

Moirashire

ENRICHING LIFE ON THE MURRAY

Meeting Procedures Local Law 2007

(No. 1 of 2007)

**Adopted 18 June 2007
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MOIRA SHIRE COUNCIL

MEETING PROCEDURES LOCAL LAW 2007 (No. 1 of 2007)

PART 1 - PRELIMINARY PROVISIONS

1. Title

This is the *Meeting Procedures Local Law 2007 (No.1 of 2007)*.

2. Purpose

The objectives of this Local Law are to:

- (a) regulate and control the procedures governing the conduct of meetings of the Council and of special committees appointed by the Council; and
- (b) regulate and control the election of the Mayor and the chairpersons of any special committees; and
- (c) regulate and control the use of the Council's seal; and
- (d) promote and encourage community participation in the local government system; and
- (e) provide a mechanism through its formal meeting procedure to ensure effective and efficient Council decisions are made in a manner which acknowledges the role of local government within the Australian system of Government; and
- (f) provide for the administration of the Council's powers and functions; and
- (g) provide generally for the peace, order and good government of the municipal district.

3. Authorising provision

This Local Law is made in accordance of the provisions of sections 5, 91 and 111 of the **Local Government Act 1989**.

4. Commencement, revocation and areas of operation

This Local Law:

- (a) commences operation on 1 July 2007; and
- (b) unless sooner revoked this Local Law ceases to operate on 30 June 2017; and
- (c) applies to all meetings of the Council including the meetings of any special committees appointed by the Council.

5. Repeal of other Local Laws

From the date of operation of this Local Law the following Local Law will cease to operate and is repealed:

Meetings Procedures Local Law 2001 (No. 1 of 2001)

6. Definitions

- “Act”** means the Local Government Act 1989.
- “Chairperson”** means the person who chairs a meeting of the Council or special committee of the Council.
- “Chief Executive Officer”** means the person appointed as the Chief Executive Officer of the Council.
- “Council”** means Moira Shire Council.
- “Councillor”** means a person who is an elected member of the Council.
- “Council meeting”** includes ordinary and special meetings of the Council.
- “Division”** means a formal count of those for and those against a motion generally to remove any doubt as to whether the motion is supported or opposed.
- “Joint letter”** means any document which is in the form of a letter and bears the signature of two or more persons.
- “Formal motion”** means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but merely used as a formal procedural measure.
- “Mayor”** means the Mayor or Chairperson of the municipal district and includes any person acting as the Mayor or Chairperson.
- “Member”** refers to a person who is entitled to vote at a meeting of the Council or special committee of the Council.
- “Minister”** means the Minister responsible for administering the Local Government Act 1989.

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- “Petition”** means any document which seeks the taking of some specified action by the Council, and which contains within it a prayer for the taking of such action; is signed personally by the petitioners, and which is presented to the Council.
- “Quorum”** means the minimum number of members required by this Local Law to be present in order to constitute a valid meeting of the Council or a special committee.
- “Suspension of Standing Orders”** means the suspension of the provisions of this Local Law to facilitate full discussion of an issue without formal constraints.

PART 2 - ELECTION OF MAYOR AND OTHER CHAIRPERSONS

7. Election of Mayor

- (1) At any meeting to elect the Mayor, the Chief Executive Officer or delegate may act as a temporary chair to deal with the receipt of nominations for the election to the position of Mayor and to conduct the election of the Mayor in accordance with the provisions of this Local Law;
- (2) The election of the Mayor will be carried out by a show of hands unless the Council resolves that it be carried out by secret ballot.
- (3) In determining the election of the Mayor, the following process will apply:
 - (a) where only one nomination is received, that Councillor must be declared elected; or
 - (b) where two nominations are received, the Councillor with the majority of votes cast will be declared elected; or
 - (c) where there are two or more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot; or
 - (d) where there are more than two nominations received and the result has not been determined under paragraphs (b) or (c), the nominee with fewest number of votes cast must be eliminated (and if there is more than one nominee with an equal number of the fewest votes then a lot will determine the successful nominee in this instance) and the names of the remaining nominees must be put to the vote again; and
 - (e) the procedure in paragraph (d) must be repeated until the circumstances in Paragraph (c) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with the majority will be declared elected or if there is an equal division of votes, the election must be determined by lot.
- (4) If the Mayor is unable to attend a Council meeting for any reason the Council must appoint an acting Chairperson.
- (5) Any election for the appointment of an acting Chairperson of a meeting of the Council or of a special committee will follow the same procedure as that for an election of Mayor.
- (6) The provisions applying to voting by secret ballot in this Local Law also apply to voting under this Part.

