



Meeting Procedure

Local Law 1/2009

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PART 1 - PRELIMINARY

1. Title

This Local Law is the Council's Meeting Procedure Local Law No. 1/2009 and referred to below as this Local Law.

2. Purpose of this Local Law

The purpose of this Local Law is to:

- (a) 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;
 - (b) 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;
 - (c) regulate and control the election of Mayor and the Chairperson of any Special Committees;
 - (d) regulate and control the procedures governing the conduct of meetings including:
 - (i) the notice required for meetings;
 - (ii) the keeping of minutes.
 - (e) provide for the administration of the Council's powers and functions;
 - (f) provide generally for the peace, order and good government of the municipal district;
 - (g) regulate the use of the common seal.
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3. The power to make this Local Law

The Council's power to make this Local Law is contained in sections 91(1) and 111(1) of the Local Government Act 1989.

4. Commencement and Revocations

- (1) In this clause, "commencement date" means the first working day following the gazettal of the Local Law in the Victoria Government Gazette.
 - (2) This Local Law comes into operation on the commencement date.
 - (3) On the commencement of this Local Law, Council's Meeting Procedure Local Law No 10 of 2007 and Use of the Common Seal Local Law No 9 of 2006 are revoked.
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5. Definitions

In this Local Law, unless inconsistent with the context:

<i>Act</i>	<i>Means the Local Government Act 1989.</i>
<i>Authorised Officer</i>	<i>Means a person or agent appointed as an authorised officer under section 224 of the Act.</i>
<i>Chair</i>	<i>Refers to the Chairperson.</i>
<i>Chairperson</i>	<i>The person who chairs a meeting of the Council or Special Committee of the Council.</i>
<i>Chief Executive Officer</i>	<i>The person appointed as Chief Executive Officer by the Council from time to time.</i>
<i>Common Seal</i>	<i>Means the common seal of Council.</i>
<i>Council</i>	<i>Means the Northern Grampians Shire Council.</i>
<i>Councillor</i>	<i>Means a person who is an elected member of the Council.</i>
<i>Council meeting</i>	<i>Includes Ordinary, Special and Committee meetings of the Council.</i>
<i>Delegate's Reports</i>	<i>Means a verbal report of no more than 3 minutes duration to the Council on a Councillor's attendance at a seminar, conference or meeting of any body, for and on behalf of the Council.</i>
<i>Division</i>	<i>Means a formal count and recording of those for and those against a motion.</i>
<i>Formal Motion</i>	<i>Means a motion which relates to a procedural matter (procedural) only and which is not designed to produce any substantive result but used merely as a formal procedural measure.</i>
<i>Mayor</i>	<i>Means any Councillor elected to the position of Mayor by fellow Councillors.</i>
<i>Member</i>	<i>Refers to a person who is entitled to vote at a meeting of the Council or a Special Committee.</i>
<i>Minister</i>	<i>Means the Minister responsible for administering the Act.</i>
<i>Notice of Motion</i>	<i>Means a notice setting out the text of a motion which it is proposed to move at the next relevant meeting.</i>
<i>Notice of Rescission</i>	<i>Means a notice of motion to rescind a resolution made by Council.</i>
<i>Offence</i>	<i>Means an act or default contrary to this Local Law.</i>

<i>Ordinary meeting</i>	<i>Means any meeting of Council which is not a Special meeting.</i>
<i>Penalty units</i>	<i>Mean penalty units as prescribed in the Sentencing Act 1992.</i>
<i>Quorum</i>	<i>Means the minimum number of members of a Council or of a Special Committee of the Council required by this Local Law to be present in order to constitute a valid meeting of the Council or the Special Committee respectively.</i>
<i>Senior Officer</i>	<i>Has the same meaning as in the Act.</i>
<i>Special Committee</i>	<i>Means any Committee formed by the Council in accordance with section 86 of the Act.</i>
<i>Special Council meeting</i>	<i>Means a special meeting of Council convened and held in accordance with section 84, 84A or 85 of the Act.</i>
<i>Standing Orders</i>	<i>Means the special of procedure applicable to the particular meeting.</i>
<i>Suspension of standing orders</i>	<i>Means a motion which is moved to enable the meeting to deal with a matter at an earlier stage than is indicated by the agenda.</i>
<i>Urgent business</i>	<i>Means business of which no notice is included in the agenda for a meeting and is a matter which the meeting resolves cannot await the next meeting cycle.</i>

