does not permit.
- (2) Advertising can be done as a schedule of meetings either annually or at various times throughout the year, or just prior to each meeting unless extraordinary circumstances exist.
- (3) Reasonable notice of *Council Meetings* is considered to be a least forty-eight (48) hours before a meeting.

22. Notice of Meeting to Councillors

- (1) The notice for a *Meeting* must state the date, time and place of the *Meeting* and the business to be dealt with, incorporating the *Agenda* for the *Meeting*, and must be delivered to each *Councillor's* place of residence (or other nominated destination advised by a *Councillor In Writing* to the *Chief Executive*) by courier, post, electronic medium or other agreed mechanism at least forty-eight (48) hours before a *Meeting* unless impossible due to extraordinary circumstances.
- (2) A notice of a *Meeting* will be served on a *Councillor* who has been granted *Leave of absence* unless the *Councillor* has requested *In Writing* to the *Chief Executive* to discontinue the giving of notice of any *Meeting* to be held during his or her absence.
- (3) *Councillors* must be physically present at a *Meeting* in order to participate in the *Meeting* and to vote.

DIVISION 3 – QUORUMS

23. Quorum – Council meetings, Special and Advisory Committees

- (1) The *Quorum* for any *Council meeting* is the majority of *Councillors* elected i.e. half of the number of *Councillors* elected plus one, where the number of *Councillors* elected is an even number or rounded up to the next whole number where the number of *Councillors* elected is an odd number.

- (2) The *Quorum* for a *Special or Advisory Committee meeting* is a majority of the number of persons who comprise the *Special or Advisory Committee* and who are entitled to vote, or such other number as the *Council* specifies when establishing the *Special or Advisory Committee*, provided that it is not less than the majority of the *Special or Advisory Committee* members.

24. Inability to Obtain a Quorum

If a *Quorum* is not present within thirty (30) minutes of the time appointed for the commencement of any *Meeting* or adjournment, those *Councillors* present or, if there are no *Councillors* present, the *Chief Executive* or, in his or her absence, a *Senior Officer*, may adjourn the *Meeting* for a period not exceeding seven (7) days from the date of the adjournment.

Also see Clause 27.

25. Inability to Maintain a Quorum

If during any *Meeting* a *Quorum* cannot be maintained, the *Chair*, those *Councillors* present, the *Chief Executive* or, in his/her absence, a *Senior Officer*, may adjourn the *Meeting* for a period not exceeding seven (7) days from the time of adjournment.

26. Inability to Maintain a Quorum due to Conflicts of Interest from Councillors

If during any *Meeting* it becomes apparent to the *Chair* that it will not be possible to maintain a *Quorum* due to the number of *Councillors* who have disclosed a conflict of interest in an item of business and will be unable to vote, that item of business will lie on the table and be considered at the next available *Meeting* when a *Quorum* can be reached or alternatively until the *Chief Executive* is able to obtain an exemption from the *Minister*.

27. Call of the Council

- (1) If a *quorum* of *Councillors* cannot be formed and maintained due to the absence of *Councillors*, the *Minister* responsible for administering *the Act* or the *Chief Executive* may require all *Councillors* to attend a call of the *Council Meeting*.
- (2) A call of the *Council Meeting* must be treated as a *Special Meeting*.
- (3) The *Minister* responsible for administering *the Act* (or a person appointed by the *Minister*) is entitled to attend and speak at a call of the *Council Meeting* which he or she has required *Councillors* to attend.
- (4) If a call of the *Council* has been required, immediately after the opening of the meeting, the *Chief Executive* must call the name of:
- (a) the *Mayor*; and
 - (b) each *Councillor* in alphabetic order.
- (5) Each person present must answer to his or her name, all excuses for absence must be considered and to each excuse the following question must be put to the vote:

“Is the excuse of Cr _____ a reasonable excuse to the satisfaction of *Council*?”

- (6) If a *Councillor* does not attend within thirty (30) minutes after the time fixed for a Call of the *Council meeting*, or remain at the meeting, the *Chief Executive* must immediately advise the *Minister* responsible for administering *the Act In Writing*.
- (7) The *Minister* will then determine whether the *Councillor's* excuse for not attending is reasonable, and will also determine whether the *Councillor* is capable of remaining in office.

DIVISION 4 – BUSINESS OF MEETINGS

28. Order of Business

- (1) The order in which business is listed on the *Agenda* shall be determined by the *Chief Executive* so as to facilitate and maintain open, efficient and effective processes of government.
- (2) In the absence of any changes as directed by the *Chief Executive*, the default order of business is as follows:
 - (a) Welcome and Acknowledgement of Country;
 - (b) *Councillor* Apologies and *Leave of absence* Applications; (clause 29)
 - (c) (On Notice) *Mayoral* Presentation (clause 30)
 - (d) Disclosure of Conflict of Interest in any item on the *Agenda*; (clause 32)
 - (e) Adoption and Confirmation of the *Minutes* of previous meetings; (clause 91)
 - (f) *Officer* Reports; (clause 33)
 - (g) Reports from *Advisory Committees*; (clause 16)
 - (h) Assembly of *Councillor* Records; (clause 34)
 - (i) *Mayoral & Chief Executive Council* Activities – Summary Report
 - (j) (On Notice) Notices of Motion; (clause 49)
 - (k) (On Notice) Petitions and Joint Letters; (clause 35)
 - (l) Public Question Time; (clause 36)
 - (m) Urgent Business; (clause 37)

29. Councillor Apologies and Leave of absence Applications

- (1) Apologies shall be read out by the *Chair*.
- (2) All requests for *Leave of absence* shall be submitted to the *Chief Executive In Writing* and approved by resolution of the *Council*.
- (3) Section 69 of *the Act* states that an extraordinary vacancy will be created if a *Councillor* is absent from four consecutive *Ordinary meetings* without leave being obtained from the *Council*.

30. Mayoral Presentations

From time to time, the *Mayor*, as the principle spokesperson for *Council*, may give a short presentation or make a statement relating to his/her civic and ceremonial duties, issues of interest and or importance to the *Council*, provided that the presentation is not longer than five (5) minutes.

31. Changes to the Order of Business

Once an *Agenda* has been prepared and sent to *Councillors*, the order of business for the *Meeting* may only be altered by resolution of the *Council*. This includes a request for an item to be brought forward.

32. Disclosure of Conflicts of Interest

- (1) A *Councillor* must disclose any conflict of interest which that *Councillor* has in an item of business as per the requirements of *the Act* and at the times specified in the agenda.
- (2) If the *Mayor/Chair* declares a conflict of interest on an item being considered at a Council meeting, then a temporary *Chair must chair the item*. The election of a temporary *Chair* shall be conducted in accordance with 'Part B – Election of *Mayor*, Deputy *Chair* and temporary *Chairs*' of this Local Law.

