

# MEETINGS PROCEDURE AND COMMON SEAL

LOCAL LAW 2019

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# PART 1 - PRELIMINARY

## 1. TITLE

This Local Law is the Council's Meeting Procedures and Common Seal Local Law 2019 and referred to within this document as the Local Law.

## 2. PURPOSE

The purpose of this Local Law is to:

- (1) Provide a mechanism to facilitate the good government of the Council 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;
- (2) Promote and encourage community participation in the system of local government by providing mechanisms for the Council to ascertain the community's views and expectations;
- (3) Regulate and control the election of Mayor, any Deputy Mayor and the chairperson of any Special Committees;
- (4) Regulate and control the procedures governing the conduct of meetings including:
  - (a) The notice required for meetings;
  - (b) The keeping of minutes.
- (5) Regulate the use of the Common Seal and prohibit its unauthorised use;
- (6) Provide for the administration of the Council's powers and functions;
- (7) Provide generally for the peace, order and good government of the municipal district;
- (8) Repeal Local Law No. 15 of 14 October 2015 (Meeting Procedures and Common Seal Local Law No.15)

## 3. THE POWER TO MAKE THIS LOCAL LAW

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

## 4. OPERATIONAL DATE OF THIS LOCAL LAW

This Local Law commences at the beginning of the day on which it is made in accordance with section 121 (1) of the Act.

## 5. DATE THIS LOCAL LAW CEASES OPERATION

Unless this Local Law is revoked sooner, its operation ceases on the 10th anniversary of its commencement of operation.

## 6. SCOPE OF THIS LOCAL LAW

This Local Law applies to all meetings of the Council whilst Appendix A applies to all meetings of Special Committees of the Council.

## 7. WORDS USED IN THIS LOCAL LAW

WORDS	MEANING
Act	<i>The Local Government Act 1989.</i>
Advisory Committee	<i>An Advisory Committee established by Council under Clause 12 of this Local Law.</i>
Assembly of Councillors	<i>An Assembly of Councillors as defined in section 3 of the Act.</i>
Agenda	<i>The notice of a meeting setting out the business to be transacted at the meeting.</i>
Business Days	<i>A normal working day of the Council, usually Monday to Friday excluding declared Public Holidays.</i>
Call of the Council	<i>The procedure whereby the Minister administering the Act calls the Council together to hold a Council meeting on a date, time and place as determined by the Minister.</i>
Chair	<i>The Chairperson.</i>
Chairperson	<i>The person who chairs a meeting of the Council or Special Committee of the Council and includes a person acting as Chairperson, a temporary Chairperson and a substitute Chairperson.</i>
Chief Executive Officer	<i>The member of Council Staff appointed to be its Chief Executive Officer, and includes a person acting as Chief Executive Officer.</i>
Clause	<i>A clause of this Local Law.</i>
Code of Conduct	<i>The Code of Conduct approved under section 76C of the Act for Councillors.</i>
Committee Meeting	<i>A meeting of a Special Committee or an Advisory Committee.</i>
Common Seal	<i>The Common Seal of the Council.</i>
Council	<i>The Buloke Shire Council.</i>
Councillor	<i>A person who is an elected member of the Council.</i>
Council Meeting	<i>Includes Ordinary and Special meetings of the Council.</i>
Deputy Mayor	<i>A Councillor who has been elected to that position by a vote of Councillors.</i>
Division	<i>A formal count and recording of those for and those against a motion.</i>
Financial Year	<i>Has the same meaning as in the Act.</i>
Formal Motion	<i>A motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure.</i>
Lot	<i>The casting or drawing of objects from a receptacle, to decide something (e.g. to choose a person by lot).</i>
Mayor	<i>The Mayor of the Council and any person acting as the Mayor.</i>
Meeting	<i>An Ordinary and a Special meeting of Council, a Special Committee meeting or an Advisory Committee meeting.</i>
Member	<i>A person who is entitled to vote at a meeting of the Council or a Special Committee of the Council.</i>
Minister	<i>The Minister responsible for administering the Local Government Act 1989.</i>
Minutes	<i>The record of proceedings of a meeting of the Council or a Special Committee of the Council.</i>
Municipal District	<i>The area from time to time comprising the Municipal District of the Council.</i>
Municipal Offices	<i>The offices of the Council.</i>
Notice of Motion	<i>A notice setting out the text of a motion which is proposed to be moved at the next relevant meeting.</i>

WORDS	MEANING
Offence	<i>An act or default contrary to this Local Law</i>
Ordinary Meeting	<i>An Ordinary meeting of Council.</i>
Penalty Unit	<i>Has the meaning set out in section 110 of the Sentencing Act 1991.</i>
Present in the Meeting	<i>A Councillor was physically present in the Council Chamber or other room in which an Ordinary, Special or Advisory meeting of Council is being held.</i>
Recommendation	<i>The recommendation made by the Chief Executive Officer, Senior Officer or other member of staff in a report made to Council as part of the agenda. Such a recommendation has no standing unless it is moved and seconded as a motion for debate by Council.</i>
Regulations	<i>The Local Government Regulations (General Regulations) 2015 and any new regulations that may be applicable.</i>
Replica	<i>In relation to the Common Seal of the Council means any representation which purports to be, looks like or is capable of being mistaken for the Common Seal whether fixed to or printed on a document or advertisement or sign and includes any use of a symbol resembling the Common Seal which is capable of misleading a person into believing it is used with the authority of the Council.</i>
Resident	<i>A person who has a place of residence within the Municipal District.</i>
Senior Officer	<i>Has the meaning ascribed to it in section 3 of the Act.</i>
Special Committee	<i>A Special Committee established as defined in section 3 of the Act.</i>
Special Meeting	<i>A Special Meeting of the Council.</i>
Statutory Year	<i>The year commencing no earlier than the last Saturday in November and concluding no later than 31 December of the following year or as the Act may prescribe from time to time.</i>
Suspension of Standing Orders	<i>The suspension of the provisions of this Local Law to facilitate full discussion on an issue without formal constraints.</i>
Visitor	<i>Any person (other than a Councillor or member of Council staff) who is in attendance at a Council meeting or Special Committee meeting.</i>
Written	<i>Includes duplicated, lithographed, photocopied, photographed, printed, typed and emailed.</i>

## **PART 2 - ELECTION OF MAYOR**

### **8. MUST ELECT A MAYOR**

Councillors must elect a Councillor to be the Mayor.

### **9. WHEN REQUIRED**

The Special meeting to elect the Mayor must be held in the period prescribed in section 71 of the Act.

### **10. SETTING MEETING TIME FOR ELECTION OF MAYOR FOR ONE YEAR**

Subject to Clause 11, the Chief Executive Officer will determine the most appropriate time and date to hold a Special meeting for the election of the Mayor.

### **11. SETTING MEETING TIME FOR ELECTION OF MAYOR FOR LESS THAN ONE YEAR**

If the term of the Mayor is for less than one year, the Council may fix the date for the Election of the Mayor to ensure continuity of the office.