PART 2 - ELECTION OF MAYOR AND OTHER CHAIRPERSONS

6. When Required

- (1) The meeting to fill the vacancy of Mayor will be held:
 - (a) annually, after the last Saturday in November but not later than 31 December; or
 - (b) where the position of Mayor otherwise becomes vacant, as soon as possible after the vacancy has occurred.
- (2) Before a Mayor is elected the Council may resolve to elect a Mayor for a term of 2 years.
- (3) If the Mayor is elected for a term of 2 years, the next election of Mayor is 2 years after the last Saturday in November but not later than 31 December in the second year after the election or as soon as possible after any vacancy in the office of Mayor occurs.

7. Election of Mayor and Others

- (1) The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and invite nominations for the office of Mayor.
- (2) At any meeting to elect the Mayor, a Councillor elected by a simple majority of the Councillors present will be the temporary chairperson to deal with:
 - (a) the receipt of nominations for the election of Mayor; and
 - (b) the election of the Mayor.
- (3) A meeting for the election of the Mayor is open to the public.
- (4) The election of the Mayor, temporary or acting Chairperson or Chairperson of a Special Committee, must be carried out by a show of hands.
- (5) In determining the election of the Mayor, the following will apply:
 - (a) candidates for office must be nominated by another Councillor, seconded by another Councillor and accepted by the nominee;
 - (b) where only one nomination is received, that Councillor must be declared elected;
 - (c) where two or more nominations are received, the Councillor with an absolute majority of votes cast will be declared elected;
 - (d) 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;
 - (e) where there are more than two nominations received and the result has not been determined under paragraphs (c) or (d) the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by lot) and the names of the remaining nominees must be put to the vote again;
 - (f) the procedure in paragraph (e) 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 a majority will be declared elected or, if there is an equal division of votes, the election must be determined by lot.

8. Absence of Mayor

If there is a vacancy in the office of the Mayor or if the Mayor is absent or incapable of acting or refusing to act or is not present within 15 minutes of the scheduled commencement time of a Council meeting, an acting chairperson is to

be elected.

PART 3 – COUNCIL’S COMMON SEAL

9. Unauthorised Use of Common Seal

- (a) A person must not use the common seal except on the authority of Council or in accordance with this Local Law.
- (b) Any person who fraudulently uses the common seal is guilty of an offence.

Penalty: Five (5) Penalty Units

10. Witnessing use of the Common Seal

The affixing of Council’s common seal to any document must be attested to by the signatures of both :

- (a) Mayor or Councillor and the Chief Executive Officer; or
- (b) Mayor or Councillor and a senior officer.

11. Delegation

Council delegates to the Chief Executive Officer the power to authorise the use of the common seal on behalf of Council subject to the following :

- (a) the seal must not be used for matters for which the Chief Executive Officer is not delegated power as detailed in the conditions and limitations of the Instrument of Delegation from Council to the Chief Executive Officer
- (b) the Chief Executive Officer is first satisfied that any provisions of the Act required to be complied with in relation to the subject matter of the document have been complied with.

The Chief Executive Officer must not delegate or purport to delegate the function conferred by Clause 11.

12. Form of Sealing Clause

Where the common seal is affixed to a document on authority of the Council and/or Chief Executive Officer the sealing clause must contain the words to the following effect :

THE COMMON SEAL of the Northern)
Grampians Shire Council was hereunto)
affixed this day of)
200_ in the presence of:)

..... Mayor/Councillor
..... Chief Executive Officer

PART 4 – COUNCIL MEETINGS

Division 1 – Notices and Agendas

13. Dates and Times of Meetings

The date, time and place of all Council meetings are to be fixed by the Council from time to time and reasonable notice (at least 7 days unless urgent or extraordinary circumstances prevent Council complying with this minimum) of such meetings must be provided to the public.