33. Presentation of Officer Reports

Officer reports shall be summarised for the purposes of verbal public presentation by the *Chief Executive* or his/her delegate.

34. Assembly of Councillor Records

The names of all *Councillors* and staff attending an '*Assembly of Councillors*' meeting, the matters considered and any conflicts of interest disclosures made at the meeting must be recorded and reported to next available ordinary meeting of *Council*.

35. Petitions and Joint Letters

- (1) A petition or joint letter received by the *Council* or an individual *Councillor* must be lodged with the *Chief Executive* at least five (5) days before *Council meeting* to ensure sufficient time to include the petition in the *Agenda*.
- (2) A petition submitted to the *Council* must:
 - (a) be in legible and permanent writing;
 - (b) have the full name, address and signature of all individual signatories;
 - (c) not be defamatory, indecent, abusive or objectionable in language or content;
 - (d) not relate to matters beyond the powers of the *Council*;
 - (e) include the whole of the request of the petitioners or signatories on each page; and
 - (f) consist of single-sided pieces of paper and must not be pasted, stapled, pinned or otherwise affixed to any other piece of paper.
- (3) The *Chief Executive* must arrange for petitions to be submitted to the next practicable Ordinary meeting following their receipt.

- (4) Only the petitioner's request and the number of signatories will be included in the *Agenda* for the *Council meeting* at which it will be considered.
- (5) If a petition is addressed to an individual *Councillor*, and listed on the *Agenda*, that *Councillor* may read the petition out at the *Council meeting* without speaking to it. Other petitions will be read by the *Chief Executive* or his/her delegate.
- (6) Unless sub-clause (10) applies, the only motions that may be considered for any petitions are:
 - (a) that the petition be received;
 - (b) that the petition be referred to the *Chief Executive* for consideration and response; or
 - (c) that the petition be referred to the *Chief Executive* for a report to a future *Council meeting*.
- (7) If the petition relates to any item already on the *Agenda* for the *Council meeting* at which the petition is submitted, the matter may be dealt with in conjunction with that *Agenda* item.
- (8) If the petition relates to an operational matter, the *Council* must refer it to the *Chief Executive* for consideration.
- (9) If the petition relates to:
 - (a) a planning matter which is the subject of a public notification process under the Planning and Environment Act 1987; or
 - (b) a statutory matter which is the subject of a public submission process under Section 223 of *the Act*,

the petition will be treated as a joint submission in relation to the planning matter or statutory matter (as the case may be).
- (10) A petition may nominate a person to whom a reply must be sent, but if no person is nominated or is the obvious intended contact person, the *Council* may reply to the first signatory who appears on the petition.
- (11) Any petitions or joint letters that do not comply with this Local Law will not be tabled at a *Council meeting*.
- (12) Nothing in this clause shall prevent the *Chief Executive* from determining that an electronic or online petition will be submitted to a *Council meeting* or the *Council* resolving to consider a petition as urgent business under clause 37.
- (13) Any person who fraudulently signs a petition or joint letter which is presented to the *Council* is guilty of an *Offence*.

See Part H – Offences and Penalties

36. Public Question Time

- (1) Unless the *Council* resolves otherwise, there must be a public question time at every *Ordinary meeting* to enable members of the public to submit questions to the *Council*.

- (2) Sub-clause (1) does not apply during any period when a *Meeting* is closed to members of the public in accordance with Section 89(2) of *the Act* or during a local government election *Caretaker* period.
- (3) All questions must be received *In Writing* on the prescribed form as outlined on the *Website* and state the name and address of the person submitting the question. The form will detail where a person can obtain assistance with completing the written form. The cut off for receipt of questions shall be 15 minutes after the commencement of the *Meeting*.
- (4) No person may submit more than two (2) questions to any one (1) *Meeting*. A question may be split into a maximum of two parts only. If more than two parts to a question are received, only the first two parts will be considered. Similarly, if more than two questions are received, only the first two questions will be considered. All parts of the question must be relevant to the same subject of enquiry.
- (5) A question may be disallowed by the *Chair* if the Chair has determined that:
 - (a) the person directing the question is not present in the gallery;
 - (b) the question is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - (c) the question deals with a subject matter already answered;
 - (d) the question is aimed at embarrassing a *Councillor* or *Officer* or any other person;
 - (e) the question relates to personnel matters;
 - (f) the question relates to the personal hardship of any resident or ratepayer;
 - (g) the question relates to contractual matters that are otherwise confidential;
 - (h) the question relates to proposed planning development matters that are otherwise confidential;
 - (i) the question relates to legal advice matters;
 - (j) the question relates to a matter included on the *Meeting's Agenda*;
 - (k) the question relates to matters affecting the security of *Council* property that is not otherwise public; or
 - (l) the question relates to any other matter which the *Chair* considers would prejudice *Council* or any person.
- (6) The *Chair* or *Chief Executive* or his/her delegate must read to the *Meeting* the name of the person who has submitted a permitted question.
- (7) The *Chief Executive* or his/her delegate must read the text of the question and the *Chair* may then direct that the question to be answered by the *Chief Executive* or a nominated *Officer*.
- (8) All questions and answers must be as brief as possible. Further questions or debate on the response shall not be allowed.
- (9) Like questions may be grouped together and a single answer provided.

- (10) The *Chair, Chief Executive or Officer* may take a question on notice. If a question is taken on notice, a *Written* copy of the answer must be sent to the person who asked the question and to all *Councillors*.
- (11) 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.

37. Urgent Business

- (1) Business which has not been listed on the *Agenda* can only be admitted as urgent business by resolution of *Council*, and only then if it:
 - (a) relates to or arises out of a matter which has arisen since distribution of the *Agenda*; and
 - (b) cannot safely or conveniently be deferred until the next *Meeting*.
- (2) Notwithstanding anything to the contrary in this Local Law, a *Councillor* (with the agreement of the *meeting*) may only submit or propose an item of urgent business if the matter relates to business that does not:
 - (a) substantially affect the levels of *Council* service;
 - (b) commit *Council* to *significant expenditure* not included in the adopted budget;
 - (c) establish or amend *Council* Policy;
 - (d) commit *Council* to any contractual arrangement;
 - (e) require, pursuant to any other policy determined by *Council* from time to time, the giving of prior notice; and
 - (f) the proposed motion(s) is *In Writing* and given to the *Chair* who must seek a resolution of approval from *Council meeting*.
- (3) A *Councillor* proposing that a matter be admitted as urgent business must lodge it *In Writing* with the *Chief Executive* no later than 30 minutes prior to commencement of the meeting.
- (4) The *Chief Executive* will advise the *Mayor* of any matter that the *Chief Executive* determines appropriate for *Council* to consider admitting as urgent business.