### **12. AGENDA FOR THE MEETING TO ELECT THE MAYOR**

The agenda for the Special meeting to elect the Mayor must include:

- (1) The process for Councillors to take the oath of office in accordance with section 63 of the Act;
- (2) The election of the Mayor and any Deputy Mayor in accordance with section 71 of the Act and the provisions of this Local Law;
- (3) The appointment of Councillors to any Special or Advisory Committees of the Council, other Committees of the Council, as delegates to peak bodies or Council representatives on affiliated organisations or community organisations; and
- (4) Fixing the date and time of all Council meetings and any other meetings required by the Council for the Mayoral year.

### **13. ELIGIBILITY**

Any Councillor is eligible for election or re-election to the office of Mayor.

### **14. FIRST TEMPORARY CHAIRPERSON**

The Chief Executive Officer will be the first Temporary Chairperson of the meeting at which the election of the Mayor is to be conducted.

### **15. SECOND TEMPORARY CHAIRPERSON**

- (1) The Chief Executive Officer must invite nominations for a second temporary Chairperson.
- (2) If there is only one nomination, the candidate is deemed to have been elected.
- (3) If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates by a show of hands, and the candidate receiving a majority of votes must be declared to have been duly elected.

### **16. METHOD OF VOTING**

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

### **17. DETERMINING THE ELECTION OF MAYOR**

- (1) The temporary Chairperson will invite nominations for the office of Mayor.
- (2) Every nomination shall require a seconder.
- (3) Any Councillor nominated may refuse nomination. If there is only one nomination received, the candidate nominated shall be declared elected Mayor.
- (4) Where two or more nominations are received, the method of voting will be by show of hands and the Councillor with the absolute majority of votes cast shall be declared elected.
- (5) Where there are two or more nominations and all votes cast equally divide between two or more nominees, the election must be determined by lot.



# PART 2 - ELECTION OF MAYOR

- (6) If no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a candidate and a further poll conducted between the remaining candidates. If there are several candidates, the procedure must be repeated until a candidate receives an absolute majority of votes and that candidate shall be declared Mayor.
- (7) If for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by simple majority vote.
- (8) If there is an equality of votes with respect to the candidate to be eliminated, the candidate to be eliminated shall be determined by lot.

## 18. DETERMINING BY LOT

If a lot is required, the Chief Executive Officer will conduct the lot and the following provisions will apply:

- (1) Each candidate shall draw one (1) lot.
- (2) The order of drawing lots shall be determined by the alphabetical order of the surname of the Councillors who received an equal number of votes, except that if two or more such Councillors' surnames are identical, the order shall be determined by the alphabetical order of the Councillors' first names.
- (3) As many identical pieces of paper as there are Councillors who received an equal number of votes shall be placed in a receptacle by the Chief Executive Officer.
- (4) If the lot is being conducted to determine which candidate is a defeated candidate, the word "Defeated" shall be written on one (1) of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it shall be declared the defeated candidate (in which event a further vote shall be taken on the remaining candidates); or
- (5) If the lot is being conducted to determine which candidate is to be elected, the word "Elected" shall be written on one (1) of the pieces of paper, and the Councillor who draws the paper with the word "Elected" written on it shall be declared to have been duly elected.

## 19. MAYOR TO TAKE CHAIR

- (1) After the election of the Mayor is determined, the Mayor must take the Chair.
- (2) The Mayor must take the Chair at all Council meetings at which he or she is present unless precluded from doing so because of a conflict of interest. In the absence of the Mayor, a Councillor must be appointed Acting Chairperson but in making that appointment, the Council must give preference to appointing the Deputy Mayor, if there is one.
- (3) Where neither the Mayor nor a Deputy Mayor is present at a meeting, or the Mayor or Deputy Mayor are precluded from taking the Chair because of a conflict of interest, then the Chief Executive Officer will conduct an election for a temporary Chair in accordance with Clause 15 of this Local Law.

## 20. APPOINTMENT OF CHAIRPERSON OR ACTING CHAIRPERSON OF SPECIAL COMMITTEES

- (1) The process set out in Clause 14 and Clause 15 applies to the appointment of a Chairperson or Acting Chairperson of a Special Committee created under the provisions of section 86 except that references to Councillors are, in respect of section 86 Special Committees, to include any member of such Special Committee.
- (2) It is a matter of Council's discretion whether it decides to appoint a Chairperson of a Special Committee however the Committee must appoint its own Chairperson if the Council does not.
- (3) Any election by Council of a Deputy Mayor or acting Chair of a Council meeting or a chair of a Special Committee will follow the same procedure as that for an election of the Mayor.



# PART 3 - MEETINGS PROCEDURE

## DIVISION 1 - NOTICES AND AGENDAS

### 21. PUBLIC NOTICE OF DATES AND TIMES OF MEETINGS

- (1) At the Statutory Meeting the Council, the Council must fix the date, time and place of all Council and Special Committee meetings of the Council, which may be amended where the circumstances require.
- (2) The Council must provide at least seven (7) days' notice of Ordinary meetings and Special meetings of the Council and meetings of any Special Committees comprised solely of Councillors unless urgent or extraordinary circumstances prevent the Council from doing so in which case, the Council must give public notice that is practicable for the circumstances which includes advice of the reasons why the seven (7) days' notice of the meeting could not be given.
- (3) In addition to the public notice given of the meeting dates, notice will be published on Council's website.

### 22. COUNCIL MAY ALTER MEETING DATES

- (1) The Council may change the date, time and place of any Council meeting and Special Committee meetings which has been fixed and must provide reasonable notice of the changes to the public.
- (2) Where meeting dates are changed details should be published in the local paper and on Council's website. However, if time does not allow for details to be published in the local newspapers then the posting of a notice setting out the details should be placed in as many public places as is practicable to inform the public of the change.

### 23. SPECIAL COUNCIL MEETINGS

The notice necessary to call a meeting in accordance with section 84 of the Act must be delivered to the Chief Executive Officer in sufficient time to ensure that at least two (2) clear business days' notice is given to Councillors unless urgent or extraordinary circumstances have necessitated the Special Council meeting.

### 24. NOTICE OF MEETING

- (1) Unless urgent or extraordinary circumstances have necessitated the meeting, a notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be served on every Councillor:
  - (a) For an Ordinary meeting at least two (2) clear business days before the meeting and
  - (b) For a Special Council meeting at least two (2) clear business days before the meeting; and
  - (c) For a Special Committee meeting at least two (2) clear business days before the meeting.
- (2) The notice on agenda for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent by post, messenger or email to each Councillors' place of residence or usual place of business (if applicable) or as otherwise specified by the Councillor.
- (3) A notice may be handed personally to a Councillor in any location within the time required, or may be delivered to another destination, provided a written authorisation of the relevant Councillor is held by the Chief Executive Officer.

# PART 3 - MEETINGS PROCEDURE

- (4) Agendas may be delivered to Councillors by any of the following methods:
- (a) **By Post**  
The Notice should be delivered to the local Post Office in sufficient time to enable the notice to reach the Councillor's postal address at least 48 hours prior to the meeting, according to normal mail delivery.  
  
If for any reason, the reliability of the post service is in question, attempts to contact the relevant Councillors by telephone should be made, if circumstances permit.
  - (b) **By Delivery**  
Delivery to the Councillor's place of residence, or usual place of business (if applicable) at least 48 hours before the meeting, will be sufficient to constitute delivery whether the Councillor is in attendance or not.
  - (c) **By Email**  
An email including a successful delivery report indicating the email has been successfully transmitted at least 48 hours before the meeting, will suffice to constitute delivery of the notice.
  - (d) **Online Portal**  
The uploading should occur at least 48 hours before the meeting.
- (5) To enable the processes of government to be efficiently managed, Councillors should keep the Chief Executive Officer informed of their point(s) of contact from time to time.