14. Council may alter meeting dates

The Council may change the date, time and place of any Council meeting which has been fixed and must provide reasonable notice (at least 7 days unless urgent or extraordinary circumstances prevent Council complying with this minimum) of the changes to the public.

15. Urgent or extraordinary circumstances

If urgent or extraordinary circumstances prevent a Council from complying with the minimum of 7 days notice, the Council must :

- (a) give such notice as is practicable; and
 - (b) specify in the minutes the urgent or extraordinary circumstances which prevented the Council from complying.
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16. Special Council meetings

- (1) The notice necessary to call a meeting in accordance with section 84 of the Act must be signed by the Mayor or at least three Councillors, and be delivered to the Chief Executive Officer in sufficient time to enable at least 24 hours notice to be given to Councillors.
- (2) The notice must specify the date and time of the Special Council Meeting and the business to be transacted.
- (3) In giving such notice, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken.
- (4) The Chief Executive Officer must convene the special council meeting as specified in the notice.
- (5) Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice or Council resolution is to be transacted.
- (6) Subject to any resolution providing otherwise, the order of business of any Special Council Meeting must be the order in which such business stands in the agenda for the meeting.

Notes : Council is also able to call a Special Council Meeting by resolution. The Chief Executive Officer can call a Special Council Meeting within 14 days of the result of the Council election being declared and a call of the Council provided for in s85 of the Act is to be treated as a Special Council Meeting.

17. Notice of meeting

- (1) The notice 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, facsimile, electronic medium or otherwise delivered to each Councillor's place of residence or usual place of business (if applicable) or as otherwise specified by the Councillors.
 - (a) For an Ordinary or committee meeting at least 3 working days before the meeting;
 - (b) For a Special meeting at least 24 hours before the meeting; and
 - (c) For a Special Committee meeting at least 48 hours before the meeting.
- (2) 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.

18. 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 – Quorums

19. Council Meetings

The quorum required for Ordinary or Special meetings of Council will be a majority of the number of Councillors.

20. Special Committee Meetings

The quorum for a Special Committee meeting must be at least a majority of the members for the time being appointed to that Special Committee.

21. Inability to Gain a Quorum

If a quorum cannot be obtained within 30 minutes of the scheduled starting time of any meeting or adjournment 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 days from the date of the adjournment.

22. Inability to Maintain a Quorum

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 days from the date of the adjournment.

23. Inability to Achieve or Maintain a Quorum due to Conflict of Interest of Councillors

If during any meeting or adjournment a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by the majority of Councillors, the Chief Executive Officer, or in his or her absence, a senior officer, must adjourn the meeting for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister administering the Act.

24. Notice for Adjourned Meeting

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

PART 5 – MINUTES

25. Keeping of Minutes

The Chief Executive Officer is responsible for arranging the keeping of minutes on behalf of the Council.

26. No Debate on Confirmation of Minutes

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.

27. 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.
-

28. 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.

29. Contents of Minutes

- (1) In keeping the minutes of any Ordinary or Special meeting, the Chief Executive Officer must arrange the recording of minutes so as to show:
 - (a)
 - (i) the names of Councillors and whether they are PRESENT, an APOLOGY, on LEAVE OF ABSENCE, etc; and
 - (ii) the names of officers present;
 - (b) the arrival and departure times of Councillors during the course of the meeting (including any temporary departures or arrivals);
 - (c) every motion and amendment moved, including the mover and seconder of any motion or amendment;
 - (d) the outcome of every motion and amendment, that is,
 - (i) whether it was put to the vote;
 - (ii) if it was put to the vote, the result of the vote (namely CARRIED, LOST, WITHDRAWN, LAPSED OR AMENDED); and
 - (iii) identification of those motions voted on by secret ballot;
 - (e) procedural motions (which might be highlighted);
 - (f) where a valid division is called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST;
 - (g) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
 - (h) details of any deputations made to the Council;
 - (i) the time and reason for any adjournment of the meeting or suspension of standing orders; and
 - (j) disclosure of any interest and any declaration of a conflict of interest made under the Act.
 - (k) inclusion in confidential reports the relevant ground or grounds applying under section 89(2) of the Act as to why the reports are deemed to be confidential.
- (2) In addition, the minutes should:
 - (a) bear the date and time the meeting was commenced, adjourned, resumed and concluded;
 - (b) be consecutively page numbered;

- (c) contain consecutive item numbers which are clearly headed with subject titles and, where appropriate, sub-titles and file references; and
- (d) be indexed and be supplemented by an annual cumulative index.