38. Confidential Business

See Clause 15 – Meetings Closed to the Public

DIVISION 5 - VOTING

39. Voting – How Determined

- (1) To determine a motion before a *Meeting*, the *Chair* will:
 - (a) first call for those in favour of the motion;
 - (b) then those opposed to the motion; andand will then declare the results to the *Meeting*.

- (2) The question is determined in the affirmative by a majority of the *Councillors* or members of the *Special Committee* present at a *Meeting* at the time the vote is taken voting in favour of the question.

40. Casting Vote

In the event of a tied vote, the *Chair* must, unless *the Act* or this Local Law provides otherwise, exercise a casting vote.

41. Voting – By Show of Hands

- (1) Voting on any matter will be by show of hands.

42. Vote to be taken in Silence

Except that a *Councillor* may demand a division, *Councillors* must remain seated in silence while a vote is being taken.

43. Motion to be Read Again

- (1) The *Chair* may direct the *Chief Executive* or his/her delegate or the mover of the motion to read the motion or amendment to the *Meeting* before the vote is taken.
- (2) Before any matter is put to the vote, a *Councillor* may request the motion or amendment be read again.

44. Recount of Vote

The *Chair* may direct that the vote be re-counted as often as may be necessary to be satisfied of the result.

45. Declaration of Vote

- (1) The *Chair* must declare the result of the vote as soon as it is taken.
- (2) When declaring the vote, the *Chair* shall state the number of votes FOR and the number of votes AGAINST the motion and each *Councillor's* surname voting FOR and each *Councillors* surname voting AGAINST the motion and whether the motion is carried or lost.

46. No discussion once declared

Unless discussion is on a *Rescission motion* or follows a resolution having been rescinded, once a vote on a motion is taken no further discussion relating to the motion is allowed.

See Division 9 – Rescission Motions

47. Procedure for a Division

- (1) The request by a *Councillor* for a division must be made to the *Chair* either immediately prior to or immediately after the vote has been taken, but cannot be requested after the next item of business has commenced.
- (2) No *Councillor* is prevented from changing his or her original vote when voting on the division.
- (3) When a division is called for, the *Chair* will:

- (a) 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 his/her hand. The *Chair* will then state, and the *Chief Executive* (or any person authorised by the *Chief Executive* to attend the *Meeting* and take the *Minutes* of such *Meeting*) must record in the *Minutes*, the names of those *Councillors* voting in the affirmative; and
- (b) 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 of his/ her hand. The *Chair* will then state, and the *Chief Executive* (or any person authorised by the *Chief Executive* to attend the *Meeting* and take the *Minutes* of such *Meeting*) must record in the *Minutes*, the names of those *Councillors* voting in the negative.

DIVISION 6 – MOTIONS AND DEBATE

48. Councillors may Propose Notices of Motion

Councillors may propose an issue is listed on the *Agenda* by lodging a *Notice of Motion* in accordance with the procedures outlined in this Division.

49. Notices of Motion

- (1) A *Notice of Motion* must be *In Writing*, signed and dated by the *Councillor* and lodged with the *Chief Executive* by 12 noon on the Wednesday before the next scheduled *Council meeting* to allow sufficient notice to each *Councillor* of the matters and inclusion in the *Agenda*.
- (2) The *Chief Executive* must reject any *Notice of Motion* which:
 - (a) is too vague;
 - (b) is identical or substantially similar to a *Notice of Motion* or a *Rescission Motion* that has been considered by the *Council* and lost in the preceding six (6) months;
 - (c) is defamatory;
 - (d) may be prejudicial to any person or *Council*;
 - (e) is objectionable in language or nature;
 - (f) is outside the powers of *Council*; or
 - (g) is a *Notice of Motion* submitted during the *Caretaker period*.
 - (h) is a matter subject to a *Council* decision making process which has commenced but not yet complete.
- (3) If the *Chief Executive* rejects a *Notice of Motion* under sub-clause (2), he or she will inform the *Councillor* who lodged the *Notice of Motion* of that rejection and the reasons for it. The *Councillor* will be provided with 24 hours to lodge a revised *Notice of Motion* provided that the *Meeting* at which the *Notice of Motion* is to be considered is more than 24 hours from the time of rejection.
- (4) The *Chief Executive* may reject and refer any *Notice of Motion* to the *Council's Operational service request process* if it relates to a matter that he or she determines is more appropriately addressed that way.

- (5) Subject to sub-clauses (6) & (7) a *Notice of Motion* must call for a *Council* report if the *Notice of Motion*:
- (a) substantially affects the level of *Council* services;
 - (b) commits the *Council* to expenditure in excess of \$5,000 and that has not been included in the adopted budget;
 - (c) establishes or amends a *Council* policy; or
 - (d) commits the *Council* to any contractual arrangement,
- as determined by the *Chief Executive*.
- (6) Where a *Notice of Motion* is likely to commit *Council* to *significant expenditure* not included in the adopted budget then the *Notice of Motion* must only call for referral to and for *Council's* consideration as part of its future year's annual budget and public submission process.
- (7) The *Chief Executive* may designate a *Notice of Motion* to be confidential in accordance with Section 89(2) of *the Act*, in which case the *Notice of Motion* will be confidential unless the *Council* resolves otherwise.
- (8) The full text of any *Notice of Motion* accepted by the *Chief Executive* must be included in the *Agenda*.
- (9) The *Chief Executive* must arrange for a formal report to be prepared and presented to the *Council* for the purposes of sub-clause (5). Where practicable the report should be presented to the next *Council meeting*.
- (10) The *Chief Executive* must cause all *Notices of Motion* to be sequentially numbered, dated and entered in a register.
- (11) Except by leave of the *Council*, each *Notice of Motion* before any *Meeting* must be considered in the order in which it was entered into the register under sub-clause (10).
- (12) If a *Councillor* who has lodged a *Notice of Motion* is absent from the *Council meeting* at which the *Notice of Motion* is to be considered, or fails to move the motion when called upon to do so by the *Chair*, any other *Councillor* may move the *Notice of Motion*.
- (13) If a *Councillor* proposing the motion wishes to amend the *Notice of Motion*, he or she may do so by seeking leave of the *Council* to amend the *Notice of Motion* prior to it being seconded.
- (14) Another *Councillor* can put forward an amendment to a *Notice of Motion* for consideration, which must be dealt with in accordance with this Local Law, except for confirmation of a previous resolution.
- (15) The *Chair*, having lodged a *Notice of Motion* in accordance with this clause, must vacate the *Chair* of the *Council meeting* to move the *Notice of Motion* and the *Council* must appoint a temporary *Chair* for the consideration of the item.
- (16) If a *Notice of Motion* is not moved at the *Council meeting* at which it is listed, then it lapses.