## 25. LEAVE OF ABSENCE

It will not be necessary for a notice of meeting or agenda to be served on any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of his or her absence.

## DIVISION 2 - OPEN MEETINGS

### 26. MEETINGS OPEN TO THE PUBLIC

Subject to Clause 29, all Council meetings must be open to members of the public.

### 27. MEETINGS CLOSED TO THE PUBLIC

Council may resolve that a Council meeting be closed to members of the public if the meeting is discussing:

- (1) Personnel matters;
- (2) The personal hardship of any resident or ratepayer;
- (3) Industrial matters;
- (4) Contractual matters;
- (5) Proposed developments;
- (6) Legal advice;
- (7) Matters affecting the security of Council property;
- (8) Any other matters which Council or the Special Committee considers would prejudice Council or any person; or
- (9) A resolution to close the meeting to members of the public.

### 28. CODE OF CONDUCT - COUNCILLORS

During the course of any Council meeting, Councillors must comply with the Code of Conduct.

## **PART 3 - MEETINGS PROCEDURE**

### **DIVISION 3 - QUORUMS**

#### **29. ORDINARY COUNCIL MEETINGS**

The quorum required for Ordinary Council meetings shall be four (4) Councillors.

#### **30. SPECIAL COUNCIL MEETINGS**

The quorum required for Special Council meetings shall be four (4) Councillors.

#### **31. SPECIAL COMMITTEE MEETINGS**

The quorum for a Special Committee meeting will be determined by the Council for each Committee, but in the absence of the Council's determination, the quorum required will be not less than a majority of members.

#### **32. AN URGENT OR EMERGENCY MEETING**

In the case of an emergency where the Mayor, the Chief Executive Officer, or in his or her absence a Senior Officer, has acted under Clause 27, the quorum required will be five (5) Councillors.

#### **33. INABILITY TO GAIN A QUORUM**

- (1) If after thirty (30) minutes of the scheduled starting time of any meeting or adjournment a quorum cannot be obtained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in his or her absence, a Senior Officer, may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.
- (2) If a Council meeting is adjourned, the Chief Executive Officer must ensure that the agenda for such a meeting is identical to the agenda for the meeting which is deemed to have lapsed.
- (3) The Chief Executive Officer must give all Councillors notice of the meeting and every reasonable attempt shall be made to advise the public of the revised meeting date.

#### **34. INABILITY TO MAINTAIN A QUORUM**

- (1) If during any meeting or any adjournment of the meeting, a quorum cannot be achieved and maintained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in 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.
- (2) If a Council meeting lapses, the uncompleted business must be included in the agenda for the next Ordinary Council meeting.

#### **35. INABILITY TO ACHIEVE OR MAINTAIN A QUORUM DUE TO INTERESTS OF COUNCILLORS**

If during any meeting or adjournment a quorum cannot be achieved or maintained due to the number of disclosures of conflicts of interests by Councillors, the Chief Executive Officer, or in his or her absence, a Senior 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 under section 80 of the Act.

#### **36. NOTICE FOR ADJOURNED MEETING**

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

# PART 3 - MEETINGS PROCEDURE

## DIVISION 4 - CONDUCT OF BUSINESS

### 37. THE ORDER OF BUSINESS

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

The Chief Executive Officer should endeavour to be consistent in preparing any agenda from meeting to meeting. However, this should not preclude the Chief Executive Officer from altering the order of business to enhance the fluent and open process of government of the Council or to take advantage of opportunities which may arise from time to time.

In determining the agenda, the Chief Executive Officer should consider:

- (a) The general attitude of the Council;
  - (b) Convenience to the community and interested community groups;
  - (c) The sensitivity of issues;
  - (d) The interest/s of the community and community groups; and
  - (e) Any other relevant factor which may impact on the fluent and open processes of the government of the Council.
- (2) As a guide, the Chief Executive Officer should list items, giving priority as follows:
- (a) Procedural and protocol matters which may include:
    - At the Mayor's discretion, an Acknowledgement of Country
    - At the Mayor's discretion, an opening prayer
    - Receipt of apologies
    - Confirmation of Minutes
    - Requests for leave of absence
    - Declarations of Conflict of Interest
    - Questions from the public
    - Petitions
    - Planning permits issued under delegated authority

- Letters of congratulations and recognition of achievements.

- Any other Procedural Matter

- (b) General business may include:

- Policy Reports
- Management Reports
- Financial Reports
- Organisational Reports
- Reports from Councillors
- Matters which may exclude the public

- (c) Other business may include:

- Notices of Motion
- Questions from Councillors
- Urgent business
- Any other business.

### 38. CHANGE TO ORDER OF BUSINESS

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

### 39. CHIEF EXECUTIVE OFFICER MAY INCLUDE ITEMS ON AN AGENDA

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

### 40. MEETINGS OF SPECIAL COMMITTEES

The agenda for a Special Committee will be relevant to the issues which are to be raised at the meeting and any reference to Councillors extends to non Councillor members of a Special Committee and any reference to the Council is to be read as referring to the Special Committee.

## PART 3 - MEETINGS PROCEDURE

### 41. TIME LIMIT FOR MEETINGS

- (1) A meeting must not extend beyond 10.00 pm unless a majority of Councillors present vote in favour of its extension.
- (2) In the absence of such an extension, the meeting must stand adjourned to a time, date and place to be then and there announced by the Chairperson.
- (3) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

## DIVISION 5 – MINUTES

### 42. KEEPING OF MINUTES

- (1) The Chief Executive Officer must ensure that:
  - (a) Minutes are kept of all Council meetings and Special Committee meetings of the Council; and
  - (b) A written record is kept of and Assembly of Councillors and submitted to Council in accordance with section 80A of the Act
- (2) The minutes of any Council meeting must record:
  - (a) The date, place, time, duration and nature of the meeting;
  - (b) The names of Councillors present, including the ward they represent;
  - (c) Apologies and leaves of absence;
  - (d) The names of officers present with their organisational title;
  - (e) The arrival and departure time of Councillors during the course of the meeting (including any temporary departures or arrivals);
  - (f) Every motion and amendment moved, including the mover and seconder of any motion or amendment;
  - (g) The outcome of every motion that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED, AMENDED;
  - (h) Procedural motions should be highlighted;
  - (i) Where a valid division is called, a table of the names of every Councillor and the way their vote was cast; either FOR, AGAINST or ABSTAINED and the Councillor's stated reason for any abstained vote;
  - (j) When requested by a Councillor, a record of their support or opposition for any motion;
  - (k) Details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
  - (l) Details of any question directed or taken upon notice;
  - (m) Details of any deputations made to the Council;
  - (n) The time and reason for any adjournment of the meeting or suspension of standing orders;
  - (o) Details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
  - (p) Disclosure by a Councillor of a conflict of interest and the details associated with that disclosure required by section 79 of the Act and any disclosure of conflict of interest by the Chief Executive Officer required by section 80B of the Act; and
  - (q) Any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading the Minutes;
  - (r) Closure of the meeting to members of the public and the reasons for such closure; and,
  - (s) any relevant reports or a summary of relevant reports considered by the Council.
- (3) In addition, every page of the Minutes should:
  - (a) Be consecutively page numbered; and
  - (b) Contain consecutive item numbers which are clearly headed with a subject, titles and where appropriated sub-title and file references.
  - (c) Every minute and the item that it relates to must be indexed through a central indexing system established and maintained by the Chief Executive Officer.