PART 6 – BUSINESS OF MEETINGS

30. The Order of Business

- (1) The business of an Ordinary meeting must be conducted in the following order unless the Council otherwise resolves:
 - (a) Opening of Meeting and reading of Affirmation;
 - (b) Apologies and requests for Leave of Absence;
 - (c) Confirmation of Minutes;
 - (d) Business Arising from previous minutes;
 - (e) Disclosures of Interest and Declarations of Conflict of Interest;
 - (f) Presentations/Awards;
 - (g) Items Brought Forward;
 - (h) Presentations of Petitions and Joint Letters;
 - (i) Consideration of Reports of Officers;
 - (j) Notices of Motion or Rescission;
 - (k) Reports from Committees/Councillors;
 - (l) Urgent Business;
 - (m) Public Question Time;
 - (n) Notices of Motion or Rescission;
 - (o) Closure of Meeting pursuant to Section 89(2) of the Local Government Act 1989
- (2) Notwithstanding the above clause, the Chief Executive Officer may vary the order of business to take advantage of opportunities which may arise from time to time.

31. 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.

32. Chief Executive Officer May Include Items on an Agenda

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

33. Meetings of Special Committees

The provisions of clauses 30 to 32 apply to meetings of Special Committees except that the agenda will be relevant to the issues which are to be raised at the Special Committee meeting and any reference to Councillors extends to non Councillor members of a Special Committee under section 88 of the Act and any reference to the Council is to be read as referring to the Special Committee.

34. Item Brought Forward

For items to be brought forward, the Council must resolve to bring an item forward.

35. Question Time

- (1) This clause 35 only applies to an Ordinary meeting
 - (2) Public Question Time shall not exceed 15 minutes.
 - (3) During the allocated time questions will be accepted on topics that need not relate to the agenda.
 - (4) The following rules apply to the asking of questions
 - (i) The person asking the question shall stand and direct their question to the Chair.
 - (ii) Prior to asking the question the person must state their name and address.
 - (iii) Presentation of any question shall not exceed 2 minutes.
 - (iv) No more than 3 questions shall be accepted by the Chair on any one subject.
 - (v) The Chair may accept or reject any question or summarise the question before putting it to the meeting.
 - (vi) The Chair may refer the question to another Councillor or an Officer.
 - (vii) The Chair, Councillor or Officer to whom the question has been referred may:-
 - decline to answer the question;
 - have the question put on notice for the next ordinary meeting of Council;
 - agree to provide the questioner with a written response.
 - (viii) Answers to questions shall be confined to the substance of the question asked and its relationship to matters of concern to the Council. The question will not be debated and it must be a question and not a statement.
-

- (5) A Chairperson may disallow a question if it:
- (i) is in the nature of a statement or is so prefaced as to have its emphasis on a statement rather than a genuine enquiry;
 - (ii) relates to a matter in respect of which Council has no power to act;
 - (iii) is defamatory, abusive or objectionable in language or nature;
 - (iv) is repetitive of a question already asked at the meeting; or
 - (v) is asked to embarrass a Councillor or member of Council staff.
- (6) Subject to this clause 35, Public Question Time will be conducted in accordance with any policy adopted by the Council from time to time.
- (7) Details of question time to be minuted.

36. Conflicts of Interest

- (1) A Councillor must disclose any conflict of interest which that Councillor has in an item of business at the time specified in the agenda.
- (2) A Councillor must also disclose the existence, nature and class of any conflict of interest which that Councillor has in an item of business immediately before the consideration or discussion of that item of business.

37. Urgent Business

Business which has not been listed on the Agenda of an ordinary meeting of Council or the meeting of a Special Committee may only be raised as urgent or other business by resolution of the Council or Committee.

Business which has not been listed on the agenda of a Special meeting of Council may only be raised as urgent or other business if all Councillors are present and unanimously agree to deal with the matter raised.