50. Chair's Duty

Any motion which:

- (1) is defamatory;
- (2) is objectionable in language or nature;
- (3) is vague or unclear in intention;
- (4) is outside the powers of the *Council*;
- (5) is irrelevant to an item of business on the *Agenda* and has not been admitted as urgent or other business; or
- (6) purports to be an amendment but is not,

must not be accepted by the *Chair*.

51. Introducing an *Officer's* Report

Before an *Officer's Written* report is considered by the *Council* and any motion moved in relation to such a report, the *Chief Executive* or his/her delegate may introduce the report by a short statement of not more than two (2) minutes.

Also see clause 33 – Presentation of Officer Reports

52. Procedure for Introducing a Motion or an Amendment

- (1) The procedure for moving any motion or amendment is:
 - (a) the mover may briefly state the nature of the motion and then must move it without speaking to it;
 - (b) the motion must be seconded by a *Councillor* other than the mover. If the motion is not seconded, the motion will lapse for want of a seconder;
 - (c) if a motion or an amendment is moved and seconded the *Chair* must call for any *Councillor* questions and then ask whether the motion is opposed and whether any *Councillor* wishes to speak to the motion;
 - (d) if no *Councillor* indicates opposition or a desire to speak to the motion, the *Chair* may declare the motion or amendment carried without discussion;
 - (e) if a *Councillor* indicates opposition or a desire to speak to it, then the *Chair* must invite the mover to address the *Meeting*; (*Time Limit – five (5) minutes*)
 - (f) after the mover has addressed the *Meeting*, the seconder may address the *Meeting*; (*Time Limit – three (3) minutes*)
 - (g) after the seconder has addressed the *Meeting* (or after the mover has addressed the *Meeting* if the seconder does not wish to address the *Meeting*), the *Chair* must invite debate by calling on any *Councillor* who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion (*Time Limit – three (3) minutes respectively*); and
 - (h) after the *Chair* has invited debate on and the right of reply to, the motion, then the *Chair* must put the motion to the vote.

- (2) If the *Chair* wishes to speak to a motion, he or she may only do so once all other *Councillors* wishing to speak to it have done so, and just before closure of debate by the mover of the motion.

53. Right of Reply

- (1) The mover of a motion which has not been amended may, once debate has been exhausted, exercise a right of reply to matters raised during the debate. (*Time Limit – two (2) minutes*)
- (2) The mover of a motion loses his or her right of reply if an amendment to the motion is carried.
- (3) The mover of an amendment to a motion does not have a right of reply.
- (4) A *Councillor* exercising a right of reply must not introduce any new matter.
- (5) After a right of reply has been taken, but subject to any *Councillor* exercising his or her right to ask any question concerning or arising out of the motion, the motion must be immediately put to the vote without any further discussion or debate.

54. Moving an Amendment

- (1) Subject to sub-clause (2) a motion which has been moved and seconded may be amended by leaving out or adding words. Any words must be relevant to the subject of the motion.
- (2) A motion to confirm a previous resolution of the *Council* cannot be amended.
- (3) An amendment cannot be the negative of, or substantially contrary to, the motion.
- (4) Any *Councillor* moving an amendment will be allocated one (1) minute to explain the reasons for the amendment. The statement must be an explanation only and will not entertain the benefits or detriments of the amendment or the substantive motion.
- (5) No notice needs to be given of any amendment, however, if any *Councillor* intends to move an amendment, it must be done prior to the right of reply being exercised.

55. Agreed Alterations to a Motion or Amendment

- (1) A motion having been moved and seconded may, with the consent of the mover and seconder, be amended by the minute taker by leaving out, inserting or adding words which must be relevant to the original motion or amendment and framed so as to complement it as an intelligible and consistent whole, provided that the amendment is made before the motion or amendment is voted on.
- (2) With the leave of the *Chair*, both the mover and seconder of a motion may agree to an alteration to the original motion proposed by any other *Councillor*. This does not necessitate the recording of an amendment into the *Minutes* of the *Meeting* as the alteration would then form part of the substantive motion.
- (3) A *Councillor* may request at any time before a vote is taken on a motion or amendment which is in two or more parts, that each part be put to the vote separately. The *Chair* may agree with or refuse such a request or can decide to put any motion to the vote in separate parts. *Also see clause 62 & 63.*

56. Who May Propose an Amendment

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

57. Who May Debate an Amendment

A *Councillor* may address the *Meeting* once (1) on any amendment, whether or not they have spoken to the original motion, but their debate must be confined to the terms of the amendment.

58. How Many Amendments May be Proposed

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

59. An Amendment once Carried

If an amended motion is carried it becomes the resolution of *Council*.

60. Foreshadowing a Motion

- (1) At any time during debate, a *Councillor* may foreshadow a motion to inform the *Council* of his or her intention to move a motion at a later stage in the *Meeting*. This does not extend any special rights to the foreshadowed motion.
- (2) A foreshadowed motion may be prefaced with a statement that in the event a particular motion is resolved in a certain way a *Councillor* intends to move an additional motion.
- (3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the *Meeting*.
- (4) The *Chief Executive* or his/her delegate is not expected to record a foreshadowed motion in the *Minutes* until the foreshadowed motion is formally moved.

61. Withdrawal of a Motion

Before any motion is put to the vote, it may be withdrawn by the mover with agreement of the seconder or by resolution of *Council*.

62. Separation of Motions

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

63. Chair may Separate or Allow Motions to be Moved in a Block

- (1) The *Chair* may decide to put any motion to the vote in separate parts.
- (2) The *Chair* may allow or request *Councillors* to move "like items" in a block.

64. Motions In Writing

- (1) A *Councillor* wishing to move a motion other than a recommendation or alternate motion included in an *Officer's* report (detailed in the *Agenda*) must read out or submit their motion *In Writing*.
- (2) The *Chair* may adjourn the *Meeting* while the motion is being *Written* or may request that the *Council* defer the matter until the motion has been *Written*, allowing the *Meeting* to proceed uninterrupted.
- (3) The *Chair* may request the *Chief Executive* or the person taking the *Minutes* of the *Council meeting* to read the motion or amendment to the *Council meeting* before the vote is taken.

65. Debate must be Relevant to the Motion

- (1) Debate must always be relevant to the motion before the *Chair* and, if not, the *Chair* will request the speaker to confine debate to the subject matter.
- (2) If after being told to confine debate to the motion before the *Chair*, the speaker continues to debate irrelevant matters, the *Chair* may disallow the speaker any further comment in respect of the matter before the *Chair*.
- (3) A speaker to whom a direction has been given under sub-clause (2) must comply with that direction.

DIVISION 7 – PROCEDURAL MOTIONS

66. Procedural Motions

- (1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.
- (2) Procedural motions require a seconder.
- (3) The *Chair* is unable to move or second a procedural motion
- (4) Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the procedures set out in **Appendix 1** of this Local Law.