# PART 3 - MEETINGS PROCEDURE

## 43. CONFIRMATION OF MINUTES

- (1) An appropriate motion to confirm the Minutes would be:  
*"That the minutes of the (Type of Meeting) held on (Date of meeting) be confirmed."*
- (2) If some slight alteration is required to the minutes, then the following words could be added:  
*"subject to the following alteration(s)"*
- (3) If the Confirmation of the Minutes is to be postponed, an appropriate motion would be:  
*"That the Confirmation of Minutes be held over until:"* or  
*"That the Confirmation of Minutes be held over and relisted on the next Agenda."*
- (4) The Chairperson of the meeting at which the minutes were confirmed is required to verify the minutes by initialing each page of the minutes and by signature on the final page.
- (5) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

## 44. OBJECTION TO CONFIRMATION OF 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.

## 45. DEFERRAL OF CONFIRMATION OF MINUTES

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

## 46. RECORDING OF MINUTES

- (1) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may record with appropriate recording equipment all the proceedings of a Council meeting.
- (2) Subject to Clause 47(1) a person must not operate any visual or sound recording equipment at any Council meeting without first obtaining the consent of Council or the Chairperson. Such consent may be at any time during the course of such meeting be revoked by Council or the Chairperson.

**Penalty: Four (4) Penalty Units**

## DIVISION 6 - VOTING AT MEETINGS

### 47. HOW DETERMINED

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

### 48. BY SHOW OF HANDS

- (1) In meetings that are required by the Act to be open voting on any matter will be by show of hands.

### 49. WHEN A DIVISION PERMITTED

- (1) A division may be requested by any Councillor on any matter.
- (2) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.



## **PART 3 - MEETINGS PROCEDURE**

### **50. PROCEDURE FOR A DIVISION**

- (1) Once a division has been requested the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion.
- (2) The Chairperson shall name those Councillors voting for the motion, those Councillors voting against the motion, and any Councillor abstaining from voting, and the names shall be recorded in the Minutes of the meeting.
- (3) Any Councillor abstaining from voting must state their reason for doing so to enable the reason to be recorded in the Minutes of the meeting.

### **51. BETWEEN THE ORIGINAL VOTE AND THE DIVISION**

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

### **52. NO DISCUSSION ONCE DECLARED**

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

- (1) For a Councillor to request that his or her opposition to the motion be recorded in the minutes; or
- (2) Where a subsequent notice of motion follows a rescission motion.

### **53. APPLICATION TO ALL MEETINGS**

The provisions of Clause 48 to Clause 53 apply to meetings of Special Committees of Council to the extent that they are relevant to the proceedings of any Special Committee and any reference to Councillor in those clauses extends to any member of a Special Committee.

## **DIVISION 7 - ADDRESSING THE MEETING**

### **54. ADDRESSING THE MEETING**

- (1) Any Councillor or person who addresses the meeting may remain seated and shall direct all remarks through the Chair.
- (2) A Chairperson may address a meeting, however if the Chairperson wished to debate a particular motion or move any motion or amendment, on any matter under discussion, the Chairperson must advise Council of that intention and vacate the Chair on such occasions for the duration of any item under discussion.
- (3) If the Chairperson vacates the Chair pursuant to sub-clause (2), a temporary Chairperson shall be elected by the meeting and shall take the Chair until the item has been voted upon.
- (4) Any person addressing the Chair should refer to the Chairperson as:
  - Madam Mayor; or
  - Mr Mayor; or
  - Madam Chairperson; or
  - Mr Chairperson;as the case may be.
- (5) All Councillors, other than the Mayor, should be addressed as Cr. ....(surname).
- (6) All Officers, should be addressed as Mrs., Ms., Miss or Mr. ....(surname).



# PART 4 - OTHER MEETING PROCEDURES

## DIVISION 1 - MATTERS NOT PROVIDED FOR

### 55. MATTERS NOT PROVIDED FOR

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

## DIVISION 2 – MOTIONS

### 56. FORM OF MOTION

- (1) Any motion or an amendment to a motion must:
  - (a) Be moved and seconded;
  - (b) Relate to the powers or functions of Council;
  - (c) Be in writing, if requested by the Chairperson; and
  - (d) Except in the case of urgent business, be relevant to an item of business on the agenda.
- (2) A motion or amendment must not be defamatory or objectionable in language or nature.
- (3) The Chairperson may refuse to accept any motion or amendment which contravenes this Clause.
- (4) A motion or amendment cannot be withdrawn without the consent of the meeting.
- (5) A recommendation made in a report by the Chief Executive Officer, Senior Officer or any other member of staff, that forms all, or part, of an agenda item before a meeting has no standing until moved as a formal motion and seconded. Suggested wording of such a motion may include **“I move the recommendation”, “Move the recommendation” or “Move the recommendation be adopted”**.

### 57. MOVING A MOTION

The procedure for any motion is-

- (1) The mover must state the motion without speaking to it;
- (2) The Chairperson must call for a seconder unless the motion is a call to enforce a Point of Order;
- (3) Unless the motion is a formal motion, it must be seconded by a Councillor other than the mover;

- (4) If a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
- (5) If the motion is seconded, the Chairperson must ask: “Is the motion opposed”;
- (6) If no Councillor indicates opposition, and no Councillor wishes to speak to the motion, the motion must be declared to be carried without being voted on and will be treated as being passed unanimously;
- (7) If a Councillor indicates opposition to the motion, then the Chairperson must call the mover to address the meeting;
- (8) After the mover has addressed the meeting the seconder may address the meeting;
- (9) After the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting) the Chairperson may call upon any Councillor who wishes to speak against the motion;
- (10) After a Councillor has spoken against the motion the Chairperson may call upon any other Councillor to speak for or against the motion;
- (11) A Councillor may speak once on the motion except for the mover of the motion who has a right of reply after which the motion must be put to the meeting for decision;
- (12) A Councillor may be permitted by the Chairperson or by resolution to speak more than once to explain that the Councillor has been misrepresented or misunderstood;
- (13) A Councillor calling the attention of the Chairperson to a Point of Order is not regarded as speaking to the motion or the amendment; and
- (14) Motions must be clear and unambiguous and not be defamatory or objectionable in language or in nature.
- (15) Prior to a motion being moved, the Chairperson may request a member of Council staff to introduce the report relevant to the item on the agenda being considered by the Meeting.

## **PART 4 - OTHER MEETING PROCEDURES**

### **58. AGREED ALTERATION TO A MOTION**

- (1) With the leave of the Chairperson, both the mover and the seconder of a motion may agree to an alteration proposed by another Councillor.
- (2) For the purpose of this Local Law, any such alteration shall not be regarded as an amendment to the motion.

### **59. 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 debate but cannot introduce any new material.
- (2) After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

### **60. NO RIGHT OF REPLY FOR AMENDMENTS**

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

### **61. MOVING AN AMENDMENT**

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

### **62. 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.

### **63. WHO MAY DEBATE AN AMENDMENT**

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

### **64. HOW MANY AMENDMENTS MAY BE PROPOSED**

- (1) 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.
- (2) A Councillor cannot move more than two (2) amendments in succession.