PART 3 - COUNCIL MEETINGS

Division 1 - Notices of Meetings and Agendas

8. Dates and times of meetings

- (1) The date time and place of all Council meetings are to be fixed by the Council and reasonable notice of the meetings must be provided to the public.
- (2) The Council may change the date, time and place of any Council meeting which has been fixed and must provide reasonable notice of the changes to the public.

9. Special Council meetings

The notice necessary to call a special meeting of the Council in accordance with the Act must be delivered to the Chief Executive Officer in sufficient time to enable reasonable notice to be given to Councillors.

10. Notice of meeting

- (1) A notice of meeting which includes an agenda of the business to be dealt with must be served on every Councillor:
 - (a) for an ordinary meeting, at least 48 hours before the meeting; and
 - (b) for a special meeting, at least 24 hours before the meeting, unless urgent circumstances require less notice; and
 - (c) for a special committee meeting, at least 48 hours before the meeting.
- (2) The notice of agenda for any meeting must:
 - (a) state the date, time and place of the meeting; and
 - (b) the business to be dealt with; and
 - (c) be delivered to each Councillor by post or any other method approved by Council.
 - (d) be available for public inspection.

11. Leave of absence

It will not be necessary to forward a notice of meeting to be sent to any Councillor who has been granted leave of absence, unless the Councillor has made a written request to the Chief Executive Officer to continue to give notice of any meeting to be held during the period of his or her absence.

12. Emergency

- (1) In the case of an emergency, the Chief Executive Officer may call or postpone a meeting of the Council, without the necessity to comply with this Division provided reasonable attempts are made to notify every Councillor.
- (2) The Chief Executive Officer must submit a full written report of the circumstance requiring his or her action to call or postpone a special meeting to the next ordinary meeting of Council.

Division 2 - Quorums

13. Ordinary Council Meetings

The quorum required for ordinary Council meetings is a majority of the Councillors.

14. Special Council Meetings

The quorum required for special Council meetings is the same as for an ordinary meeting unless the meeting has been called to deal with an emergency situation, in which case, the quorum will be three Councillors.

15. Special Committee Meetings

The quorum required for a special committee meeting will be not less than the majority of members for the time being appointed to that committee unless the Council determines otherwise.

16. Inability to obtain or maintain a quorum

- (1) A majority of the Councillors present, or if there are no Councillors present, the Chief Executive Officer may adjourn the meeting if there is insufficient numbers of Councillors present to form a quorum within 30 minutes of the scheduled starting time of the meeting; or
- (2) The meeting may be adjourned until another time and place is determined and written notice of the adjournment must be provided by the Chief Executive Officer to all Councillors unless the meeting is adjourned to a later time on the same day, in which case, any form of notice may be given to Councillors.

17. Inability to achieve or maintain a quorum because of Councillors' conflicts of interest

If during any meeting a quorum cannot be achieved or maintained due to the number of declarations of a conflict of interest by Councillors, the Chief Executive Officer may adjourn the meeting for a length of time sufficient to enable an exemption for the affected Councillors to be obtained from the Minister.