DIVISION 8 – SPEAKING TO THE MEETING

67. Rising when speaking

- (1) Except in cases of sickness or infirmity, a *Councillor* must rise when speaking at a *Council meeting*.
- (2) The *Chair* may remain seated when speaking at a *Council meeting*.
- (3) It is unnecessary to rise when speaking at a *Special* or *Advisory Committee meeting*.

68. Speaking Times

- (1) A *Councillor* must not speak longer than the times prescribed in this Local Law i.e.:
 - (a) the mover of a motion – *five (5) minutes*;

- (b) the seconder of a motion – *three (3) minutes*;
 - (c) any other *Councillor* – three (3) minutes; and
 - (d) the mover exercising their right of reply – *two (2) minutes*.
- (2) An extension of speaking time may be granted by the *Chair* but only one (1) extension is permitted for each *Councillor*. Any extension of speaking time must not exceed two (2) minutes.
 - (3) A motion for an extension of speaking time must be proposed:
 - (a) Immediately before the speaker commences debate;
 - (b) During the speaker’s debate; or
 - (c) Immediately after the speaker has concluded debate.
 - (4) A motion for an extension of speaking time cannot be accepted by the *Chair* if another speaker has commenced his or her debate.

69. Interruptions, Interjections and Relevance

- (1) A *Councillor* must not be interrupted except by the *Chair* or upon a *Point of Order*.
See clause 77 - Point of Order.
- (2) A *Councillor* must not deviate from the subject matter of the motion when speaking to it.
See clause 65 – Debate must be relevant to the motion

70. Priority of Address

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

71. Councillors Not to Speak Twice to Same Motion or Amendment

Except that the mover of an unamended motion has the right of reply and that any *Councillor* may take a *Point of Order*, a *Councillor* must not speak more than once to the same motion or amendment.

72. Right to Ask Questions

- (1) A *Councillor* may, when no other *Councillor* is speaking, ask through the *Chair* any question concerning or arising out of the motion or amendment before the *Chair*.
- (2) The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

DIVISION 9 - RESCISSION MOTIONS

73. Rescission Motion

- (1) Motions to revoke, rescind or alter a previous resolution of the *Council* can only be made in the following ways:

- (a) *Notice of Motion*; or
 - (b) by recommendation contained in an *Officer's* report, included in the *Agenda*, that a previous decision be altered or revoked.
- (2) A *Councillor* may propose a Rescission Motion provided:
- (a) it has been signed and dated;
 - (b) the resolution proposed to be rescinded has not been acted on;
 - (c) the effect of rescinding the resolution will not, in the opinion of the *Chief Executive*, place the *Council* at significant legal, financial or other risk, including non-compliance with statutory obligations; and
 - (d) the *Rescission Motion* is delivered or sent electronically to the *Chief Executive* setting out:
 - (i) the resolution to be rescinded; and
 - (ii) the *Meeting* and date at which the resolution was made.
- (3) A resolution will be deemed to have been acted on if:
- (a) its content or substance has been formally communicated *In Writing* by the *Chief Executive* or his/her delegate to a person whose interests are materially affected by it; or
 - (b) a statutory process has been commenced; or
 - (c) all work has been commenced,
- so as to vest enforceable rights in or obligations on the *Council* or any other person.
- (4) The *Chief Executive* or an appropriate *Officer* must defer implementing a resolution which:
- (a) has not been acted on; and
 - (b) is the subject of a *Rescission Motion* which has been delivered or sent to the *Chief Executive* in accordance with sub-clause (2)(d),
- unless deferring implementation of the resolution would, in the *Chief Executive's* opinion, have the effect of:
- (c) depriving the resolution of its usefulness or efficacy; or
 - (d) placing the *Council* at significant legal, financial or other risk.

74. Rescission, If Lost

If a motion to rescind or alter a previous resolution is lost, an identical or similar motion may not be put before the *Council* for at least six (6) months from the date it was last lost, unless the *Council* resolves that the *Rescission Motion* be re-listed at a future *Meeting*.

75. Rescission, If Not Moved

If a *Rescission Motion* is not moved at the *Meeting* at which it is listed, it lapses.

76. Rescission, May Be Moved By Any Councillor

A *Rescission Motion* listed on an *Agenda* may be moved by any *Councillor* present but may not be amended.

DIVISION 10 – POINTS OF ORDER

77. Points of Order

- (1) A *Point of Order* may be raised on the grounds that a matter is:
 - (a) contrary to this Local Law;
 - (b) an act of disorder or conduct in contravention of the *Councillors Code of Conduct*;
 - (c) defamatory;
 - (d) irrelevant to the matter before *Council*;
 - (e) outside the *Council's* power; or
 - (f) frivolous, vexatious or constitutes improper conduct.
- (2) A *Councillor* expressing a difference of opinion or contradicting a speaker is not grounds for raising a *Point of Order*.

78. Procedure for Point of Order

- (1) The *Councillor* taking the *Point of Order* must nominate the ground under sub-clause 77(1) relied upon to support the *Point of Order* being taken.
- (2) If called to order, the *Councillor* who is speaking must stop and remain silent until the *Point of Order* is decided upon, unless otherwise directed by the *Chair*.
- (3) The *Chair* may request a *Councillor* provide an explanation in respect to the *Point of Order* raised.

79. Chair to Decide Point of Order

- (1) The *Chair* when ruling on a *Point of Order* must state the reason for the ruling.
- (2) The *Chair* may adjourn the *Meeting* to consider a *Point of Order* but must otherwise rule upon it as soon as it is raised.
- (3) All other matters before the *Council* are to be suspended until the *Point of Order* is decided.

80. Final Ruling on a Point of Order

- (1) The decision of the *Chair* in respect of a *Point of Order* will not be open for discussion and will be final and conclusive unless the majority of *Councillors* present vote in favour of a motion of dissent.
- (2) A motion of dissent on a *Point of Order* must state the provision, rule, practice or precedent to be substituted for the *Chair's* ruling.
- (3) A motion of dissent in relation to a *Point of Order* is not a motion of dissent in the *Chair* and the *Chair* must at all times remain in the *Chair* and he or she will maintain his or her right to a second vote.

- (4) A motion of dissent on a *Point of Order* will take precedence over all other business and if carried must be acted on instead of the ruling given by the *Chair*.

81. Criticism of Officers

The *Chief Executive* may make a brief statement at a *Council meeting* in respect of any public statement (whether made at a *Council meeting* or not) which has been critical of or may adversely affect an *Officer*.