### **65. AN AMENDMENT ONCE CARRIED**

If the amended motion is adopted it becomes the substantive motion and, as such, shall be put to the vote by the Chairperson but only after Councillors who did not speak to the original motion have exercised their right to do so.

### **66. 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 special right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chair is resolved in a certain way, a Councillor intends to move an alternative or 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 Officer would not be expected to record foreshadowed motions recorded in the Minutes until the foreshadowed motion is formally moved, but may do if it is thought appropriate.

# PART 4 - OTHER MEETING PROCEDURES

## 67. WITHDRAWAL OF MOTIONS

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

## 68. 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.

## 69. CHAIRPERSON MAY SEPARATE MOTIONS

- (1) The Chairperson may decide to put any motion to the vote in separate parts.
- (2) Where a motion contains several parts/segments or is complicated, it may be separated to avoid difficulties, particularly if different Councillors have differing views about the several parts of the motion.

## 70. MOTIONS IN WRITING

- (1) Where a motion is lengthy, complicated or the exact intention of the motion is not clear the Chairperson may require a Councillor to submit their motion in writing.
- (2) The Chairperson may wish to suspend the meeting while the motion is being written or may request the Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

## 71. CIRCULARS MOTIONS

- (1) Where:
  - (a) The Council gives approval in principle to a matter subject to receiving further information; or
  - (b) A matter exceeding the Chief Executive Officer's powers of delegation requires a decision or action before the next Council meeting and it is not possible to hold a special meeting -  
the Chief Executive Officer may circulate a proposed motion to Councillors to obtain their approval.

- (2) The proposed motion must be in writing and must

contain a statement where a Councillor indicates his or her approval or dissent from the proposed motion in writing.

- (3) The proposed motion will not be considered to have been approved by the Council unless all members of the Council unanimously approve the proposed motion.
- (4) At the next ordinary meeting of the Council, the Chief Executive Officer must ensure that the agenda contains a report on the motion circulated and the Council's decision which must be recorded in the minutes of the meeting.

## 72. DEBATING THE MOTION

- (1) Debate must always be relevant to the question before the Chair, and if not, the Chairperson may request the speaker to confine debate to the subject matter.
- (2) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to not speak further in respect of the matter before the Chair.
- (3) Adequate debate is required where a matter is contentious in nature. In such a case, every Councillor should be given an opportunity to debate.
- (4) A motion has not been sufficiently debated if opposing views (where they exist) have not been sufficiently put not so much the number of those who have spoken, but whether all minority opposing views have been put.
- (5) It may be that several speakers have addressed the meeting, but their views may be similar. In this case, differing views should be sought by the Chairperson (if they exist).
- (6) On the other hand, if only a few speakers may have addressed the meeting their views may be representative of the other members, in which case, the debate would be regarded as sufficient.
- (7) While the intention of a motion to adjourn debate is to adjourn debate until the time stated in the motion, debate can be adjourned indefinitely.
- (8) If debate is adjourned indefinitely, some indication should be given to the Chief Executive Officer as to when the matter should be relisted, otherwise it will be relisted at the discretion of the Chief Executive Officer, or upon the subsequent resolution of the Council, whichever occurs first.

## **PART 4 - OTHER MEETING PROCEDURES**

### **73. WHEN A RESOLUTION IS ACTED UPON**

- (1) The Chief Executive Officer or other Senior Officer may initiate action or cause action to be initiated on any Council resolution at any time after the close of the meeting at which it was carried.
- (2) A resolution will be considered as having been acted upon once its details have been formally communicated to person affected by or reliant on the resolution or where a statutory procedure has been acted out.

### **74. SUSPENSION OF STANDING ORDERS**

- (1) The provisions of this Local Law may be suspended for a particular purpose by resolution of the Council.
- (2) The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- (3) An appropriate motion would be:  
**"That Standing Orders be suspended to enable discussion on ....."**
- (4) 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."**

### **75. NO MOTIONS MAY BE ACCEPTED DURING SUSPENSION OF STANDING ORDERS**

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

### **76. 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 silent until the Councillor raising the point of order has been heard and the question disposed of.

## **DIVISION 3 - SPEAKING TIMES AND EXTENSION OF SPEAKING TIMES**

### **77. SPEAKING TIMES**

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

- (1) the mover of a motion - three (3) minutes;
- (2) the mover of a motion when exercising his or her right of reply - three (3) minutes;
- (3) any other Councillor - three (3) minutes;

### **78. EXTENSION OF SPEAKING TIME BY RESOLUTION OF THE COUNCIL**

An extension of speaking time may be granted by resolution of the Council but only one extension is permitted for each speaker on any question.

### **79. WHEN AN EXTENSION CAN BE PROPOSED**

A motion for extension of speaking time must be proposed:

- (1) Immediately before the speaker commences debate;
- (2) During the speaker's debate; or
- (3) Immediately after the speaker has concluded debate.

### **80. NO EXTENSION AFTER NEXT SPEAKER COMMENCED**

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

### **81. LENGTH OF EXTENSION**

Any extension of speaking time must not exceed three (3) minutes.

# PART 4 - OTHER MEETING PROCEDURES

## DIVISION 4 - POINTS OF ORDER AND OTHER PROCEDURAL MATTERS

### 82. POINTS OF ORDER

A point of order is an objection that the motion, amendment or statement made is:

- (1) Contrary to this Local Law or the provisions of the *Local Government Act 1989*;
- (2) Defamatory or disloyal;
- (3) Irrelevant;
- (4) Improper;
- (5) Obscene;
- (6) Outside Council's legal powers.

### 83. PROCEDURE FOR A POINT OF ORDER

A Councillor may make a point of order by stating, "**Point of Order**", at which time the Chairperson must suspend the debate and request the Councillor to state the point of order. A Councillor raising a point of order must:

- (1) State the point of order; and
- (2) The reason for bringing it to the attention of the Chair.

### 84. CONSIDERATION OF POINT OF ORDER

- (1) If called to order, a Councillor must remain silent until the point of order is decided unless he or she is requested by the Chairperson to provide an explanation.
- (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.
- (3) The Chairperson will decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

- (4) All matters before the Council are to be suspended until the point of order is decided.
- (5) Expressing a difference of opinion or to contradict a speaker shall not be treated as taking a point of order.
- (6) The Chairperson's ruling on a point of order shall be final.

### 85. DISAGREEING WITH THE CHAIRPERSON'S 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 Councillors present move a motion of dissent.
- (2) A motion of dissent on a point of order must contain a provision, rule, practice or precedent in substitution for the Chairperson'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 Chairperson 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 will be acted on instead of the ruling given by the Chairperson.

### 86. ADJOURNMENT AND RESUMPTION OF MEETING

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

## PART 4 - OTHER MEETING PROCEDURES

### 87. PROCEDURAL MOTIONS

- (1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Procedural motions are not required to be seconded.
- (3) The mover of a procedural motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.
- (4) A procedural motion cannot be moved by the Chairperson.
- (5) Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- (6) Unless otherwise provided, a procedural motion cannot be amended.

### 88. THE CLOSURE

- (1) A motion **“That the motion be now put.”**
  - (a) Is a procedural motion which if carried to 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.