Division 3 - Minutes

18. Keeping of Minutes

The Chief Executive Officer or his or her delegate must record in the minutes of each meeting:

- (a) the date, time and place of each meeting; and
- (b) the names of the Councillors present and the names of those Councillors who tendered an apology and the names of those Councillors who have been given leave of absence; and
- (c) the arrival and departure times of Councillors, including any temporary departures during the course of the meeting; and
- (d) all declarations of an interest or a conflict of interest of a Councillor; and
- (e) every motion and amendment moved, including the mover (and seconder) of any motion or amendment; and
- (f) the outcome of every motion put to the vote, the result of the vote and an identification of those motions voted on by secret ballot; and
- (g) procedural motions; and
- (h) the vote cast by each Councillor on each division called and the way their vote was cast; and
- (i) when requested by a Councillor, keep a record of that Councillor's support or opposition for any motion; and
- (j) any other matter that the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or reading of the minutes.

19. Confirmation of Minutes

- (1) The minutes of Ordinary Meetings must be presented to the next Ordinary meeting of the Council for confirmation.
- (2) The minutes of Special Meetings must be presented for confirmation to the next Ordinary Meeting of the Council or as otherwise determined by the Chief Executive Officer.
- (3) The Chief Executive Officer must cause a copy of the Minutes of each Council meeting to be circulated to all Councillors within twenty-one days of the meeting.
- (4) After the Minutes are confirmed, they must be signed by the Chairperson.

20. No debate on confirmation of the minutes

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

21. Objection to confirmation of the minutes

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

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

Division 4 - Business of Meetings

22. The order of business

- (1) Unless the Council resolves otherwise, the business of an ordinary meeting of the Council must be as follows:
 1. Calling to order – CEO
 2. Prayer
 3. Apologies and requests for leave of absence
 4. Declaration under acts, regulations, codes or local laws
 5. Declaration by councillors of any interest or conflict of interest
 6. Confirmation of minutes of previous meeting
 7. Councillor reports
 8. Officer reports for determination
 9. Officer reports for information
 10. Action officers list
 11. Notices of motion
 12. Petitions and joint letters
 13. Council seal
 14. Urgent or general business
 15. Question time
 16. Confidential business
 17. Confidential action officers list
 18. Confidential urgent or general business
 19. Close of meeting
- (2) Once the agenda has been sent to Councillors or members of a Committee, the order of business for that meeting, or the addition or deletion of items from the order of business, may only be altered by resolution.

- (3) The Chief Executive Officer may include any matter on an agenda that he or she thinks should be considered at the meeting.
- (4) These provisions apply to meetings of special committees of Council to the extent that any modifications may be made to deal with the business of the special committee.

Division 5 - Voting

23. Voting

Unless the Council resolves to deal with a matter by secret ballot, voting on any matter shall be by show of hands.

24. How determined

In determining a motion before a meeting of the Council, the Chairperson will first call for those in favor of the motion, and then those opposed to the motion and will declare the result to the meeting.

25. System of voting by secret ballot

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

26. Divisions

- (1) A division may be requested by a Councillor on any matter except where a motion on any matter has been determined by secret ballot.
- (2) The request must be made to the Chairperson immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.
- (3) Once a division has been requested the Chairperson shall call for a show of hands by those Councillors voting in favour of the motion and then a show of hands by those Councillors opposed to the motion.
- (4) A Councillor may change his or her original vote at the voting on the division and the voting by division will determine the Council's resolution on the matter.
- (5) Once a vote on a matter has been taken, no further discussion relating to the motion shall be permitted unless the discussion is:
 - (a) for a Councillor to request that his or her opposition to the motion be recorded in the minutes; or
 - (b) where a subsequent notice of motion follows a rescission motion.

27. Application to all meetings

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

Division 6 - Procedure at Meetings

28. Permission to speak

- (1) Any Councillor wishing to speak at a Council meeting must first obtain the permission of the Chairperson.
- (2) The Chief Executive Officer or a member of council staff may be invited to speak by the Chairperson, or a Councillor, with permission from the Chairperson; or seek permission to speak directly from the Chairperson. Matters to be raised should be relevant to the meeting, the conduct of the meeting, or be in response to a question raised.

29. All persons to stand when speaking

- (1) Any Councillor wishing to propose a motion or debate a motion must, after obtaining permission of the Chairperson, stand and direct all remarks to the Chair.
- (2) The Chief Executive Officer or a member of council staff must, after obtaining permission of the Chairperson to speak, stand when speaking.

30. No interruption

- (1) Councillors addressing the Chairperson must not be interrupted except by the Chairperson or upon a point of order.
- (2) If a Councillor is interrupted by the Chairperson or upon a point of order the Councillor must be seated until the Chairperson has ceased speaking or the point of order has been disposed of.

31. Chairperson's Duty

- (1) In addition to the duties and discretions otherwise provided by this Local Law, the Chairperson will have the following duties and discretions:
 - (a) The Chairperson must not accept or entertain any motion, question or statement which:
 - (i) is objectionable in language or nature; or
 - (ii) appears to be derogatory, defamatory or embarrassing to any Councillor, member of Council staff, ratepayer or member of the public; or
 - (iii) relates to a matter outside the duties, functions and powers of Council; or
 - (iv) is not relevant to an item of business on the agenda and has not been admitted as urgent business; or
 - (v) relates to personnel matters; or
 - (vi) purports to be an amendment but is not.
 - (b) The Chairperson must call to order any person, including any Councillor, who is disruptive or unruly during any meeting and any person who, having been so called to order fails to comply with the Chairperson's call will be guilty of an offence under clause 65(1).
 - (c) the Chairperson may without resolution adjourn, for a period not exceeding five minutes, any meeting which has, in the opinion of the Chairperson, become unruly to the extent that the business of the meeting cannot be reasonably continued; and
 - (d) the Chairperson may remain seated during all or any part of any meeting.
- (2) Any person referred to in clause 31(1)(b), who upon being requested by the Chairperson to leave such meeting does not do so forthwith will be guilty of a further offence under clause 65(3).
- (3) The Chairperson has absolute discretion to terminate the use of an audio, video or still image recording device, or a combination of such devices, as previously authorised under clause 72, where in the opinion of the Chair such conduct is unnecessarily impacting on the meeting.
- (4) Any person who upon being requested by the Chairperson to cease the use of an audio, video or still image recording device, or a combination of such devices, does not do so may be forthwith removed from the meeting.
- (5) Councillors, the Chief Executive Officer, staff members and members of the public are not permitted to have mobile phones turned on within the confines of the Council Chamber during a meeting. The Mayor has the discretion to waive this requirement in extenuating circumstances.

Division 7 - Motions

32. Moving a motion

The procedure for any motion is:

- (a) the mover must state the motion without speaking to it;
- (b) unless the motion is a formal motion, it must be seconded by a Councillor other than the mover;
- (c) if a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
- (d) if the motion is seconded, the Chairperson must ask “Does any Councillor wish to speak for the motion?”
- (e) if a Councillor wishes to speak for the motion then the Chairperson must request:
 - (i) the mover to address the Council on the motion; and
 - (ii) the seconder to address the Council on the motion; and
 - (iii) the Chairperson may use his or her discretion to allow other Councillors to address the Council on items of significance, however if this discretion is not used;
 - (iv) if no Councillor indicates opposition the motion must then be declared to be carried without being voted on and will be treated as being passed unanimously.
- (f) if a Councillor indicates opposition to the motion then the Chairperson must request:
 - (i) the mover to address the Council on the motion; and
 - (ii) the seconder to address the Council on the motion (who may, without speaking to the motion, reserve his or her address until later in the debate); and
 - (iii) any Councillor who is opposed to the motion to debate in turn; and
 - (iv) any Councillor who is in favour of the motion to debate in turn; and
 - (v) no more than two Councillors for the motion and two Councillors against the motion can debate.

33. Right of Reply

- (1) The mover of an original motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during the debate.
- (2) After a right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.
- (3) No right of reply is available to the mover of an amendment.

34. Moving an amendment

- (1) A motion having been moved and seconded may be amended by leaving out or inserting words, which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole.
- (2) An amendment may be proposed or seconded by any Councillor, other than the mover or seconder of the original motion.
- (3) A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.
- (4) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.
- (5) If the amended motion is carried, it then becomes the question before the Chair.

35. Foreshadowing Motions

- (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, but this does not extend any rights to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chairperson is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) A foreshadowed motion has no procedural standing and is merely a means to assist the flow of the meeting.
- (4) The Chief Executive Officer is not required to have foreshadowed motions recorded in the minutes until the foreshadowed motion is formally moved, but may do so if thought appropriate.

36. Withdrawal of motions

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

37. Separation of motions

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

38. Motions in writing

The Chairperson may require any motion to be submitted in writing where it is lengthy, unclear or for any other reason and may suspend the meeting while the motion is being written.

39. Debate must be relevant to the motion

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

40. Speaking times

- (1) Unless a motion for extension of time has been carried the maximum speaking times will be:
 - (a) the mover of the motion - 3 minutes;
 - (b) the mover of the motion when exercising his or her right of reply - 2 minutes;
 - (c) any other Councillor - 2 minutes.
- (2) An extension of speaking time may be granted by resolution of the Council but only one extension is permitted of each speaker on any motion or amendment.
- (3) A motion for extension of speaking time must be proposed:
 - (a) immediately before the speaker commences the debate; or
 - (b) during the speaker's debate; or
 - (c) immediately after the speaker has concluded debate.
- (4) A motion for the extension of speaking time cannot be accepted by the Chairperson if another speaker has commenced his or her debate.
- (5) Any extension of speaking time must not exceed 2 minutes.

Division 8 - Formal Motions

41. Formal motions

- (1) Unless otherwise prohibited, a formal motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Formal motions are not required to be seconded.

- (3) The mover of a formal motion must not have moved, seconded or spoken to the question before the Chairperson or any amendment of it.
- (4) A formal motion cannot be moved by the Chairperson.
- (5) Unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.
- (6) Unless otherwise provided, a formal motion cannot be amended.

42. Laying the question on the table

- (1) A motion may be moved – “that the (question, letter, document, report, etc) lay on the table”.
- (2) The motion in sub-clause (1):
 - (a) is a formal motion which may be debated and, if carried, has the effect of adjourning any further debate on the matter currently before the Council until such time (if any) as the Council resolves to take the question from the table; and
 - (b) if carried in respect to an amendment, has the effect that both the original motion and the amendment will be adjourned; and
 - (c) prevents debate on the matter currently before the Council proceeding until a motion to take the question from the table is passed.

43. Proceeding to the next business

- (1) A motion may be moved “That the meeting proceed to the next business”.
- (2) The motion in sub-clause (1):
 - (a) is a formal motion which cannot be moved during the election of the Chairperson; and
 - (b) if carried in respect to an original motion, requires the Chairperson to direct the meeting to the next item of business; and
 - (c) if carried in respect to a formal motion, disposes of the formal motion immediately and permits debate upon the original motion to resume; and
 - (d) if carried in respect to an amendment, disposes of the amendment immediately and permits debate upon the original motion to proceed but no similar amendment may be moved at that meeting or any adjournment of it.

44. The previous question

- (1) A motion may be moved “That the question be NOT put”-
- (2) The motion in sub-clause (1):
 - (a) is a formal motion which cannot be moved while there is an amendment before the Chairperson or during the election of a Mayor; and
 - (b) if carried, prevents the original motion to which it relates being dealt with at that meeting or any adjournment of it; and
 - (c) if lost, requires that the original or substantive motion to which it relates be put to the vote immediately without any further debate or amendment.
- (3) The Chairperson has the discretion to reject a motion for the previous question if the matter is contentious by nature or has not been adequately debated.
- (4) Adequate debate arises when every Councillor who wishes to put a view has had an opportunity to do so.

45. The Closure

- (1) A motion may be moved “That the motion be now put” –
- (2) The motion in sub-clause (1):
 - (a) is a formal motion which if carried in respect of an original motion requires that the original motion must be put to the vote immediately without any further debate, discussion or amendment: and
 - (b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and
 - (c) if lost, allows debate to continue unaffected.
- (2) The Chairperson has the discretion to reject such a motion for closure if the motion upon which it is proposed has not been sufficiently debated.
- (3) Sufficient debate arises when those possessing different views have been given an opportunity to state them.

46. Adjourning the debate

- (1) A motion may be moved “That the motion and amendment now before the meeting be adjourned until” –

- (2) The motion in sub-clause (1):
 - (a) is a formal motion which cannot be moved while any person is speaking or during the election of the Mayor; and
 - (b) may be debated but may only be amended in relation in relation to time, date and place of the proposed adjournment.
- (3) If the time, date or place is not included in a motion carried under sub-clause (1), the matter may be re-listed at the discretion of the Chief Executive Officer or upon a subsequent resolution of the Council.

Division 9 - Points of Order

47. Valid points of order

- (1) A point of order may be raised in relation to:
 - (a) a procedural matter;
 - (b) a Councillor who is or appears to be out of order; or
 - (c) any act of disorder.
- (2) Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

48. Procedure for points of order

A Councillor raising a point of order must:

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

49. Chairperson to decide

- (1) The Chairperson will decide all points of order by stating the provision, rule, practice or precedent he or she considers applicable to the point raised without entering into any discussion or comment.
- (2) The Chairperson may adjourn the meeting to consider a point of order otherwise he or she must rule on it as soon as it is raised and all matters before the Council are to be suspended until the point of order is decided.

50. Final ruling on a point of order

- (1) The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of the Councillors present adopt a motion of dissent.
- (2) A motion of dissent on a point of order must contain the rule, provision, practice or precedent in substitution for the Chairperson's ruling.

- (3) A motion of dissent on a point of order is not a motion of no confidence in the Chairperson who must at all times remain in the chair and he or she shall 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 upon instead of the ruling given by the Chairperson.
- (5) Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

51. Adjournment and resumption of meeting

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

Division 10 - Notice of Motion

52. Must be listed on agenda

- (1) A notice of motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.
- (2) All notices of motion must be in writing, dated and signed by one (1) or more Councillors and given to the Chief Executive Officer not less than seven (7) working days prior to the Council meeting at which one of the Councillors who signed the notice of motion proposes to move the motion.

53. Rejection of a notice of motion

The Chief Executive Officer:

- (a) may reject any notice of motion that he or she considers is too vague, but must before rejecting it give the Councillor or Councillors who signed the notice the opportunity to amend it; and
- (b) must notify the relevant Councillor or Councillors of any notice of motion which has been rejected and give the reasons for such rejection.

54. Listing notice of motion on agenda

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

55. Register of notice of motion

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

56. May be moved by a Councillor and amended

- (1) A notice of motion listed on a meeting agenda may be moved by any Councillor present and may be amended.
- (2) A notice of motion which has been lost, or a similar motion, must not be put before the Council for at least three months from the date it was lost.

Division 11 - Notice of amendment or rescission

57. Procedure

- (1) A Councillor may propose a motion to amend or rescind a decision of the Council provided:
 - (a) the decision has not been acted upon; and
 - (b) a written notice which has been dated and signed by at least three (3) Councillors is delivered to the Chief Executive Officer not less than seven (7) working days prior to the meeting outlining:
 - (i) the decision proposed to be amended or rescinded; and
 - (ii) the date and place when the decision was made.
- (2) A decision will be deemed to have been acted upon once its details have been formally communicated to persons affected by or reliant on the decision, or where a statutory procedure has been carried out as a result of that decision.

58. Listing notice on agenda

Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate meeting agenda, together with a brief report outlining the criteria required for the decision to be amended or rescinded.

59. Criteria to amend or rescind a motion

- (1) For a decision of the Council to be amended or rescinded, the motion for amendment or rescission must be carried by the majority of the votes cast.
- (2) Unless the Council resolves to re-list at a future meeting a notice to amend or rescind a motion which has been lost, a similar motion must not be put before the Council for three months from the date it was last considered.
- (3) If a notice of amendment or rescission is not moved at the meeting for which it is listed on the agenda, it will lapse.
- (4) A notice of amendment or rescission listed on a meeting agenda may be moved and amended by any Councillor present.

60. When not required

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

61. Register of notices of amendment or rescission

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

62. Urgent or general business

- (1) Business which has not been listed on a meeting agenda may only be raised as urgent or general business if the majority of Councillors are present and it is agreed to by a resolution of the Council.
- (2) Notwithstanding sub-clause (1), if all Councillors are not present, the Chairperson may rule the matter is of urgency and accept an urgency motion to deal with the business which has not been listed on the meeting agenda.
- (3) An urgency motion can be moved without notice.
- (4) Only the mover of an urgency motion may speak to the motion before it is put.

Division 12 - Public Participation

63. Question time

- (1) At every ordinary meeting of the Council a maximum of 30 minutes may be allocated to enable members of the public to submit questions to Council.
- (2) The time allocated may be extended by unanimous resolution of Council.
- (3) Sub-clause (1) does not apply during any period when the Council has resolved to close a meeting in respect of a matter under section 89(2) of the Act.
- (4) To assist the accurate recording of minutes and addressing any questions that may require written response or follow up, the Chief Executive Officer may require questions to be submitted in writing.
- (5) No person may submit more than two (2) questions at any one (1) meeting.
- (6) The Chairperson or member of Council staff nominated by the Chairperson may read a question to those present.
- (7) No question must be so read unless:
 - (a) the person asking the same is in the gallery at the time it is due to be read; and
 - (b) the person asking the question reads the same when called upon by the Chairperson to do so.
- (8) A question may be disallowed by the Chairperson if it:
 - (a) relates to a matter outside the duties, functions and powers of Council;
 - (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - (c) deals with a subject matter already answered;
 - (d) is aimed at embarrassing a Councillor or a member of Council staff;
 - (e) relates to personnel matters;
 - (f) relates to the personal hardship of any resident or ratepayer;
 - (g) relates to industrial matters;
 - (h) relates to contractual matters;
 - (i) relates to proposed developments;
 - (j) relates to legal advice;
 - (k) relates to matters affecting the security of Council property; or
 - (l) relates to any other matter which Council considers would prejudice Council or any person.

- (9) All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification.
- (10) The Chairperson may request a Councillor or member of Council staff to respond, if possible, to the question.
- (11) Councillor or member of Council staff may require a question to be put on notice until the next Ordinary meeting, at which time the question must be answered, or elect to submit a written answer to the person asking the question.
- (12) A Councillor or member of Council staff may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or member of Council staff must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

64. Directions given by Chairperson

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

65. Chairperson may remove

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

Penalty: 20 Penalty Units

- (2) The Chairperson has the discretion to cause the removal of any person, including any Councillor, who disrupts any meeting or fails to comply with a lawful direction.
- (3) Any person who fails to leave a meeting after being directed to do so by the Chairperson shall be guilty of an offence.

Penalty: 20 Penalty Units

66. Petitions and joint letters

A petition or joint letter presented to the Council will lay on the table until the next ordinary meeting of the Council and no motion other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.

67. Signing petitions

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

Penalty; 20 Penalty Units

68. Obligations of Councillor presenting a petition

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

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

Division 13 - Other procedural matters

69. Suspension of standing orders

- (1) Subject to clause 71 and by resolution of the Council, the provisions of this Local Law may be suspended for any particular purpose.
- (2) The suspension of standing orders should be used to enable full discussion of any issue to take place without the constraints of formal meeting procedures.
- (3) It should not be used to purely dispense with the processes and protocol of the government of the Council.

70. No motions may be accepted during suspension of standing orders

No motion may be accepted by the Chairperson or be lawfully dealt with during any suspension of standing orders.

71. Interruption for point of order

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

72. Use of recording devices at meetings

- (1) Subject to sub-clause (2) the use of an audio, video or still image recording device, or a combination of such devices, shall not be permitted by any person during any ordinary or special meeting of the Council.
- (2) Sub-clause (1) does not apply to a person who has been authorised in writing by the Chief Executive Officer and the Mayor to use an audio, video or still image recording device, or a combination of such devices.
- (3) Any person who contravenes the provisions of this clause shall be guilty of an offence.

Penalty: 20 Penalty Units

- (4) Where an audio, video or still image recording device or a combination of such devices, is being used at a meeting in accordance with sub-clause (2), the Chairperson shall at the commencement of the meeting, inform the meeting accordingly.

73. Matters not provided for

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

PART 4 - COMMON SEAL

74. The Council's common seal

- (1) At all times the Chief Executive Officer must ensure the security of the Council's common seal.
- (2) The Council's common seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Chief Executive Officer or some other officer he or she has authorised in writing.
- (3) Any person who uses or causes to be used the Council's common seal without authority shall be guilty of an offence.

Penalty: 20 Penalty Units

- (4) Any person who uses or causes to be used a replica of the Council's common seal shall be guilty of an offence.

Penalty: 20 Penalty Units

75. Common seal clause

The Council's sealing clause must be as follows;

"The COMMON SEAL of the
MOIRA SHIRE COUNCIL
was affixed hereto by authority
of the Council on theday of
.....20... in the presence of:

.....Chief Executive Officer

PART 5 - ENFORCEMENT AND PENALTIES

76. Infringement notices

- (1) An authorised officer may issue an infringement notice in the form prescribed in Schedule 1 for any offence under this Local Law.
- (2) The fixed penalty in respect of an infringement is the amount set out in Schedule 2.

77. Payment of penalty

- (1) A person issued with an infringement notice may pay the penalty indicated to the Moira Shire Council in accordance with payment methods set out on the notice.
- (2) To avoid prosecution in the Magistrates' Court, the penalty indicated must be paid within 28 days of the date the infringement was issued.
- (3) A person issued with an infringement notice is entitled to disregard the notice and defend the matter in the Magistrates' Court.

MOIRA SHIRE COUNCIL

SCHEDULE 1

INFRINGEMENT NOTICE

Date of Notice:

To: (Name and Address)

I, (Full name of authorised officer) being an authorised officer of the Moira Shire Council have reason to believe that you have committed an offence under the provisions of the **Meeting Procedure Local Law** of the Moira Shire Council as indicated below;

Date of Offence	Time	Clause No.	Penalty \$
Description of offence:			
Location of offence:			

Signed)Authorised Officer

PAYMENT

- If you pay the penalty indicated above within 28 days of the date of notice:
 - the infringement is deemed to be paid;
 - the matter will not be brought before a court (unless a written withdrawal notice is sent to you);
 - no conviction will be recorded.
- A withdrawal notice will be sent to you if it is decided that court proceedings should be instituted in relation to the infringement, or it is decided the penalty should be withdrawn. Should it be decided that this notice be withdrawn, you will be sent by post a withdrawal notice signed by me. Any money paid before the withdrawal notice is sent will be refunded.
- If you pay the penalty by cheque, payment is deemed not to be made until the cheque is honoured upon presentation.
- Make your cheque payable to: *Moira Shire Council*
- Payment can be made in person at any Moira Shire Council service centre or posted to
- You are entitled to disregard this infringement notice and defend the prosecution for the offence in court.

SCHEDULE 2
PENALTIES FIXED FOR INFRINGEMENTS

Clause No.	Offence	Penalty
65(1)	Failing to comply with the Chairpersons direction.	2 Penalty Units
65(3)	Fail to leave meeting after being directed to do so by Chairperson.	5 Penalty Units
67	Fraudulently sign a petition or joint letter.	5 Penalty Units
72(3)	Use a recording device during any ordinary or special meeting of Council.	1 Penalty Units
74(3)	Use or cause the use of the Common Seal without proper authority.	5 Penalty Units
74(4)	Use or cause the use of a replica Common Seal.	5 Penalty Units