82. Ordering Withdrawal of Remark

- (1) Whenever any *Councillor* makes use of any expression or remark that is disorderly or capable of being applied offensively to any other *Councillor* or *Officer*, the offending *Councillor* may be required by the *Chair* to withdraw the expression or remark and to make a satisfactory apology to the *Meeting*.
- (2) The *Chair* may require a *Councillor* to withdraw any remark that is defamatory, indecent, abusive or offensive in language or substance.
- (3) A *Councillor* required to withdraw a remark must do so immediately without qualification or explanation.
- (4) Any *Councillor* using defamatory, indecent, abusive or offensive language, and having been twice called to order or to apologise for such conduct and refusing to do so will be guilty of an *Offence*.

See clause 107 – Offences and Penalties

DIVISION 11 – SUSPENSION OF STANDING ORDERS

83. Suspension of Standing Orders for the Purpose of Discussion

- (1) The provisions of the Local Law may be suspended for a particular purpose by resolution of the *Council*.
- (2) The *Suspension of Standing Orders* will be used to enable full discussion of any issues without the constraints of formal *Meeting* procedure. An appropriate motion would be “*That Standing Orders be suspended to enable discussion on _____*”.
- (3) Once the discussion has taken place and before any motion can be put the resumption of Standing Orders will be necessary. An appropriate motion would be “*That Standing Orders be resumed*”.
- (4) No motion may be accepted by the *Chair* or be lawfully dealt with during any *Suspension of Standing Orders*.

DIVISION 12 – MEETING ADJOURNMENTS

84. Adjourning the Meeting

- (1) Once a *Meeting* is declared open, the *Council* may, from time to time, resolve to adjourn the *Meeting*:
- (a) if a *Quorum* is not present within thirty (30) minutes after the time appointed for the *Meeting*;
- (b) if at any time throughout a *Meeting* a *Quorum* is lost;

- (c) if the *Meeting* becomes disorderly and order cannot be restored;
 - (d) to allow for additional information to be presented to a *Meeting*; and
 - (e) in any other situation where adjournment could aid the process of the *Meeting*.
- (2) A *Meeting* cannot be adjourned for a period exceeding seven (7) days from the date of the adjournment.
 - (3) An appropriate motion would be: “*That the meeting be adjourned until _____*”. (Time and date to be specified which does not exceed seven (7) days.)
 - (4) No discussion is allowed on any motion for adjournment of the *Meeting*, but if the motion is lost, the subject then under consideration must be resolved before any subsequent motion for adjournment is moved.

85. Notice for Adjournment of Meeting

- (1) If a *Meeting* is adjourned, the *Chief Executive* will ensure that the *Agenda* for the continuation of the adjourned *Meeting* is identical to the *Agenda* for the *Meeting* which was originally adjourned.
- (2) Except where a *Meeting* is adjourned until later on the same day, the *Chief Executive* must give all *Councillors Written* notice of a new date for the continuation of the adjourned *Meeting* and every reasonable attempt must be made to advise the public of the new *Meeting* date.
- (3) Where it is not practical to provide *Written* notice to *Councillors* because time does not permit that to occur then provided a reasonable attempt is made to contact each *Councillor*, contact by telephone, electronic form, or in person will be sufficient.

86. Lapsed Meeting

A *Meeting* is deemed to have lapsed if a *Meeting* does not commence and therefore no resolution can be made to adjourn the *Meeting*.

See Division 3 – Quorums

87. Undisposed Business of a Lapsed Meeting

- (1) If a *Meeting* lapses, the undisposed section of Business will, unless it has already been disposed of at a *Special meeting*, be included in the *Agenda* for the next *Ordinary meeting*.
- (2) The business of the lapsed *Meeting* must be dealt with prior to any other business, and in the same order as the original *Meeting* papers.

DIVISION 13– MINUTES & RECORDING OF MEETINGS

88. Keeping of Minutes

The *Chief Executive* (or other person authorised by the *Chief Executive* to attend the *Meeting* and to take the *Minutes* of such *Meeting*) must keep *Minutes* of each *Council meeting* and those *Minutes* must record:

- (1) the date and time the *Meeting* was commenced, adjourned, resumed and concluded;

- (2) the names of *Councillors* and whether they are present, an apology, or *Leave of absence* or other details as provided;
- (3) the titles of the *Officers* in attendance;
- (4) any disclosure of a conflict of interest made by a *Councillor*;
- (5) arrival and departure times (including temporary departures) of *Councillors* during the course of the *Meeting*;
- (6) each motion and amendment moved, including the mover and seconder of the motion;
- (7) the outcome of every motion, whether it was put to the vote and the result to indicate whether the motion was carried, lost, withdrawn, lapsed, amended and the names of every *Councillor* and how they voted (either for or against);
- (8) where a division is called, the names of every *Councillor* and the way their vote was cast (either for, against);
- (9) details of a failure to achieve a *Quorum* and any adjournment whether as a result of that or otherwise;
- (10) the time and reason for any adjournment of the *Meeting* or *Suspension of Standing Orders*;
- (11) closure of the *Meeting* to members of the public and the reason for such closure; and
- (12) any other matter which the *Chief Executive* deems should be recorded to clarify the intention of the *Meeting* or the reading of the *Minutes*.

89. Availability of Minutes

Advice that the *Minutes* are available must be provided to all *Councillors* no later than forty-eight (48) hours before the next scheduled *Meeting*.

90. Confirmation of Minutes

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

- (1) when confirming the *Minutes* of a *Meeting*, the *Chair* shall ask *Councillors* "Are any changes required to the *Minutes*?".
- (2) Opposition can only be expressed on the basis that the record contained in the *Minutes* is incorrect (in line with clause 88 Keeping of Minutes) or inaccurate and the *Chair* must not allow discussion or motions on any issue other than an alleged omission from, or inaccuracy of, the *Minutes*.
- (3) If a *Councillor* indicates opposition, he/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.
- (4) If no *Councillor* indicates opposition, the *Chair* must, after seeking a mover and seconder, put the matter to the vote and declare the *Minutes* to be confirmed.
- (5) Once the *Minutes* are confirmed they must be signed by the *Chair* of the *Meeting* at which they were confirmed.

91. Deferral of Confirmation of *Minutes*

The *Council* may resolve to defer the confirmation of *Minutes* until later in the *Meeting* or until the next *Meeting* as appropriate.

92. Recording of *Council meetings*

- (1) The *Chief Executive* or his/her delegate may record on suitable recording equipment all proceedings of *Ordinary* or *Special meetings* of *Council* except where the *Meeting* is closed to the public in accordance Section 89(2) of *the Act*.
- (2) Recordings of *Meetings* will be retained and available for public for viewing or listening on the *Website* for a period of twelve (12) months from the date of the *Meeting*.
- (3) *Visitors* are to be advised that the *Meeting* is being recorded and will be made available on the *Website*.
- (4) *Visitors* will also be advised by appropriate venue signage that while care is taken through recording/filming to maintain a person's privacy as an attendee in the gallery, they may be recorded on audio/film.
- (5) Media representatives may, with the consent of the *Council*, record any part of the *Meeting's* proceedings. The consent of the *Council* must not be unreasonably withheld, and may be revoked any time during the course of the relevant *Meeting*. The Chair shall provide reasons why permission has been revoked.