### 89. ADJOURNING THE DEBATE

A motion **“That the motion and amendments now before the meeting be adjourned until.....”**

- (1) Is a procedural motion which cannot be moved while any person is speaking or during the election of a Chairperson; and
- (2) May be debated but may only be amended in relation to the time, date and place of the proposed adjournment.

### 90. URGENT OR OTHER BUSINESS

- (1) Business which has not been listed on the Agenda may only be raised as urgent or other business by resolution of the Council.
- (2) Notwithstanding anything to the contrary in this Local Law, a Councillor (with the agreement of the meeting) may at a Council meeting submit or propose an item of business if the matter relates to business which does not:
  - (a) Substantially affect levels of Council service; or
  - (b) Commit Council to significant expenditure not included in the adopted budget; or
  - (c) Establish or amend Council Policy; or
  - (d) Commit Council to any contractual arrangement; or
  - (e) Require, pursuant to other policy determined by Council from time to time, the giving of prior notice; and
  - (f) The proposed motion/s are in writing and given to the Chairperson who then seeks a resolution of approval from Council to consider the item/s submitted.
- (3) Business must not be admitted as urgent business unless 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 Council meeting.



# PART 4 - OTHER MEETING PROCEDURES

## 91. PETITIONS AND JOINT LETTERS

- (1) All petitions or joint letters must be tabled at the next Ordinary Meeting following receipt, unless the matter which is the subject of the petition or joint letter has already been acted upon.
- (2) When presented Council must resolve to receive the petition or joint letter and to refer the matter for a report or appropriate action as required to the next appropriate meeting of the Council, unless the Council agrees to deal with it earlier.
- (3) A petition or joint letter must:
  - (a) Be in legible and permanent writing; and
  - (b) Not be defamatory, indecent, abusive or objectionable in language or content; and
  - (c) Not relate to matters beyond the powers of Council.
- (4) Every page of a petition or joint letter must bear the whole of the petition or request.
- (5) Any signature appearing upon a page, which does not bear the whole of the petition or request, may not be considered by Council.
- (6) Every page of a petition or joint letter, must be a single piece of paper and must not be pasted, stapled, pinned or otherwise affixed to any other piece of paper.
- (7) On receipt of a petition or joint letter, the Chief Executive Officer must note on the first page the total number of signatures.
- (8) A copy of the text of the petition or joint letter bearing the note of the Chief Executive Officer in accordance with paragraph (7) must be included on the agenda for the next Council meeting.
- (9) A petition or joint letter may nominate a person to whom a reply may be sent, but if no person is nominated Council may reply to the first or any person whose signature appears on the petition.

## 92. SIGNING PETITIONS

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

**Penalty: Four (4) Penalty Units**

## 93. COUNCILLOR PRESENTING PETITION - OBLIGATION

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

- (1) He or she is familiar with the contents and purpose of the petition or joint letter; and
- (2) The petition or joint letter is not derogatory or defamatory.

## DIVISION 5 - NOTICE OF MOTION

### 94. MUST BE LISTED ON AGENDA

Councillors may give advance warning of their intention to move a particular motion at a forthcoming meeting by giving "Notice of Motion".

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.

### 95. PROCEDURE

A Councillor wishing to have a Notice of Motion placed on the Agenda must give written notice to the Chief Executive Officer no less than two (2) clear working days prior to the meeting at which the Notice of Motion is to be considered.

### 96. REJECTION OF A VAGUE NOTICE

- (1) The Chief Executive Officer may reject any notice of motion that is too vague, but before rejecting it must give the Councillor delivering the notice an opportunity to amend it.
- (2) The Chief Executive Officer would regard a Notice of Motion as vague if the general thrust of the motion is unclear. For example, a mere heading or a motion to the effect "that the matter be discussed", or similar wording, would be insufficient. Therefore, a notice should spell out the action proposed by the motion.
- (3) The Chief Executive Officer must notify the relevant Councillor of any Notice of Motion which has been rejected and the reasons for its rejection.



## **PART 4 - OTHER MEETING PROCEDURES**

### **97. LISTING NOTICE ON AGENDA**

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

### **98. REGISTER OF NOTICES**

The Chief Executive Officer must sequentially number every Notice of Motion received and maintain them in a register.

### **99. MAY BE MOVED BY ANY COUNCILLOR AND AMENDED**

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

### **100. EXCEPT FOR CONFIRMATION OF PREVIOUS RESOLUTION**

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

### **101. IF LOST**

If a Notice of Motion is lost, a similar motion cannot again be put before the Council for at least three (3) months from the date it was last lost, unless the Council resolves for the Notice to be relisted at a future meeting.

## **DIVISION 6 - NOTICE OF AMENDMENT OR RESCISSION**

### **102. PROCEDURE**

A Councillor may propose a motion to amend or rescind a decision of the Council provided:

- (1) The previous motion has not been acted upon; and
- (2) A notice signed by two (2) Councillors is delivered to the Chief Executive Officer outlining:

- (a) The decision proposed to be amended or rescinded; and
  - (b) The meeting and date when the decision was made.
- (3) That in instances where a Notice of Motion has been lodged and accepted, any motion that proposes to rescind or amend shall not be acted upon until such time as Council considers the Notice of Motion.

### **103. 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 motion to be amended or rescinded.

### **104. CRITERIA TO AMEND OR RESCIND A MOTION**

For a decision of the Council to be amended or rescinded, the motion for amendment or rescission must be carried by a majority of the votes cast.

### **105. IF LOST**

Unless the Council resolves to re-list at a future meeting a notice to amend or rescind which has been lost, a similar motion must not be put before the Council for at least three (3) months from the date it was lost.

### **106. IF NOT MOVED**

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

### **107. MAY BE MOVED BY ANY COUNCILLOR**

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

# PART 4 - OTHER MEETING PROCEDURES

## 108. WHEN NOT REQUIRED

- (1) A notice of amendment or rescission is not required where the Council wishes to change a previous decision relating to policy of the Council.
- (2) If the Council wishes to change a policy, a Motion of Amendment/Rescission will not be required.
- (3) However, the following standards should apply:
  - (a) If the policy has been in force in its original or amended form for less than twelve (12) months, a formal notice of amendment/rescission should be presented to the Council;
  - (b) Any intention to change a Council policy which may result in a significant impact, should be communicated to those affected and this may require publication and consultations, either formally or informally;
  - (c) The Council may determine the extent to which these standards should be followed which will depend upon the circumstances of each case.