PART 7 – VOTING AT MEETINGS

38. How Determined

Subject to clause 51, in determining a question before a meeting of the Council, the Chairperson will first call for those in favour of the motion and then those opposed to the motion before declaring the result to the meeting.

39. By Show of Hands

Voting on any matter will be by show of hands and all Councillors who are present must vote.

40. When a Division Permitted

- (1) A division may be requested by any Councillor on any question before the Chair other than procedural motions.
- (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.

41. Procedure for a Division

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, and, for the purpose of recording the minutes, then call out aloud the names of those voting for and against the motion.

42. Change Between the Original Vote and the Division

As a division is a separate and distinct vote, 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.

43. 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-

- (a) for a Councillor to request that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
- (b) where a subsequent notice of motion follows a rescission motion.

44. Application to All Meetings

The provisions of clauses 37 to 42 apply to meetings of Special Committees to the extent that they are relevant to the proceedings of any Special Committee and any reference to a Councillor in those clauses is, in the case of a Special Committee, a reference to a member of the Special Committee.

PART 8 – ADDRESSING THE MEETING

45. Addressing the Meeting

- (1) Except for the Chairperson, any Councillor or person who addresses the meeting must direct all remarks through the Chair.
- (2) Any person addressing the Chair must refer to the Chairperson as:
 - (a) Madam Mayor;
 - (b) Mr. Mayor;
 - (c) Madam Chairperson; or
 - (d) Mr. Chairperson;

as the case may be.

- (3) All Councillors, other than the Mayor, must be addressed as Cr.
(name)
- (4) All Officers and members of the public, as appropriate, must be addressed as Mrs., Ms., Miss or Mr. (name).

46. Suspension of Standing Orders

- (1) Subject to clause 47, the provisions of this Local Law may be suspended for a particular purpose by resolution of the Council:
 - (a) to enable full discussion of any issue without the constraints of formal meeting procedure; or
 - (b) to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
- (2) The provisions of this Local Law must not be suspended purely to dispense with the processes and protocol of the government and of the Council.
- (3) Once the discussion has taken place and before any motions can be put, the Council must resolve to resume the provisions of this Local Law.

47. No Motions May Be Accepted During Suspension of Standing Orders

No substantive or procedural motion may be accepted by the Chair or be lawfully dealt with during any suspension under clause 46.

48. Interruption for Point of Order

A Councillor who is addressing the meeting must:

- (a) not be interrupted unless called to order; and
- (b) remain silent until a Councillor raising any point of order has been heard and the point of order disposed of.

PART 9 – OTHER MEETING PROCEDURE

Division 1 – Matters Not Provided For

49. Matters Not Provided For

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

Division 2 – Motions

50. Chairperson's Duty

Any motion, amendment, statement or question which-

- (a) is defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public;
- (b) is abusive or objectionable in language or nature;
- (c) is outside the powers of the Council;
- (d) is not relevant to the item of business on the Agenda and has not been admitted as urgent business;
- (e) purports to be an amendment but is not; or
- (f) is a direct negative of the question before the Chair.

must not be accepted by the Chairperson.

51. Moving a Motion

The procedure for any motion is-

- (a) The mover must state the motion without speaking to it;
 - (b) It must be seconded by a Councillor other than the mover;
 - (c) If a motion is not seconded, the motion will lapse for want of a seconder;
 - (d) The Chairperson will request-
 - (i) the mover to address the Council on the motion;
 - (ii) the seconder to address the Council on the motion (who may, without speaking on the motion, reserve his or her address until later in debate);
 - (iii) any Councillor opposed, to debate the motion; and
 - (iv) any other Councillors for and against the motion to debate in turn;before putting the motion to a vote, declaring the result of that vote.
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52. Right of Reply

- (1) The mover of an original motion which has not been amended may, once debate has been exhausted, exercise a right of reply to matters raised during debate but must not raise any new matters.
-

- (2) After any right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

53. No Right of Reply for Amendments

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

54. 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.

55. 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.

56. 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.

57. How Many Amendments May Be Proposed

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.

58. An Amendment Once Carried

If the amended motion is carried, it then becomes the question before the Chair.

59. 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) It is not required to have foreshadowed motions recorded in the minutes until the foreshadowed motion is formally moved.

60. Withdrawal of Motions

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

61. 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.

62. Chairperson May Separate Motions

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

63. Motions in Writing

- (1) The Chairperson may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason.
- (2) The Chairperson may 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.

64. Debate Must Be Relevant to 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 motion.
- (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 be seated and not speak further in respect of the matter then before the Chair.
- (3) A speaker who has been required by the Chairperson to be seated and not speak further in respect of the matter then before the Chair must immediately comply with that requirement.

65. Speaking Times

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

- (a) the mover of a motion – five (5) minutes;
- (b) the mover of a motion when exercising his or her right of reply – two (2) minutes;
- (c) any other Councillor – three (3) minutes;

66. 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.

Division 3 – Extension of Speaking Time

67. 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.

68. 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.

69. Length of Extension

Any extension of speaking time must not exceed three minutes.

Division 4 – Points of Order

70. Chairperson to Decide

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.

71. Chairperson May Adjourn to Consider

- (1) The Chairperson may adjourn the meeting to consider a point of order but otherwise he or she must rule on it as soon as it is raised.
 - (2) No Councillor may debate a point of order or the merits of a point of order.
 - (3) All other matters before the Council are to be suspended until the point of order is decided.
-

72. 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 Councillors present move a motion of dissent.
 - (2) A motion of dissent on the Chairperson's decision on a point of order must contain the provision, rule, practice or precedent relied upon in substitution for the Chairperson's decision.
 - (3) A motion of dissent in relation to the Chairperson's decision on 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 vote.
 - (4) A motion of dissent on the Chairperson's decision on a point of order will take precedence over all other business and if carried must be acted on instead of the decision given by the Chairperson.
-

73. Procedure for Point of Order

A Councillor raising a point of order must :

- (a) state the point of order; and
- (b) the provision in this Local Law, or rule, practice or precedent, relied upon as founding the point of order.

74. Valid Points of Order

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;
- (c) any act of disorder;
- (d) an error of fact; or
- (e) abusive or objectionable language or nature.

75. Contradiction of Opinion

Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

Division 5 – Formal (Procedural) Motions

76. 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 Chair 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.

77. Laying the Question on the Table

A motion "That the (question, letter, document, report etc) lay on the table":-

- (a) is a formal motion which may be debated and if carried, has the effect of adjourning any further debate on the matter until such time (if any) as the Council resolves to take the question from the table; and
- (b) any further debate on the matter cannot take place until such time (if any) as the Council resolves to take the question from the table; and
- (c) if such a motion is carried in respect to an amendment, both the original motion and the amendment will be adjourned; and
- (d) a motion to take the question from the table is required to enable debate on the matter to proceed.

78. Proceeding to the Next Business

A motion "That the meeting proceed to the next business":-

- (a) is a formal motion which cannot be moved during the election of Chairperson; and
- (b) if carried in respect to an original motion, the Chairperson must direct the meeting to the next item of business; and
- (c) if carried in respect to a formal motion, the formal motion is immediately disposed of and debate upon the original motion may proceed; and
- (d) if carried in respect to an amendment, the amendment is immediately disposed of and debate upon the original motion may proceed but no similar amendment can be moved at that meeting or any adjournment of it.

79. The Previous Question

(1) A motion "That the question be NOT now put":

- (a) is a formal motion which cannot be moved while there is an amendment before the Chair or during the election of a Chairperson; and
- (b) if carried, the original motion to which it relates cannot be dealt with at that meeting or any adjournment of it; and
- (c) if lost, the original or substantive motion to which it relates must be put to the vote immediately without any further debate or amendment.

- (2) 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.

80. The Closure

A motion "That the motion be now put":

- (1)
 - (a) is a formal motion which is carried in respect to an original motion, that 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, that amendment must be put to the vote immediately without any further debate or discussion and debate on the original motion may continue unaffected; and
 - (c) if lost, debate may continue unaffected; and
- (2) The Chairperson has the discretion to reject a motion for closure if the motion upon which it is proposed has not been sufficiently debated.

81. Adjourning the Debate

A motion "That the motion and amendments now before the meeting be adjourned until":-

- (a) is a formal motion which cannot be moved while any person is speaking or during the election of a Chairperson; and
- (b) on which debate is permitted but may only be amended in relation to the time, date and place of the proposed adjournment.

Division 6 – Notice of Motion

82. Must be Listed on Agenda

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.

83. Procedure

A Councillor may give notice of motion on any matter he or she wants discussed at a meeting by delivering a signed notice of motion, outlining the subject and the motion proposed for discussion, to the Chief Executive Officer.

84. Rejection of a Vague Notice

The Chief Executive Officer:

- (a) 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; and

- (b) must notify the relevant Councillor in writing of any notice of motion which has been rejected and give the reasons for its rejection.

85. Listing Notice on Agenda

- (1) Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of motion on the agenda for the next relevant meeting and, if more than one, in the order they were received. The Notice of Motion must be lodged with the Chief Executive Officer by 5.00pm on the Tuesday of the week prior to the Council Meeting to allow sufficient time for the notice of motion to be included in the Council agenda.
- (2) The Chief Executive Officer at his/her discretion may provide comments to the Council on the motion to assist the Council's deliberation.

86. Register of Notices

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

87. 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.

88. 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.

89. If Lost

Unless the Council resolves to re-list at a future meeting a Notice of Motion which has been lost, a similar motion cannot be put before the Council for at least three months from the date it was last lost.

Division 7 – Notice of Amendment or Rescission

90. Procedure

- (1) Any Notice of Amendment or Rescission must be in writing.
- (2) The Notice of Amendment or Rescission must be lodged with the Chief Executive Officer by 5.00pm on the Tuesday of the week prior to the Council Meeting to allow sufficient time for the notice of motion to be included in the Council agenda.
- (3) A Councillor may propose a motion to amend or rescind a resolution of the Council provided that:
 - (a) the resolution proposed to be rescinded has not been acted upon;

- (b) if carried, the motion will not alter the existing legal rights or obligations of any person other than the Council; and
 - (c) a notice containing the motion is delivered to the Chief Executive Officer detailing:
 - (i) the decision proposed to be amended or rescinded; and
 - (ii) the meeting and date when the decision was made.
- (3) A resolution will be deemed to have been acted upon if:
- (a) its contents have or substance has been formally communicated to person whose interests are materially affected by it; or
 - (b) a statutory process has commenced
- so as to vest enforceable rights in or obligations on council or any other person.

91. Listing Notice on Agenda

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 for the next relevant meeting.

92. 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 cannot be put before the Council for at least three months from the date it was last considered.

93. If Not Moved

If a Notice of Amendment or Rescission is not moved at the meeting for which it is listed, it will lapse.

94. 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.

95. When Not Required

A Notice of Amendment or Rescission is not required where the Council wishes to change a previous decision relating to a policy of the Council.

96. 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 8 – Public Participation

97. 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.

98. Chairperson May Remove

(1) The Chairperson must call to order any person, including a Councillor, who:

- (a) is disruptive, or unruly during any meeting; or
- (b) who says anything which is defamatory, abusive or objectionable in language or nature, and, upon being directed by the Chairperson to withdraw or apologise for what was said, twice refuses or fails to do so.

(2) Any person, including a Councillor, who has been called to order and directed by the Chairperson to remain silent, resume his or her seat or leave the Chamber or meeting room, and who fails to comply with the Chairperson's direction, is guilty of an offence.

Penalty: Five (5) Penalty Units

99. Petitions and Joint Letters

A petition or joint letter presented to the Council must lay on the table until the next Ordinary meeting 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.

Where a petition or joint letter has been allowed to lay on the table, the Chief Executive Officer may refer it to the appropriate officer for a report prior to it next being considered by Council, as deemed appropriate by the Chief Executive Officer in his/her discretion.

100. Signing Petitions – Offence

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

Penalty: Five (5) Penalty Units

101. Councillor Presenting Petition – Obligations

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.

PART 10 – ENFORCEMENT AND PENALTIES

102. Offences

- (1) Where any provision in this Local Law requires that something may not be done at all, any person who does that act is guilty of an offence.
- (2) 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.
- (3) Any person who contravenes this Local Law is guilty of an offence, and liable to a penalty:-
 - (a) for an initial offence, not exceeding 10 penalty units.
 - (b) for a subsequent offence, not exceeding 20 penalty units.
 - (c) for a continuing offence, of one (1) penalty unit for each day after conviction for an offence during which the contravention continues.

103. Penalties

Schedule 2 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.

104. Infringement Notice

- (1) An authorised officer may serve a local law infringement notice as per Schedule 1 on a person whom the officer believes has committed an infringement referred to in Schedule 2 requiring the person to pay the penalty for that infringement within 28 days of the issue of the infringement notice.
- (2) If the infringement notice is not withdrawn and the person pays to the Council the amount referred to in the infringement notice within the period of 28 days or such further period as the Council or an authorised officer may allow, no conviction will be recorded against that person for the alleged infringement.
- (3) If a person issued with an infringement notice makes a written representation to the Council, the Chief Executive Officer or officer in charge of local laws administration within 28 days of the issue of the infringement notice, the representation must be brought to the attention of the Chief Executive Officer.

- (4) The Chief Executive Officer may consider any written representations and any other relevant information and must consider any such material brought to his or her attention within 28 days of the issue of the infringement notice to which it relates.
- (5) Subject to sub-clause (11) the decision of the Chief Executive Officer on any representations received will be final.
- (6) The Council or the Chief Executive Officer may at any time withdraw an infringement notice either as a result of consideration of any representations made or with a view to prosecuting for an offence.
- (7) 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 on the infringement notice.
- (8) If the penalty referred to in an infringement notice has been paid within 28 days of its issue and no representation has been received by the Council or its officers, no decision may be made to withdraw the infringement notice and prosecute the offence after the expiry of 28 days from the issue of the infringement notice.
- (9) Any withdrawal of an infringement notice may be served in accordance with section 234 of the Act.
- (10) In the event of the failure of a person served with an infringement notice to pay the amount specified within 28 days of the issue of the notice or such further time as the Council or the authorised officer may permit, the Council or the authorised officer may pursue the matter by prosecuting for an offence or by taking any steps which may be available for enforcing penalties by registration of infringement notices.
- (11) Any person served with a local law infringement notice is entitled to disregard the notice and defend the prosecution in Court.

SCHEDULE 1 – INFRINGEMENT NOTICE

Date:

To: [name and address)

I, [name of authorised officer] have reason to believe that you have committed an offence against the Meeting Procedure Local Law No. 1/2009 of the Northern Grampians Shire Council, as indicated below:

Date and Time of Offence	
Clause of Local Law	
Penalty	
Description of the Offence	
Location of the Offence	

You are entitled to disregard this notice and defend the prosecution for an offence in Court.

SCHEDULE 2 – PENALTIES

Provision	Offence	Penalty Units
9(b)	Use the common seal without authority	5
97(2)	Failure to comply with Chairperson's direction	5
99	Fraudulently signing a petition	5

Notice of the making of this Local Law was included in the Victorian Government Gazette dated 25 February, 2010

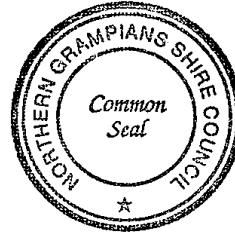
Public Notice of the proposal to make and confirmation for the making of this Local Law were inserted in the Stawell Times News on 22 December, 2009 and 19 February, 2010 respectively and the North Central News on 23 December, 2009 and 24 February, 2010 respectively.

A copy of this Local Law was sent to the Minister for Local Government on 26 February, 2010.

CERTIFICATION OF MEETING PROCEDURE LOCAL LAW NO 1/2009

This is to certify that this is a true copy of the Local Law of the Northern Grampians Shire Council and that we have informed ourselves of the legislative requirements necessary to giving validity to such Local Law and as to our observance and belief that such requirements have been fulfilled. And we further certify that such Local Law came into force on the 28th January, 2010.

THE COMMON SEAL of the }
Northern Grampians Shire Council }
was hereunto affixed this 28th day of }
January, 2010 in the presence of : }



Kevin A. Glin
..... Mayor/Councillor

G. Davis
..... Chief Executive Officer