DIVISION 14 – CONDUCT AND BEHAVIOUR

93. Conduct of *Councillors*

- (1) The conduct of *Councillor's* at *Council meetings* is governed by *the Act*, this Local Law and the *Councillor Code of Conduct*.
- (2) During the course of any *Council meeting*, *Councillors* must comply with the *Councillor Code of Conduct*, a copy of which is available on the *Website*, or can be obtained by contacting the *Chief Executive's* office.

94. Conduct of *Visitors*

- (1) *Visitors* may only address the *Council* in accordance with this Local Law.
See clauses 35 - Petitions & Joint Letters, 36 - Public Question Time & 104 – Deputations & Presentations.
- (2) *Visitors* must not interject or take part in the debate.
- (3) *Visitors* must extend due courtesy and respect to the *Council* and the processes under which it operates and *Councillors* and *Officers* present at the *Council meeting* and must take direction from the *Chair* whenever called on to do so.
- (4) *Visitors* must not operate photographic audio or video recording equipment or any other recording device at any *Ordinary meeting* or *Special meeting* without first obtaining the consent of the *Council*.

95. Chair May Remove

- (1) The *Chair* may order and cause the removal of any person including a *Councillor* who disrupts any *Meeting* or fails to comply with a direction.
- (2) A person removed from a *Meeting* must leave the premises or move to a public area of the premises where they can no longer disrupt the *Meeting*.

96. Removal from the Council meeting

If necessary, the *Chair* may ask the *Chief Executive* or Victoria Police to remove from the *Meeting* any person who acts in breach of this Local Law and whom the *Chair* has ordered to be removed from the *Meeting* under clause 95 of this Local Law.

97. Chair may Adjourn Disorderly Meeting

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Meeting*, the *Chair* may adjourn the *Meeting* to a later time on the same day, or to some later day prior to the next *Ordinary meeting*, at a time and date and venue to be fixed.

See Division 12 – Meeting Adjournments

98. Conduct of Public Meetings

- (1) The provisions of this Local Law may apply to meetings of ratepayers, residents and/or citizens and other public meetings called by the *Mayor* or the *Council*, with appropriate modifications.
- (2) This clause does not prevent any person from addressing a *Meeting* if permitted to do so by the *Chair*.

PART E - ADVISORY AND SPECIAL COMMITTEES

99. Application of this Local Law to Committees

Unless otherwise determined by the *Council* this Local Law applies to *Special Committee meetings, Advisory Committee meetings* and other *Meetings* where the *Council* has resolved that the provisions of this Local Law shall apply, with any necessary modifications.

100. Recording Minutes of Committees

- (1) The *Chief Executive* (or other person authorised by the *Chief Executive*) must record the *Minutes* of all *Meetings* of *Special Committees* of *Council*.
- (2) If the *Minutes* of any *Meeting* of an *Advisory* or *Special Committee* disclose a recommendation to the *Council*, the *Chief Executive* must ensure that such recommendation is reported to the next practicable *Council meeting* for adoption.

101. Quorum – Advisory and Special Committees

See - Division 3, Clause 23 – Quorum Council meeting, Special & Advisory Committees

102. Reports of Advisory and Special Committees

Reports of *Advisory and Special Committees* can be addressed within the *Council meeting Agenda* either as:

- (1) Reports of *Mayoral* and *Chief Executive* activities;
- (2) Reports from *Advisory Committees*; or
- (3) Within the presentation of *Officer Reports*.

Also see clause 28 – Order of Business

PART F – COUNCILLOR BRIEFINGS, DEPUTATIONS & PRESENTATIONS

103. Councillor Briefings

- (1) As part of the *Council's* governance arrangements, *Councillors* meet regularly at informal gatherings of *Councillors* known as 'Council Report Briefings' or 'Workshop briefings' or such other name as the *Council* from time to time adopts.
- (2) The purpose of such gatherings is for the organisation to provide advice to *Councillors* on items of a complex nature or of significant community impact. The briefing enables open discussion between the organisation and *Councillors* and assists both *Officers* and *Councillors* to develop a better understanding of the matter for consideration.
- (3) *Councillor* workshops are similar to briefings but also provide greater opportunity to develop ideas and discuss options on a range of matters.
- (4) *Councillor* briefings/workshops are not decision-making forums. Decisions of the *Council* can only be made in *Council meetings*.
- (5) These gatherings are not open to the public and will generally be held in the *Council* office or in such other locations as the *Chief Executive* nominates from time to time.
- (6) From time to time on invitation of the *Mayor* or *Chief Executive*, other parties and community representatives may attend and participate in these gatherings.
- (7) The operating *Meeting* protocols and arrangements in relation to these gatherings are generally consistent with the *Meeting* procedures of *Council meetings* (excluding decision-making procedures) and may be reviewed from time to time.

104. Deputations and Presentations

- (1) Members of the public may present deputations to the *Council* and these will usually be considered at a *Councillor* briefing session.
- (2) A person/s who seeks to make a deputation or presentation to the *Council* shall make a *Written* request to the *Chief Executive*.
- (3) The *Chief Executive* shall determine which *Councillor* briefing the request shall be referred to for consideration.
- (4) Time limits may be set for speakers and *Councillors* may question the deputation on matters raised for the purpose of clarification.

PART G - MISCELLANEOUS

105. Procedure Not Provided in the Local Law

- (1) Where a situation has not been provided for in this Local Law, the *Council* may determine the matter by resolution.

106. Policies and Guidelines

The *Council* may adopt any policies or guidelines from time to time for the purpose of exercising any discretions of this Local Law.

PART H - OFFENCES AND PENALTIES

107. Offences and Penalties

It is an *Offence*:

- (1) For a *Councillor* to not withdraw an expression which is considered by the *Chair* to be defamatory, indecent, abusive, disorderly or objectionable and to not satisfactorily apologise when called upon twice by the *Chair* to do so.

Penalty: 5 *Penalty units*.

- (2) For any person to fail to obey a direction of the *Chair* relating to the conduct of the *Meeting* and the maintenance of order.

Penalty: 5 *Penalty units*.

- (3) For any person who is guilty of any improper or disorderly conduct to not leave the *Meeting* when requested by the *Chair* to do so.

Penalty: 5 *Penalty units*.

- (4) For any person to operate any audio or visual recording equipment without the prior approval of the *Chair*.

Penalty: 5 *Penalty units*.

- (5) For any person to fraudulently sign a petition or joint letter which is presented to the *Council*.

Penalty: 10 *Penalty units*.

- (6) For any person to use the *Common Seal* or any device resembling the *Common Seal* without authority.