## 109. REGISTER OF NOTICES

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

## DIVISION 7 - PUBLIC PARTICIPATION

### 110. DURING MEETINGS

- (1) At every Ordinary meeting of the Council, at the discretion of the Chairperson, time may be allocated to enable any member of the community to address the Council.
- (2) Sub-clause (1) does not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 89(2) of the Act

### 111. MEETINGS

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

### 112. QUESTION TIME - PUBLIC

- (1) There must be a question time at every Ordinary meeting to enable members of the public present in the gallery to address questions to Councillors.
- (2) Question time may be limited in duration and answers to individual questions may be limited at the discretion of the Chairperson.
- (3) No motions can be moved during Question Time.
- (4) A Councillor may foreshadow a motion as part of their response to a question during Question Time but cannot move the motion.
- (5) Any question must be submitted in writing to the Chief Executive Officer (or other person authorised for this purpose by the Chief Executive Officer) by 1.00pm on the day of the Ordinary meeting using the appropriate form (Appendix B).
- (6) The question should only be read to the meeting if the Chairperson has determined that the question:
  - (a) Does not relate to a matter of the type described in section 89(2) of the Act;
  - (b) Does not relate to a matter in respect of which the Council has no power;
  - (c) Is not defamatory, indecent, abusive, or objectionable in language or substance;
  - (d) Is not repetitive of a question already answered (whether at the same meeting or an earlier meeting); and
  - (e) Is not asked to embarrass a Councillor or member of Council staff.
- (7) If the Chairperson has determined that the question shall not be read to the meeting:
  - (a) He or she must advise the meeting accordingly; and
  - (b) The question shall be available to Councillors upon request.
- (8) The Chief Executive Officer must read to the meeting the name of the person who has submitted a question.
- (9) The Chief Executive Officer must read the text of the question and the Chairperson may then direct that question be answered by a nominated Councillor or member of Council staff.

## PART 4 - OTHER MEETING PROCEDURES

- (10) Questions and answers must be as brief as possible, and must not exceed two (2) minutes in duration.
- (11) No debate on or discussion of a question or an answer must be permitted other than for the purposes of clarification.
- (12) A Councillor or member of staff nominated to answer a question may:
  - (a) Seek clarification of the question from the person who submitted it;
  - (b) Seek assistance of another person in answering the question; and
  - (c) Defer answering the question, so that the answer may be researched and a written response be provided within ten (10) working days following the meeting (the question thereby being taken on notice).

### 113. QUESTION TIME - COUNCILLORS

- (1) There must be a question time at every Ordinary meeting to enable Councillors to address questions to members of Council staff.
- (2) Questions may be asked with or without notice.
- (3) No motions can be moved during Question Time.
- (4) A Councillor may foreshadow a motion as part of their response to a question during Question Time but cannot move the motion.
- (5) A Councillor may contribute to an answer to a question made by a member of Council staff.
- (6) A member of Council staff is not obliged to answer a question without notice.
- (7) A member of Council staff who elects to answer a question without notice by indicating that he or she requires time to research his or her answer must ensure that a response is provided to the Councillors within ten (10) working days following the meeting.
- (8) An answer must only be given to the meeting if the Chairperson has determined that the relevant question:
  - (a) Does not relate to a matter which is outside Council's power or authority;
  - (b) Is not defamatory, indecent, abusive or objectionable in language or substance;
  - (c) Is not repetitive of a question already answered (whether at the same or an earlier meeting);
  - (d) Is not asked to embarrass a member of Council staff or a Councillor; and

- (e) Does not raise an issue which might be more appropriately dealt with by way of Notice of Motion.
- (9) Debate or discussion of questions or answers is not permitted and all questions and answers must be as brief as possible.

### 114. REPORTS FROM COUNCILLORS

- (1) At each Ordinary meeting, Councillors, including the Mayor, will have the opportunity to speak on any meetings, delegations, conferences or events which they have recently attended.
- (2) The duration of any report from a Councillor will be limited to three (3) minutes.
- (3) If a Councillor requests that details of their activities be recorded in the minutes, they will provide details in writing to the Chief Executive Officer (or the staff member nominated to receive such information) by 12.00pm on the day following the meeting.

### 115. CHAIRPERSON MAY REMOVE

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

#### **Penalty: Four (4) Penalty Units**

- (2) The Chairperson has the discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction.
- (3) Any member of the Victoria Police Force may remove from the Chamber any person who acts in breach of the Local Law.

## DIVISION 8 - ADDITIONAL DUTIES OF CHAIRPERSON

### 116. THE CHAIRPERSON'S DUTIES AND DISCRETIONS

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

- (1) Must not accept any motion, question or statement which appears to the Chairperson to be derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public;
- (2) Must call to order any person who is disruptive or unruly during any meeting.

# PART 5 COMMON SEAL

## 117. PURPOSE

The purpose of this Part is to provide for the security and proper use of Council's Common Seal.

## 118. USE OF COMMON SEAL

The Common Seal of Council must:

- (1) Be in a form specified by Council resolution; and
- (2) Include the words "Buloke Shire Council".

## 119. SIGNATURES TO ACCOMPANY COMMON SEAL

Every document to which the Common Seal is affixed must be signed by one (1) Councillor and the Chief Executive Officer or, in the absence of the Chief Executive Officer, one (1) Councillor and any other member of staff acting as Chief Executive Officer or authorised by Council.

## 120. AUTHORITY FOR USE OF COMMON SEAL

The Common Seal must be affixed to a document only for the purpose of giving effect to a decision which has been:

- (1) Made by Council resolution;
- (2) Made by resolution of a Special Committee to which the power to use the Common Seal has been delegated; or
- (3) Made by the Chief Executive Officer or a Senior Officer to whom power to use the Common Seal has been delegated.

## 121. WHO KEEPS THE COMMON SEAL

The Chief Executive Officer must ensure the security of the Council's Common Seal at all times.

## 122. COMMON SEAL REGISTER

The use of the Common Seal must be recorded in a register maintained by the Chief Executive Officer or a member of Council staff to whom this duty has been delegated.

## 123. UNAUTHORISED USE OF THE COMMON SEAL

- (1) Any person who uses the Council's Common Seal without authority is guilty of an offence.

**Penalty: Four (4) Penalty Units**

- (2) Any person who uses any replica of the Council's Common Seal without authority is guilty of an offence.

**Penalty: Four (4) Penalty Units**

# PART 6 - ENFORCEMENT AND PENALTIES

## 124. INFRINGEMENT NOTICES AND PENALTIES

As an alternative to prosecution an Authorised Officer may issue an infringement notice to any person whom the Authorised Officer reasonably considers has committed an offence against this Local Law.

- (1) A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.
- (2) The penalty fixed in respect of an infringement for which an infringement notice is issued is the amount set out in Schedule 1.
- (3) A person issued with an infringement notice may pay the penalty amount to the Buloke Shire Council at the address indicated in the notice.
- (4) To avoid prosecution and subject to the *Infringements Act 2006*, the penalty indicated in the infringement notice must be paid within 28 days after the day on which the infringement notice is issued.

## 125. WAIVER AND WITHDRAWAL

- (1) Within 28 days of receiving an infringement notice a person may make a written request to the Chief Executive Officer, that the infringement notice be withdrawn.
- (2) The Chief Executive Officer may consider the written request and may make a decision or a recommendation to the Council that the infringement notice be withdrawn.
- (3) Where an infringement notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment which that person has made other than any costs which the Council has paid as part of the enforcement process."

## 126. OFFENCES

- (1) It is an offence for a Councillor to not withdraw an expression considered by the Chairperson to be offensive or disorderly and satisfactorily apologise when called upon twice by the Chairperson to do so.
- (2) It is an offence for any person, not being a Councillor, who is guilty of any improper or disorderly conduct and who does not leave when requested by the Chairperson to do so.
- (3) Where any provision in this Local Law requires that something must be done, any person who fails to do that act is guilty of an offence.

**Penalty: Five (5) Penalty Units**

## 127. PENALTIES

Schedule 1 of this Local Law sets out penalties for infringement notice purposes which may be issued as an alternative to prosecution in respect of offences against this Local Law where the Council or its authorised officers determine to proceed by infringement notice.