Penalty: 10 *Penalty units*.

108. Service of Notices

- (1) Any infringement notice to be served on or given to a person under this Local Law may be served on or given to the person in accordance with Section 12 of the *Infringements Act 2006*.

- (2) The relevant *Authorised officer* may withdraw the infringement notice within twenty-eight (28) days of its date by sending a notice to the person on whom the infringement notice was served, in accordance with Section 18 of the *Infringements Act 2006*.

- (3) If the person pays the penalty before the infringement notice is withdrawn, the person is entitled to a refund of the penalty.

- (4) If the person pays the penalty within the time specified in the notice or, if the relevant *Authorised officer* allows, before a summons is served on the person in respect of the infringement, the following provisions apply:

- (a) further proceedings for an *Offence* are not to be taken against the person; and

- (b) there is to be no conviction recorded against the person for the infringement.
- (5) A penalty paid under this clause must be applied as if the person who paid it was convicted of the infringement in the Magistrates Court on the information of an authorised relevant person.
- (6) If a person served with an infringement notice has not paid the penalty within the time specified in the notice or any extension of that time or if an infringement notice is not withdrawn, proceedings may still be taken or continued to prosecute the person.

109. Payment of Penalty

- (1) A person issued with an infringement notice may pay the penalty in accordance with the instructions included on the infringement notice.
- (2) To avoid prosecution, the penalty indicated, must be paid within twenty-eight (28) days after the day on which the infringement notice is issued.
- (3) A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

110. Evidence of Service

A statutory declaration by a person who has served or given notice in accordance with this Local Law is evidence of the notice having been served or given as described in that declaration.

Appendix 1 – Procedural Motions

Procedural Motions Table:

Procedural Motion	Form	Mover/Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on a Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to “am/pm” and/or “date”	Any <i>Councillor</i> who has not moved or seconded the motion or otherwise spoken to the motion.	(a) During the election of a <i>Chair</i> ; (b) When another <i>Councillor</i> is speaking	Motion and amendments postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of the debate indefinitely	That this matter be adjourned until further notice.	Any <i>Councillor</i> who has not moved or seconded the motion or otherwise spoken to the motion.	(a) During the election of a <i>Chair</i> ; (b) When another <i>Councillor</i> is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made.	Motion and any amendment postponed but may be resumed at any later <i>Meeting</i> if on the <i>Agenda</i>	Debate continues unaffected	Yes

Procedural Motion	Form	Mover/Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on a Motion
3.The Closure	That the motion be now put.	Any <i>Councillor</i> who has not moved or seconded the motion or otherwise spoken to the motion.	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any <i>Councillor</i> exercising his or her right to ask any question concerning or arising out of the motion.	Debate continues unaffected	No
4. Laying question on the table	That the question lie on the table	Any <i>Councillor</i> who has not moved or seconded the motion or otherwise spoken to the motion.	(a) During the election of a <i>Chair</i> ; (b) During a <i>Meeting</i> which is a call of the <i>Council</i> ; (c) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and amendment is not further discussed or voted on until: (a) the <i>Council</i> resolves to take the question from the table at the same <i>Meeting</i> ; (b) the matter is placed on an <i>Agenda</i> and the <i>Council</i> resolves to take the question from the table.	Debate continues unaffected	No

Procedural Motion	Form	Mover/Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on a Motion
5. Previous question	That the question be not now put	A <i>Councillor</i> who has spoken to the motion or any amendment of it.	<p>(a) During the election of a <i>Chair</i>;</p> <p>(b) When another <i>Councillor</i> is speaking;</p> <p>(c) When the matter is one in respect of which a call of the <i>Council</i> has been made.</p> <p>(d) When an amendment is before the <i>Council</i>; or</p> <p>(e) When a motion would have the effect of causing the <i>Council</i> to be in breach of a legislative requirement.</p>	<p>(a) No vote or further discussion on the motion until it is placed on an <i>Agenda</i> for a later <i>Meeting</i>;</p> <p>(b) Proceed to next business.</p>	Motion (as amended up to that time) put immediately without further amendment or debate.	Yes

Procedural Motion	Form	Mover/Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on a Motion
6. Proceeding to next business	<p>That the <i>Meeting</i> proceed to the next business.</p> <p>Nb: This Motion</p> <p>(a) May not be amended;</p> <p>(b) May not be debated; and</p> <p>(c) Must be put to the vote as soon as seconded.</p>	A <i>Councillor</i> who has spoken to the motion or any amendment of it.	<p>(a) During the election of a <i>Chair</i>;</p> <p>(b) When another <i>Councillor</i> is speaking;</p> <p>(c) When the matter is one in respect of which a call of the <i>Council</i> has been</p>	<p>If carried in respect of:</p> <p>(a) An amendment, <i>Council</i> consider the motion without reference to the amendment</p> <p>(b) A motion – no vote or further discussion on the motion until it is placed on an <i>Agenda</i> for a later <i>Meeting</i>.</p>	Debate continues unaffected	No
7. Alter the order of business	That the item listed as ## on the <i>Agenda</i> be considered before/after the item listed as item ##.	Any <i>Councillor</i> (including the <i>Mayor/Chair</i>)	During debate	Alters the order of business for the <i>Meeting</i> .	Items are considered in the order as listed in the <i>Agenda</i> .	No

Procedural Motion	Form	Mover/Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on a Motion
8. Suspension of Standing Orders	That Standing Orders be suspended to ##(reason must be provided)	Any <i>Councillor</i> (including the <i>Mayor/Chair</i>)	During any debate	The rules of the <i>Meeting</i> are temporarily suspended for the specific reason given in the motion.	<i>Meeting</i> continues unaffected.	No and no debate or decision on any matter. Resolution to resume Standing Orders is the only decision permissible.
9. Resumption of Standing Orders	That the Standing Orders be resumed.	Any <i>Councillor</i> (including the <i>Mayor/Chair</i>)	When Standing Orders have not been suspended.	The temporary suspension of the rules of the <i>Meeting</i> is removed.	The <i>Meeting</i> cannot continue.	No

Procedural Motion	Form	Mover/Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on a Motion
10. Consideration of confidential matter(s)	That, in accordance with sections 89(2) and 77(2) of <i>the Act</i> , the <i>Meeting</i> be closed to members of the public for the consideration of item ## which has been designated confidential on the grounds it relates to ## (insert <i>grounds</i> from s.77(2))	Any <i>Councillor</i>	N/A	The <i>Meeting</i> is closed to members of the public.	The <i>Meeting</i> continues to be open to the public.	Yes
11. Reopen the meeting.	That the <i>Meeting</i> be reopened to members of the public.	Any <i>Councillor</i>	N/A	The <i>Meeting</i> is reopened to members of the public.	<i>Meeting</i> remains closed to members of the public.	No.