# SCHEDULE 1 – PENALTIES FIXED FOR INFRINGEMENTS

Provision	Offence	Penalty Amount
46	Unauthorised recording of meeting	4
92	Fraudulent signing of a Petition	4
115	Failure to comply with to Chairman's direction	4
123(1)	Using the Common Seal without authority	4
123(2)	Using a replica of the Common Seal without authority	4
123(3)	Failure to act as directed under Local Law	5

# SCHEDULE 2 – MEETING PROCEDURES FOR SECTION 86 SPECIAL COMMITTEES

## 1. NOTICES AND AGENDAS

- (1) The date, time and place of all committee meetings are determined on an annual basis by the committee and at least seven (7) days' notice must be provided to the public.
- (2) The committee may change the date, time and place of any committee meeting which has been fixed and must provide at least seven (7) days' notice of the changes to the members.
- (3) The agenda for the meeting will be set by the Secretary, in consultation with the Chair.

## 2. QUORUMS

- (1) The quorum required for committee meetings will be not less than half the total number of elected Committee members.
- (2) If after thirty (30) minutes of the scheduled starting time of any meeting or adjournment a quorum cannot be obtained, those committee members present may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.

## 3. MINUTES

- (1) The Secretary is responsible for the keeping of minutes on behalf of the committee.
- (2) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- (3) If a committee member is dissatisfied with the accuracy of the minutes, then he or she must:
  - (a) State the item or items with which they are dissatisfied; and
  - (b) Propose a motion clearly outlining the alternative wording to amend the minutes

## 4. BUSINESS OF THE MEETING

- (1) The order of business will be determined by the Secretary to facilitate and maintain open, efficient and effective processes of governance and must include the opportunity for members to declare any conflict of interest on items on the agenda.
- (2) Once an agenda has been sent to committee members the order of business for that meeting may only be altered by resolution of the committee.

## 5. VOTING

- (1) To determine a matter before a meeting, the Chair will first call for those in favour of the motion and then those opposed to the motion, and will declare the result of the motion.
- (2) Unless the committee resolves otherwise, voting on any matter will be by a show of hands.
- (3) If there is an equality of votes, the Chair has a second casting vote.

## 6. ADDRESSING THE MEETING

- (1) Except for the Chair, any committee member or person who addresses the meeting must address all remarks through the Chair.
- (2) A committee member who is speaking must not be interrupted unless called to order when he or she must sit down and remain silent until the committee member raising the points of order has been heard and the Chairperson has ruled on the point of order.



# SCHEDULE 2 – MEETING PROCEDURES FOR SECTION 86 SPECIAL COMMITTEES

## 7. MOTIONS

- (1) Any motion or amendment which –
  - (a) Is defamatory; or
  - (b) Is objectionable in language or nature; or
  - (c) Is outside the powers of the committee; or
  - (d) Stated to be an amendment but is notMust not be accepted by the Chairperson
- (2) The procedure for any motion is –
  - (a) The mover must state the motion without speaking to it;
  - (b) It must be seconded by a committee member other than the mover;
  - (c) If a motion is not seconded, the motion will lapse for want of a seconder;
  - (d) If the motion is seconded the Chair must ask if the mover wishes to address the committee on the motion and if the seconder wishes to address the committee on the motion or if they wish to reserve his or her address until later in the debate.
  - (e) The Chair will then ask if any committee member is opposed to the motion and if they wish to speak. Other committee members for and against the motion can then debate in turn
- (3) The mover of a motion shall have a right of reply after the debate, after which the motion shall be immediately put to the vote. No right of reply is available where an amendment is before the committee.
- (4) An amendment may be proposed or seconded by a committee member, except the mover or seconder to the original motion. An amendment shall not be a direct negative of the motion.
- (5) A committee member 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.
- (6) 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.
- (7) If the amendment motion is carried, it then becomes the final motion before the Chair.
- (8) At any time during debate a committee member may foreshadow a motion to inform the committee of his or her intention to move a motion at a later stage in the meeting.
- (9) Before any motion is put to the vote it may be withdrawn with leave of the mover and seconder.
- (10) The Chairperson may require any complicated or lengthy motion to be submitted in writing.
- (11) Debate must always be relevant to the question before the Chair and, if not, the Chairperson will request the speaker to confine debate to the subject motion.
- (12) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.
- (13) Unless a motion for an extension of time has been carried, the maximum speaking times will be:
  - (a) The mover of a motion – 5 minutes;
  - (b) The mover of a motion when exercising their right of reply – 2 minutes
  - (c) Any other committee member – 3 minutes

## 8. OTHER MATTERS

If the committee are required to deal with:

- (1) Divisions
- (2) Formal Motions
- (3) Separation of Motions
- (4) Points of Order
- (5) Adjournment of Meeting
- (6) Suspension of Standing Orders
- (7) Notice of Motion
- (8) Notice of Rescission Motion
- (9) Maintenance of Order
- (10) Suspension
- (11) Removal from the meeting

These matters should be dealt with in accordance with the Meetings Procedure and Common Seal Local Law 2019.

# SCHEDULE 3 – QUESTIONS FROM THE GALLERY

## COUNCIL MEETING QUESTION TIME

1. The Council sets aside times at its Ordinary Council meetings to consider written questions submitted by the public. Members of the public who are present at the meeting are permitted to prepare in writing up to two (2) questions on any Council matter.
  2. Members of the public may submit questions from the gallery on the form printed on the reverse side of this sheet. In most cases, an answer will be given on the spot.
  3. Sometimes it may be indicated that further time is required to research an answer. In such cases, the relevant officer will advise the person when an answer will be provided.
  4. Questions will not be read out and answered if the Chairperson has determined that the relevant question related to:
    - b) Personnel matters
    - c) The personal hardship of any resident or ratepayer
    - d) Industrial matters
    - e) Contractual matters
    - f) Proposed developments
    - g) Legal advice
    - h) Matters affecting the security of Council property
    - i) Any other matter which Council considers would prejudice it or any person
    - j) Matters which may disadvantage Council or any person
- Or is:
- k) Defamatory, indecent, abusive or objectionable in language or substance
  - l) Repetitive of a question already answered (whether at the same or an earlier meeting)
  - m) Asked to embarrass an Officer or Councillor.
5. No debate or discussion of questions or answers shall be permitted and all questions and answers shall be as brief as possible.

# SCHEDULE 3 – QUESTIONS FROM THE GALLERY

## QUESTION FORM

ANY QUESTION MUST BE SUBMITTING IN WRITING TO THE CHIEF EXECUTIVE OFFICER (OR OTHER PERSON AUTHORISED FOR THIS PURPOSE BY THE CHIEF EXECUTIVE OFFICER) BY 1.00PM ON THE DAY OF THE ORDINARY MEETING USING THIS FORM.

MEETING DATE:

NAME:

PHONE:

ADDRESS:

QUESTION:

SIGNED:

DATE:

OFFICE USE ONLY

QUESTION ANSWERED AT COUNCIL MEETING: (TICK)

Yes

No

BY WHOM:

WRITTEN RESPONSE PREPARED BY:

SUMMARY OF VERBAL RESPONSE:

OFFICER'S SIGNATURE:

POSITION:

