

## 11 Draft Meeting Procedure Local Law 2017

### Abstract

The *Local Government Act 1989* (the Act) requires Council to make a local law governing the conduct of meetings of the Council and of Special Committees of Council.

The current Meeting Procedure Local Law was originally adopted by Council on 26 March 2007 and commenced on 6 April 2007. The current Meeting Procedure Local Law is due to expire (i.e. its 'sunset date') on 6 April 2017. After this date, the Local Law will cease to apply.

In order to comply with the requirements of the Act, Council must make a new local law, which is proposed to be titled the Meeting Procedure Local Law 2017.

Officers consider that the Meeting Procedure Local Law has been generally successful in regulating the election of the Mayor; the use of the common seal and the conduct of Council and Special Committee Meetings over the past decade.

Overall it is considered appropriate that the new local law be generally consistent with the current Meeting Procedure Local Law and the draft Meeting Procedure Local Law 2017 has been prepared on that basis.

### Officers' recommendation

That Council resolve to:

1. Commence the statutory process in accordance with Part 5 of the *Local Government Act 1989* to make the Meeting Procedure Local Law 2017.
2. Endorse the draft Meeting Procedure Local Law 2017 (as annexed to the minutes) for the purposes of community consultation.

**Responsible manager: David Thompson  
Governance**

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## **1. Purpose**

The purpose of this report is to consider commencing the statutory process to make the Meeting Procedure Local Law 2017.

## **2. Policy implications and relevance to council plan**

This report is consistent with the strategy within the Council Plan 2013-17 to "ensure Council is open, transparent, inclusive and accountable to the community by having sound processes for making and implementing decisions". Beyond good governance, it is also about risk minimisation and management.

An effective, contemporary Meeting Procedure Local Law is also a vital part of the effective decision-making process outlined in the Councillor Code of Conduct (the Code) adopted in accordance with the provisions of Section 76C of the *Local Government Act 1989* (the Act).

## **3. Background**

The current Meeting Procedure Local Law was originally adopted by Council on 26 March 2007 and commenced on 6 April 2007. It has been amended three times (in 2011, 2014 and 2015) since its inception, to respond to the needs of the Council of the day or legislative change.

The Meeting Procedure Local Law as amended (the current Local Law) is due to expire (i.e. its 'sunset date') on 6 April 2017. After this date, the current Local Law will cease to apply.

In order to comply with the requirements of the Act, Council must make a new local law.

## **4. Outline of key issues/options**

Officers consider that the current Local Law has been generally successful in regulating the election of the Mayor; the use of the common seal and the conduct of Council and Special Committee meetings over the past decade.

Accordingly, the draft Meeting Procedure Local Law 2017 has been prepared based on the current Local Law, with amendments to:

- ensure compliance with the *Local Government Act*;
- improve the structure, clarity or readability of the local law;
- provide discretionary rather than mandatory powers to the Chairperson which are more consistent with the Victorian Charter of Human Rights;
- improve, simplify or clarify procedural matters;
- correct incidental formatting, numbering, and/or typographical issues.

The draft Meeting Procedure Local Law 2017 is included as **Attachment 1** to this report and a track changes tool has been used to highlight the substantive amendments to the current Local Law.

A schedule of the substantive changes, identifying the rationale for each, is also included as a table in the Community Impact Statement (**Attachment 2**).

## 5. Consultation/communication

The timelines to make the Meeting Procedure Local Law 2017 are necessarily tight, due to the timing of the Council election and the sunset date of the local law.

The timeframe is considered adequate given the expectation that the Meeting Procedure Local Law 2017 will be generally consistent with the current Local Law.

The timeline for the making of the Meeting Procedure Local Law 2017 is set out below:

|                                 |   |
|---------------------------------|---|
| 12 December 2016                | Council resolution to commence the process to make a local law                              |
| 15 December to 20 December 2017 | Public notice period commences with notice in the Government Gazette and Progress Leader    |
| 7 February 2017                 | Conclusion of public notice period and closing date for public submissions                  |
| 27 March 2017                   | Consideration of public submissions (if any) by Council and resolution to adopt a local law |
| 30 March 2017 - 4 April 2017    | Notice of new local law in the Government Gazette and Progress Leader                       |
| 7 April 2017                    | Commencement of new local law   |

Preparation of the draft Meeting Procedure Local Law 2017 has taken into consideration feedback from Councillors regarding the operation of the current Local Law, and advice from Council's solicitors.

## 6. Financial and resource implications

The costs to review the Meeting Procedure Local Law will be met within the current budget and include the cost of legal advice and public notices.

## 7. Governance issues

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities and are not considered to infringe upon any prescribed human rights, freedoms or responsibilities.

A review of the draft Meeting Procedure Local Law 2017 against the Charter has been undertaken and is set out in the Community Impact Statement (**Attachment 2**).

## **8. Social and environmental issues**

Reviewing the Meeting Procedure Local Law will ensure Council continues to comply with its obligations under the Act.

A robust and effective Meeting Procedure Local Law 2017 will assist Council to ensure that decision-making processes remain transparent and that high standards of integrity and accountability are maintained. This in turn reinforces public confidence in Council's ability to ensure good corporate governance within the municipality.

**Manager:** David Thompson, Governance

**Report officer:** Andrew Dowling, Coordinator Governance



Attachment 1

**CITY OF BOROONDARA**  
**MEETING PROCEDURE LOCAL LAW 2017**

**DRAFT**

**Date Resolved By Council**

|                                 |                        |
|---------------------------------|------------------------|
| <b>Commencement Date:</b>       | 7 April 2017           |
| <b>Revocation Date:</b>         | 7 April 2027           |
| <b>Responsible Directorate:</b> | Chief Executive Office |

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## PART A - INTRODUCTION

### 1. Title

This Local Law will be known as the City of Boroondara, "Meeting Procedure Local Law 2017".

### 2. Purpose of this Local Law

The purpose of this Local Law is to:

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

### 3. Authorising Provision

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

### 4. Commencement and End Dates

This Local Law:

- 4.1 commences on 7 April 2017 and operates throughout the *municipal district*; and
- 4.2 ends on the 10<sup>th</sup> anniversary of the day on which it commenced operation, unless revoked earlier by Council.

### 5. Revocation of Meeting Procedure Local Law

On the commencement of this Local Law, Council's:

- 5.1 Meeting Procedure Local Law adopted by Council on 26 March 2007; and
- 5.2 Meeting Procedure (Amendments 2011) Local Law, adopted by Council on 25 July 2011; and;
- 5.3 Meeting Procedure (Further Amendments 2014) Local Law adopted by Council on 24 March 2014; and
- 5.4 Meeting Procedure (Additional Amendments 2014) Local Law adopted by Council on 27 April 2015;

are revoked.

## 6. Definitions and Notes

### 6.1 In this Local Law:

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

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

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

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

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

"Chief Executive Officer" means the Chief Executive Officer of Council; or the person acting in or performing the position Chief Executive Officer;

"common seal" means the common seal of Council;

"Council" means Boroondara City Council;

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

"General Business" means business of a minor or routine nature;

"majority of the votes" means the votes cast by a majority of the Councillors or members of the Special Committee present at a meeting at the time the vote is taken;

"Mayor" means the Mayor of Council;

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

"municipal district" means the municipal district of Council;

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

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

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

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

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

"*Repetitious motion*" means (a) a motion moved that is to the same effect, even if it is in a different form, as a motion (with or without amendment) that has been rejected by *Council* at the same meeting; or

(b) a motion that substantially covers the same ground as a motion or amendment already dealt with by *Council* at the same meeting.

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

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

"*Urgent Business*" means a matter that relates to or arises out of a matter which has arisen since distribution of the *agenda* and cannot safely or conveniently be deferred until the next *Ordinary meeting* or *Special Committee* meeting;

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

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

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

## **PART B - SWEARING IN OF COUNCILLORS AND ELECTION OF MAYOR**

**Introduction:** This Part is concerned with the swearing in of Councillors after a general election and the annual election of the *Mayor*. ~~It describes how the Mayor is to be elected.~~

### **7. Swearing in of Councillors**

7.1 The Chief Executive Officer must open the first Special meeting called after a general election pursuant to the Act and may then preside over the meeting.

7.2 Once all Councillors present are sworn in, the meeting may elect a temporary Chairperson.

### **7.8. Election of Mayor**

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

### **8. Method of Voting**

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

## 9. Determining the election of the Mayor

9.1 The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected, and preside until the meeting elects a temporary *Chairperson*.

9.2 ~~The process for the election of the Mayor is as follows:~~~~Upon the meeting electing a temporary Chairperson:~~

~~9.2.1~~ 9.2.1 the temporary *Chairperson* must invite nominations for the office of *Mayor* (each of which must be seconded).

~~9.2.2~~ 9.2.2 If there is only one (1) nomination pursuant to clause 9.2.1, the candidate nominated is deemed to be elected;

~~9.2.3~~ 9.2.3 if there is more than one (1) nomination pursuant to clause 9.2.1, a vote must be taken to elect one (1) of the candidates;

~~9.2.1.1~~~~9.2.3.1~~ 9.2.1.19.2.3.1 in the event of a candidate receiving a *majority of the votes*, that candidate is declared to have been elected;

~~9.2.1.2~~~~9.2.3.2~~ 9.2.1.29.2.3.2 in the event that no candidate receives a *majority of the votes*, the candidate with the fewest number of votes is declared to be a defeated candidate. A further vote will then be taken for the remaining candidates;

~~9.2.1.3~~~~9.2.3.3~~ 9.2.1.39.2.3.3 if one (1) of the remaining candidates receives a *majority of the votes*, he or she is duly elected. If none of the remaining candidates receives a *majority of the votes*, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one (1) of the candidates receives a *majority of the votes*. That candidate must then be declared to have been duly elected;

~~9.2.1.4~~~~9.2.3.4~~ 9.2.1.49.2.3.4 in the event of two (2) or more candidates having an equality of votes and one (1) of them having to be declared a defeated candidate, the declaration will be determined by lot;

~~9.2.1.4.1~~ 9.2.1.4.1 a defeated candidate; or

~~9.2.1.4.2~~ 9.2.1.4.2 duly elected

~~the declaration will be determined by lot;~~

~~9.2.2~~~~9.2.4~~ 9.2.29.2.4 All votes taken pursuant to section 9.2.3 must be by show of hands.

~~9.2.3~~~~9.2.5~~ 9.2.39.2.5 if a lot is conducted pursuant to clause 9.2.3.4, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:

~~9.2.3.1~~~~9.2.5.1~~ 9.2.3.19.2.5.1 each candidate will draw one (1) lot;

~~9.2.3.29.2.5.2~~ 9.2.5.2 the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two (2) or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and

~~9.2.3.39.2.5.3~~ 9.2.5.3 as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. ~~If the lot is being conducted to determine which is a defeated candidate, the~~ The word "Defeated" shall be *written* on one (1) of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" *written* on it must be declared the defeated candidate (in which event a further vote ~~must~~ may be taken on the remaining candidates if required). ~~If the lot is being conducted to determine which candidate is to be duly elected, the word "Elected" must be~~ *written* on one (1) of the pieces of paper, and the Councillor who draws the paper with the word "Elected" *written* on it must be declared to ~~have been duly elected.~~

9.3 After the election of the Mayor is determined, the Mayor must take the Chair and preside over the meeting pursuant to this Local Law.

## PART C - COUNCIL'S COMMON SEAL

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

### 10. Council's Common Seal

10.1 The *Chief Executive Officer* must ensure the security of *Council's common seal* at all times.

~~10.2~~ 10.2 *The common seal may only be used with the authority of the Council or the Chief Executive Officer exercising a relevant delegation.*

~~10.2~~10.3 *Unless Council resolves otherwise, ~~The~~ the affixing of Council's common seal to any document must be attested to by the signatures of both:*

~~10.2.1~~10.3.1 *the Mayor and the Chief Executive Officer; or*

~~10.2.2~~10.3.2 *in the absence of the Mayor, by one Councillor and the Chief Executive Officer ~~or any other member of Council staff authorised by Council.~~*

~~10.3~~10.4 *A person must not use the common seal or any device resembling the common seal without the authority of Council or the Chief Executive Officer.*

**Penalty: 5 penalty units**

## PART D - MEETINGS PROCEDURE

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

### DIVISION 1 – Notices of Meetings and Delivery of *Agendas*

#### 11. Dates and Times of Meetings

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

11.2 *Council* may from time to time fix the date, time and place of *Special Committee* meetings.

#### 12. *Council* May Alter *Ordinary Meeting* Dates

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

#### 13. *Special Meetings*

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

13.2 The notice must specify the date and time of the *Special meeting* and the business to be transacted.

13.3 The *Chief Executive Officer* must convene the *Special meeting* as specified in the notice.

13.4 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice is to be transacted.

13.5 Subject to any resolution providing otherwise, the order of business of any *Special meeting* must be the order in which such business stands in the *agenda* for the meeting.

#### 14. Notice Of Meeting

14.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered (whether personally, by facsimile, email or otherwise) or made available electronically to every Councillor for all *Ordinary* and *Special meetings* at least 48 hours before the meeting.

14.2 Subject to any resolution of *Council*, the *Chief Executive Officer* will determine the method of delivery to be used under clause 14.1.

~~14.2~~14.3 Notice to the public of each *Ordinary* and *Special* meeting must be provided in accordance with the Act. In addition, *Council* may also from time to time, publish: Reasonable notice of each *Ordinary* and *Special* meeting must be provided to the public. *Council* may do this for *Ordinary meetings* by preparing a schedule of meetings annually, twice yearly or

~~from time to time, and arranging publication of such schedule in a local newspaper either at various times throughout the year, or just prior to each Ordinary meeting.~~

14.3.1 a schedule of meetings fixed pursuant to this Division annually in a newspaper and/or on Council's website.

14.3.2 details of meetings fixed pursuant to this Division in a newspaper and/or on Council's website at any other time considered by the Chief Executive Officer to be appropriate.

## 15. Leave Of Absence and Agenda

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

## DIVISION 2 – Quorums

### 16. Ordinary Meetings

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

### 17. Special Meetings

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

### 18. Inability To Gain A Quorum

If:

- 18.1 After 30 minutes from the scheduled starting time of any *Council meeting* a quorum cannot be obtained, those Councillors present, or if there are no Councillors present, the *Chief Executive Officer*, or, in the absence of the *Chief Executive Officer*, an *authorised officer*, may adjourn the meeting for a period not exceeding fourteen (14) days from the date of the adjournment;
- 18.2 A *Council meeting* to which clause 18.1 applies is not adjourned, the meeting shall be deemed to have lapsed; and
- 18.3 A *Council meeting* lapses according to clause 18.2 the business of the meeting shall be considered for inclusion on the *agenda* of a future *Council meeting* in accordance with clause 23.

### 19. Inability to Maintain A Quorum

If:

- 19.1 A quorum is lost during any *Council meeting*, and a quorum cannot be regained within 10 minutes, the meeting:
  - 19.1.1 may be adjourned by those Councillors present, or in the absence of any Councillors, the *Chief Executive Officer*, or, in the absence of the *Chief Executive Officer*, an *authorised officer*, for a specified period not exceeding fourteen (14) days; or

19.1.2 shall, in the event of no adjournment under clause 19.1.1, be deemed to have lapsed;

19.2 A quorum is lost during any adjournment of a *Council meeting* and a quorum cannot be obtained within the time specified in the adjournment motion, or if no time was specified, within 30 minutes of the quorum being lost, the meeting:

19.2.1 may be adjourned by those Councillors present, or in the absence of any Councillors, the *Chief Executive Officer*, or, in the absence of the *Chief Executive Officer*, an *authorised officer*, for a specified period not exceeding fourteen (14) days; or

19.2.2 shall, in the event of no adjournment under clause 19.2.1, be deemed to have lapsed; and

19.3 ~~If a~~ *Council meeting* lapses according to clause 19.1.1 or 19.2.2:

19.3.1 any motion or amendment which has been moved but not resolved in accordance with Division 4, shall be deemed to have been adjourned indefinitely in accordance with clause 47;

19.3.2 any other unresolved matters shall be considered for inclusion on the *agenda* of a future *Ordinary meeting* or *Special meeting* in accordance with clause 23; and

19.3.3 the business transacted to that point in the meeting where a quorum was lost, shall remain validly transacted.

## 20. Inability To Achieve Or Maintain A Quorum Due To Disclosure of Conflict of Interests Of Councillors

If 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, an *authorised officer*, may adjourn the item for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister administering the *Act*.

## 21. Notice Of Adjourned Meeting

The *Chief Executive Officer* must make reasonable attempts to give notice to all Councillors and members of the public, of any *Council meeting* adjourned under clause 18, 19 or 20.

## 22. Time limits for Meetings

A *Council meeting* must not continue after 11.00 pm unless a majority of Councillors present vote in favour of its continuance pursuant to clause 47.

## DIVISION 3 – Business of Meetings

### 23. The Order Of Business

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

23.1 the expected duration of the meeting;

- 23.2 potential implications for subsequent meetings or events;
- 23.3 the sensitivity of any particular item;
- 23.4 the anticipated community interest in any particular item;
- 23.5 where practicable, feedback from the *Mayor* or *Committee Chairperson*;
- 23.6 the urgency of any particular item; and
- 23.7 any other relevant factor which may impact on the processes and good governance of the *Council*.

#### 24. Change To Order Of Business

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

24.1 prior to the meeting by the *Chief Executive Officer* by issuing a revised *agenda* in accordance with clause 23; or

~~24.1~~ 24.2 by resolution, or with the consent of *Council* at the meeting.

#### 25. Urgent Business

If the *agenda* for an *Ordinary meeting* or *Special Committee meeting* makes provision for *Urgent Business*, business must not be admitted as *Urgent Business* unless it:

25.1 *Council* resolves to admit the business; and

~~25.1~~ 25.2 It relates to or arises out of a matter which has arisen since distribution of the *agenda*; and

~~25.2~~ 25.3 It cannot safely or conveniently be deferred until the next *Ordinary meeting* or *Special Committee meeting*.

#### 26. General Business

If the *agenda* for an *Ordinary meeting* makes provision for *General Business*, business of a minor or routine nature only should be admitted as *General Business*. Any motion dealing with a matter that is not minor or routine must not be accepted by the *Chairperson* and will be subject to the *notice of motion* provisions. Such motions can be referred to *Urgent Business*.

### DIVISION 4 – Motions and Debate

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

Councillors may ensure that an issue is listed on an *agenda* by submitting a *notice of motion* in accordance with clause 028.

## 28. Notice Of Motion

28.1 A *notice of motion* must be in writing and received by the *Chief Executive Officer* (whether personally, by facsimile, email or otherwise) by 12 noon on a business day not less than three days prior to the next *Council meeting* at which the *notice of motion* may be considered. If a *notice of motion* is received after that time, it must, unless withdrawn, be included in the *agenda* for the following *Council meeting*.

28.2 A *notice of motion* may be withdrawn by a request in writing received (whether personally, by facsimile, email or otherwise) prior to the publication of the *agenda* for which the *notice of motion* was intended. Otherwise, the item must be dealt with at a *Council meeting*.

28.3 The *Chief Executive Officer* must make reasonable attempts to give Councillors notice of any *notice of motion* at least 48 hours before the *Council meeting* at which the *notice of motion* is to be considered.

28.4 The *Chief Executive Officer* may reject any *notice of motion* which:

28.4.1 is vague or unclear in intention ~~but must;~~ and/or

28.4.2 may reasonably be considered to be defamatory or objectionable in language or nature; and/or

28.4.3 is outside the powers of *Council*.

~~28.4~~28.5 If a *notice of motion* is rejected under clause 28.4, the *Chief Executive Officer* must:

~~28.4.1~~28.5.1 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and

~~28.4.2~~28.5.2 notify the Councillor who lodged it of the rejection and reasons for the rejection.

~~28.5~~28.6 The full text of any such *notice of motion* must be included in the material accompanying the *agenda*.

~~28.6~~28.7 The *Chief Executive Officer* must cause a signed copy of each *notice of motion* to be numbered, dated and entered in the *notice of motion* book in the order in which they were received.

~~28.7~~28.8 Except by leave of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the *notice of motion* book.

~~28.8~~28.9 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chairperson*, any other Councillor may himself or herself move the motion.

~~28.9~~28.10 If a *notice of motion* is not moved in accordance with clause ~~28.9~~28.8, the *notice of motion* shall be deemed to have lapsed for want of a mover.

~~28.10~~28.11 The *Chief Executive Officer* may provide a report to *Council* detailing the implications for *Council* and the community in respect of any *notice of motion* which has been submitted for inclusion on the *agenda* paper.

**29. Chairperson's Duty**

Motions and amendments:

- 29.1 must relate to the powers or functions of *Council*, be clear and unambiguous and ~~may not be~~ reasonably be considered to be defamatory or objectionable in language or nature.
- 29.2 except in the case of *General Business* or *Urgent Business*, must be relevant to an item of business on the *agenda*.
- 29.3 which do not conform to this or any other clause may be refused by the *Chairperson*.

**30. Clarifying a Motion**

- 30.1 Before a *notice of motion* or other motion which has been foreshadowed is moved, a Councillor may, with the leave of the *Chairperson*, ask for clarification from the *Chairperson* or Councillor expected to move the *notice of motion* or other motion of:
  - 30.1.1 the intent; or
  - 30.1.2 some other aspectof such *notice of motion* or other motion.
- 30.2 The *Chairperson* may request the person taking the minutes of the meeting to read the motion or amendment to the meeting before the vote is taken.

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

The procedure for moving any motion or amendment is:

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

"Is the motion or amendment opposed?"
- 31.4 if no Councillor indicates opposition, the *Chairperson* may give the mover of the motion or amendment or any Councillor with a special interest in the matter the opportunity to speak before declaring the motion or amendment carried;
- 31.5 if a Councillor indicates opposition, then the *Chairperson* must call on the mover to address the meeting;
- 31.6 after the mover has addressed the meeting, the seconder may address the meeting;
- 31.7 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chairperson* must call on any Councillor who wishes to speak to the motion

(including, at the *Chairperson's* discretion, the seconder) if the Councillor has not previously spoken; and

- 31.8 if no Councillor speaks to the motion, then the *Chairperson* must put the motion.

### **32. Right Of Reply**

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

### **33. Moving An Amendment**

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

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

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

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

- 35.1 Any number of amendments may be proposed to a motion but only one (1) amendment may be accepted by the *Chairperson* at any one time.
- 35.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

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

If the amendment is carried:

- 36.1 the motion as amended then becomes the motion before the meeting; and
- 36.2 the mover and seconder of the amendment are deemed to be the mover and seconder of the motion before the meeting.

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

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

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

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

**39. Chairperson May Separate Motions**

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

**40. Priority of address**

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

**41. Motions In Writing**

41.1 All motions, except procedural motions, should be in writing.

41.2 The *Chairperson* may suspend the meeting while the motion is being *written* or may request *Council* to defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

**42. Repetitious Motions and/or Amendments**

42.1 The *Chairperson* must refuse to accept a motion which *Council* has resolved to be a *Repetitious motion*, pursuant to clause 47.

**43. Debate Must Be Relevant To The Question**

43.1 Debate must always be relevant to the question before the Chair, and, if not, the *Chairperson* must request the speaker to confine debate to the question.

43.2 If after being requested to confine debate to the question before the Chair, the speaker continues to debate irrelevant matters, the *Chairperson* may direct the speaker not to speak further in respect of the question then before the Chair.

43.3 A speaker to whom a direction has been given under clause 43.2 must comply with that direction.

**44. Speaking Times**

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

44.1 the mover of a motion or an amendment: 5 minutes and any other Councillor 3 minutes; and

44.2 the mover of a motion exercising a right of reply: 2 minutes.

**45. Addressing the Meeting**

If the *Chairperson* so determines:

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

45.1.1 Madam Mayor; or

45.1.2 Mr Mayor; or

45.1.3 Madam Chair; or

45.1.4 Mr Chair

as the case may be;

- 45.2 all Councillors, other than the *Mayor*, must be addressed as Cr .....(name).
- 45.3 all members of *Council* staff, must be addressed as Mr, Mrs, Ms, Dr or Prof.....(name) as appropriate or by their official title.

#### 46. Foreshadowing Motions

- 46.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 46.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chairperson* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 46.3 A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- 46.4 The *Chief Executive Officer* or person taking the minutes of the meeting would not be expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

### DIVISION 5 – Procedural Motions

#### 47. Procedural Motions

- 47.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chairperson*.
- 47.2 Procedural motions require a seconder.
- 47.3 Procedural motions may only be moved and seconded by Councillors as specified in the Procedural Motion Table at the end of this Division.  
~~The mover of a procedural motion numbered 1 to 7 in the following table must not have moved, seconded or spoken to the question before the Chair or any amendment of it.~~
- 47.4 Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the Procedural Motions Table at the end of this Division.~~following table:~~

## PROCEDURAL MOTIONS TABLE

| Procedural Motion                                  | Form   | Mover & Seconder   | Matter in Respect of Which Motion May be Moved   | When Motion Prohibited   | Effect if Carried   | Effect if Lost              | Debate Permitted on Motion |
|--|--|--|--|--|---|-----------------------------|----------------------------|
| 1. Adjournment of debate to later hour and/or date | That this matter be adjourned to *am/pm and/or *date | Any Councillor   | Any matter   | (a) During the election of a <i>Chairperson</i> ;<br>(b) When another Councillor is speaking   | Motion and amendments postponed to the stated time and/or date  | Debate continues unaffected | Yes                        |
| 2. Adjournment of debate indefinitely              | That this matter be adjourned until further notice   | Any Councillor   | Any matter except:<br>(a) election of a <i>Chairperson</i> ;<br>(b) a matter in respect of which a call of the <i>Council</i> has been made for that meeting | (a) During the election of a <i>Chairperson</i> ;<br>(b) When another Councillor is speaking;<br>(c) When the matter is one in respect of which a call of the <i>Council</i> has been made | Motion and any amendment postponed but may be resumed at any later meeting if on the <i>agenda</i>  | Debate continues unaffected | Yes                        |
| 3. The closure                                     | That the motion be now put                           | A Councillor who has not spoken to the motion or any amendment of it | Any matter   | During nominations for <i>Chairperson</i>  | The <i>Chairperson</i> must call on the mover of the original motion or amendment in respect of which the closure motion is carried to reply to the debate on the original motion or amendment and then immediately put the original motion or amendment to the vote. No further debate on, or amendment to the original motion or amendment is permitted | Debate continues unaffected | No                         |

| Procedural Motion               | Form                               | Mover & Seconder   | Matter in Respect of Which Motion May be Moved   | When Motion Prohibited  | Effect if Carried  | Effect if Lost  | Debate Permitted on Motion |
|---------------------------------|------------------------------------|--|--|---|--|---|----------------------------|
| 4. Laying question on the table | That the question lie on the table | A Councillor who has not spoken to the motion or amendment of it     | Any matter   | (a) During the election of a <i>Chairperson</i> ;<br>(b) During a meeting which is a call of the <i>Council</i>   | Motion and amendments not further discussed or voted on until:<br>(a) <i>Council</i> resolves to take the question from the table at the same meeting;<br>(b) The matter is placed on an <i>agenda</i> and <i>Council</i> resolves to take the question from the table | Debate continues unaffected   | No                         |
| 5. Previous question            | That the question be not now put   | A Councillor who has not spoken to the motion or any amendment of it | Any matter except:<br>(a) election of a <i>Chairperson</i> ;<br>(b) a matter in respect of which a call of the <i>Council</i> has been made for that meeting | (a) During the election of a <i>Chairperson</i> ;<br>(b) When another Councillor is speaking;<br>(c) When the matter is one in respect of which a call of the <i>Council</i> has been made;<br>(d) When an amendment is before <i>Council</i> | (a) No vote or further discussion on the motion until it is placed on an <i>agenda</i> for a later meeting;<br>(b) Proceed to next business  | Motion (as amended up to that time) put immediately without further amendment or debate | Yes                        |

| Procedural Motion              | Form  | Mover & Seconder   | Matter in Respect of Which Motion May be Moved   | When Motion Prohibited  | Effect if Carried  | Effect if Lost              | Debate Permitted on Motion |
|--------------------------------|---|--|--|---|--|-----------------------------|----------------------------|
| 6. Proceeding to next business | That the meeting proceed to the next business<br>Note: This Motion:<br>(a) May not be amended (b) May not be debated; (c) Must be put to the vote as soon as seconded | A Councillor who has not spoken to the motion or any amendment of it | Any matter except: (a) Election of a <i>Chairperson</i> ; (b) A matter in respect of which a call of the <i>Council</i> has been made for that meeting       | (a) During the election of a <i>Chairperson</i> ;<br>(b) When another Councillor is speaking;<br>(c) When the matter is one in respect of which a call of the <i>Council</i> has been made  | If carried in respect of:<br>(a) An amendment - <i>Council</i> considers the motion without reference to the amendment;<br>(b) A motion - no vote or further discussion on the motion until it is placed on an <i>agenda</i> for a later meeting | Debate continues unaffected | No                         |
| 7. Repetitious motion          | That the motion is a <i>Repetitious motion</i>  | A Councillor who has not spoken to the motion or any amendment of it | Any matter except:<br>(a) election of a <i>Chairperson</i> ;<br>(b) a matter in respect of which a call of the <i>Council</i> has been made for that meeting | (a) During the election of a <i>Chairperson</i> ;<br>(b) When another Councillor is speaking;<br>(c) When the matter is one in respect of which a call of the <i>Council</i> has been made; | (a) No vote or further discussion on the motion unless it is placed on an <i>agenda</i> for a later meeting;<br>(b) Proceed to next business   | Debate continues unaffected | Yes                        |

| Procedural Motion                               | Form  | Mover & Seconder   | Matter in Respect of Which Motion May be Moved | When Motion Prohibited | Effect if Carried  | Effect if Lost  | Debate Permitted on Motion   |
|---|---|--|--|------------------------|--|---|--|
| 8. Dissent from the <i>Chairperson's</i> ruling | That the <i>Chairperson's</i> ruling be dissented from. | Any Councillor<br>1. Once moved and seconded, the <i>Chairperson</i> must leave the Chair and a temporary <i>Chairperson</i> elected.<br>2. The temporary <i>Chairperson</i> must invite the mover to state the reasons for his or her dissent and the <i>Chairperson</i> may then reply.<br>3. The motion must then be put. | Any ruling made by the <i>Chairperson</i> .    |                        | If carried, the <i>Chairperson</i> must resume the Chair, reverse his or her previous ruling and proceed.<br><br>The motion is in no way a motion of censure or non- confidence, and should not be so regarded | If lost, the <i>Chairperson</i> resumes the Chair and the meeting proceeds. | No, other than that the mover may state the reasons for his or her dissent and the <i>Chairperson</i> may then reply |
| 9. Suspension of standing orders                | That standing orders be suspended                       | Any Councillor   | Any matter                                     |                        | 1. The formalities of the meeting procedure are temporarily disposed of<br>2. No motion can be accepted by the <i>Chairperson</i> or lawfully be dealt until standing orders are resumed                       | The formalities of the meeting procedure remain in place                    | Yes  |

| Procedural Motion                    | Form   | Mover & Seconder | Matter in Respect of Which Motion May be Moved                                 | When Motion Prohibited                           | Effect if Carried  | Effect if Lost   | Debate Permitted on Motion |
|--------------------------------------|--|------------------|--|--|--|--|----------------------------|
| 10. Resumption of standing orders    | That standing orders be resumed  | Any Councillor   | Any matter   | When standing orders have not been suspended     | The formalities of the meeting procedure are reinstated  | 1. The formalities of the meeting procedure remain temporarily disposed of.<br>2. No motion can be accepted by the <i>Chairperson</i> or lawfully be dealt until standing orders are resumed | Yes                        |
| 11. Close the meeting to the public  | That the meeting be closed to the public in accordance with Section 89(2) of the <i>Local Government Act 1989</i> to consider..... because.... | Any Councillor   | Any matter prescribed in Section 89(2) of the <i>Local Government Act 1989</i> | When the meeting is already closed to the public | The meeting is closed to the public  | The meeting remains open to the public   | Yes                        |
| 12. Reopen the meeting to the public | That the meeting be reopened to the public   | Any Councillor   | Any matter   | When the meeting is already open to the public   | The meeting is opened to the public  | The meeting remains closed to the public   | Yes                        |
| 13. Continuance of Meeting           | That the meeting continue to #:##pm  | Any Councillor   | Any matter   |  | The time limit specified in clause 22 is to be substituted with the time limit specified in the continuance motion | The meeting stands adjourned to a time, date and place to be then and there announced by the <i>Chairperson</i>  | No                         |

| Procedural Motion                      | Form  | Mover & Seconder      | Matter in Respect of Which Motion May be Moved                                      | When Motion Prohibited | Effect if Carried                               | Effect if Lost                          | Debate Permitted on Motion |
|--|---|-----------------------|---|------------------------|---|---|----------------------------|
| <u>14. No recording of proceedings</u> | <u>That <i>council</i> revokes consent for the recording of the meeting</u> | <u>Any Councillor</u> | <u>A decision to record, or consent to recording of proceedings under Clause 78</u> |                        | <u>Consent to record proceedings is revoked</u> | <u>The meeting continues unaffected</u> | <u>Yes</u>                 |

## DIVISION 6 – Rescission Motions

### 48. Rescission Motion

- 48.1 A Councillor may propose a motion to rescind or to vary a previous resolution of *Council* by a *notice of rescission*.
- 48.2 A Councillor may propose a *notice of rescission* provided:
- 48.2.1 the resolution proposed to be rescinded has not been acted on; and
- 48.2.2 the *notice of rescission* is delivered to the *Chief Executive Officer* ~~in accordance with clause 028 and sets out~~ setting out:
- 48.2.2.1 the resolution to be rescinded; and
- 48.2.2.2 the meeting and date when the resolution was carried.
- 48.3 The *Chief Executive Officer* or an appropriate member of *Council* staff may implement a resolution at any time after the close of the meeting at which it was made. A resolution will therefore be deemed to have been acted on if:
- 48.3.1 its contents have or substance has been formally communicated to a person whose interests are materially affected by it; or
- 48.3.2 a statutory process has been commenced;
- so as to vest enforceable rights in or obligations on *Council* or any other person.

### ~~49.~~ Majority To Rescind A Resolution

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

### ~~50.~~ 49. If Lost

If a ~~motion for~~ notice of rescission is lost, a similar motion may not be put before *Council* for at least one (1) month from the date it was last lost, unless *Council* resolves that the *notice of* ~~motion~~ rescission be re-listed at a future meeting.

### ~~51.~~ 50. If Not Moved

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

### ~~52.~~ 51. May Be Moved By Any Councillor

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

**53-52. When Not Required**

~~53.1~~52.1 A motion for rescission is not required where *Council* wishes to change policy.

~~53.2~~ Notwithstanding clause ~~52.1~~52.1~~53.1~~, the following standards should generally apply if *Council* wishes to change policy:

~~53.3~~ if the policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* should be presented to *Council*; and

~~53.3.1~~ any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

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

**DIVISION 7 – Points Of Order****54-53. Chairperson To Decide**

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

**55-54. Chairperson May Adjourn To Consider**

~~55.1~~54.1 The *Chairperson* may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

~~55.2~~54.2 All other questions before *Council* are suspended until the point of order is decided.

**56-55. Dissent From *Chairperson's* Ruling**

~~56.1~~55.1 A Councillor may move a motion of dissent from the *Chairperson's* ruling on a point of order.

**57-56. Procedure For Point Of Order**

A Councillor raising a point of order must:

~~57.1~~56.1 state the point of order; and

~~57.2~~56.2 state any section, clause, paragraph or provision relevant to the point of order.

**58-57. Valid Points Of Order**

A point of order may be raised in relation to:

~~58-1~~57.1 a motion, which, under clause 29, or a question which, under clause 60, should not be accepted by the *Chairperson*;

~~58-2~~57.2 a question of procedure;

~~58-3~~57.3 a Councillor who is or appears to be out of order; or

~~58-4~~57.4 any act of disorder.

**59-58. Contradiction Or Opinion**

~~A point of order may not be raised~~ ~~Rising~~ to express a mere difference of opinion or to contradict a speaker ~~is not a point of order~~.

**DIVISION 8 – Public Question Time****60-59. Submission of Questions**

~~60-1~~59.1 ~~Unless Council resolves to the contrary, There~~ ~~there~~ shall be a public question time at every *Ordinary meeting* to allow members of the public to submit questions to *Council*.

~~60-2~~59.2 No person may submit:

60.2.1 more than two (2) questions at any one (1) *Ordinary meeting*.

60.2.2 more than eleven (11) questions in any one calendar year.

~~60-3~~59.3 As to the form of questions:

~~60-3-1~~59.3.1 subject to clause 59.3.4, questions must be in writing and in English:

~~60-3-2~~59.3.2 questions must be 75 words or less and not include a preamble, other additional material, or multiple parts;

~~60-3-3~~59.3.3 questions ~~must~~ ~~should~~ be submitted on the designated Public Question Time Form which is available:

~~60-3-3-1~~59.3.3.1 during normal office hours at the Camberwell Offices at 8 Inglesby Road Camberwell; or

~~60-3-3-2~~59.3.3.2 on *Council's* website; ~~and~~

~~60-3-4~~59.3.4 considering the general rights of citizens to take part in the conduct of *Council* affairs, if providing a question in writing and or in English unreasonably prevents or hinders participation in public question time, assistance with submitting questions is available from *Council*, via interpreter service if required.

~~60.4~~59.4 As to the deadline for questions:

~~60.4.1~~59.4.1 questions should be received by *Council* by 12:00 noon on the day of the *Ordinary meeting* to receive a verbal response at the meeting;

~~60.4.2~~59.4.2 questions not received by 12:00 noon on the day of the meeting will receive a verbal response if possible, but will otherwise be taken on notice for a *written* response to be provided.

~~60.4.3~~59.4.3 questions must be submitted:

~~60.4.3.1~~59.4.3.1 by mail to *Council's* advertised postal address;  
or

~~60.4.3.2~~59.4.3.2 by email to *Council's* advertised email address;  
or

~~60.4.3.3~~59.4.3.3 in person during normal office hours at the Camberwell Offices at 8 Inglesby Road, Camberwell.

~~60.4.3.4~~59.4.3.4 after normal office hours on the day of the meeting if submitted in person prior to the commencement of the Ordinary Council meeting in the receptacle designated for such purpose at 8 Inglesby Road, Camberwell.

#### ~~61.60.~~ ~~60A~~ Questions may be disallowed

~~61.1.1~~60.1 ~~60A.1~~ Considering the general rights of citizens to take part in the conduct of *Council* affairs, a question may be disallowed by the *Chairperson*, if in the opinion of the *Chairperson* it:

~~61.1.1~~60.1.1 ~~60A.1.1~~ is not submitted in accordance with this Division.

~~61.1.2~~60.1.2 ~~60A.1.2~~ relates to a matter outside the duties, functions and powers of *Council*;

~~61.1.3~~60.1.3 ~~60A.1.3~~ may reasonably be considered to be ~~is~~ defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

~~61.1.4~~60.1.4 ~~60A.1.4~~ deals with a subject matter already answered at the Council meeting;

~~61.1.5~~60.1.5 ~~60A.1.5~~ is aimed at embarrassing a Councillor or a member of *Council* staff;

~~61.1.6~~60.1.6 ~~60A.1.6~~ relates to personnel matters;

~~61.1.7~~60.1.7 ~~60A.1.7~~ relates to the personal hardship of any resident or ratepayer;

~~61.1.8~~60.1.8 ~~60A.1.8~~ relates to industrial matters;

~~61.1.9~~60.1.9 ~~60A.1.9~~ relates to contractual matters;

~~61.1.10~~60.1.10 ~~60A.1.10~~—relates to proposed developments;

~~61.1.11~~60.1.11 ~~60A.1.11~~—relates to legal advice;

~~61.1.12~~60.1.12 ~~60A.1.12~~—relates to matters affecting the security of *Council* property; or

~~61.1.13~~60.1.13 ~~60A.1.13~~—relates to any other matter which *Council* considers would prejudice *Council* or any person.

60.1.14 would require, on the advice of the *Chief Executive Officer*, an unreasonable diversion of *Council* resources to prepare a response for public question time.

~~61.2~~60.2 ~~60A.2~~—If a question is not disallowed under clause 60.1, the *Chairperson* may otherwise disallow a question if:  
~~The *Chairperson* may disallow a question unless:~~

~~60A.2.1~~—it ~~relates~~does not relate to a matter or matters on the *agenda* for the current *Ordinary meeting*; and/or

~~61.2.1~~60.2.1 ~~60A.2.2~~—before submitting a question for public question time the person asking the same has not previously:

~~61.2.1.1~~60.2.1.1 ~~60A.2.2.1~~—put the question in writing to a Councillor or a member of *Council* staff; and

~~61.2.1.2~~60.2.1.2 ~~60A.2.2.2~~—received a *written* response to the question from a Councillor or a member of *Council* staff

~~60.3~~ If a question is not disallowed under clauses 60.1 or 60.2, the *Chairperson* may still disallow a question if:

~~60.3.1~~ subject to clause 60.3.3, if the person asking the same is not in the gallery at the time it is due to be read;

~~61.2.2~~60.3.2 subject to clause 60.3.3, ~~60B.1.5~~—a question may not be read if the person asking the question refuses to read the question when called upon by the *Chairperson* to do so; or

~~60.3.3~~ considering the general rights of citizens to take part in the conduct of *Council* affairs, a person submitting a question is unable to attend the meeting, or read a question, because of a personal characteristic or attribute protected by law, such as (but not limited to) having a disability, their age or status as a carer, the *Chairperson* may, subject to clause 60.3.4 permit a representative to attend or read a question on their behalf;

provided always that the *Chairperson* shall not exercise his or her discretion to permit a representative in accordance with clause 60.3.3 on the ground of inconvenience alone.

~~61.3~~60.4 ~~60A.3~~—Questions disallowed by the *Chairperson* shall be made available to any Councillor on request.

~~61.4~~60.5 ~~60A.4~~—Questions may be disallowed by the *Chairperson* prior to the commencement of an *Ordinary meeting*.

**62.61. 60B—Procedures for Question Time**

~~62.1.1~~ ~~61.1~~ ~~60B.1~~ ~~Notwithstanding clauses 60.3.1 and 60.3.2, the~~ ~~The~~ ~~Chairperson~~ or member of *Council* staff nominated by the *Chairperson* may read a question to those present except that:

~~62.1.1~~ ~~61.1.1~~ ~~60B.1.1~~ ~~the~~ ~~Chairperson~~ may advise *Council* that it is his or her opinion that the question should be read in a meeting closed to members of the public. The Councillor or member of *Council* staff must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the question must be so read;

~~60B.1.2~~ ~~subject to clause 60B.1.3, a question may not be read if the person asking the same is not in the gallery at the time it is due to be read;~~

~~60B.1.3~~ ~~considering the general rights of citizens to take part in the conduct of~~ ~~Council~~ ~~affairs, if a person submitting a question is unable to attend the meeting because of a personal characteristic or attribute protected by law, such as (but not limited to) having a disability, their age or status as a carer, the~~ ~~Chairperson~~ ~~may permit a representative to attend on their behalf;~~

~~60B.1.4~~ ~~the~~ ~~Chairperson~~ ~~shall not exercise his or her discretion to permit a representative in accordance with clause 60B.1.3 on the ground of inconvenience alone; and~~

~~60B.1.5~~ ~~a question may not be read if the person asking the question refuses to read the question when called upon by the~~ ~~Chairperson~~ ~~to do so.~~

~~62.2~~ ~~61.2~~ ~~60B.2~~ The *Chairperson* may nominate a Councillor or member of *Council* staff to respond to a question except that:

~~62.2.1~~ ~~61.2.1~~ ~~60B.2.1~~ ~~a~~ Councillor or member of *Council* staff may advise *Council* that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or member of *Council* staff must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the reply to such question must be so given;

~~62.2.2~~ ~~61.2.2~~ ~~60B.2.2~~ ~~before~~ ~~responding,~~ a Councillor or member of *Council* staff may direct questions of clarification to the person submitting the question. All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification;

~~62.2.3~~ ~~61.2.3~~ ~~60B.2.3~~ A Councillor or member of *Council* staff nominated to respond to a question, may require that the question be put on notice until the next *Ordinary meeting*, at which time the question must be answered, or elect to submit a *written* answer to the person asking the question; and

~~62.2.4~~~~61.2.4~~ ~~60B.2.4~~ a Councillor may direct questions of clarification to the Councillor or member of *Council* staff nominated to respond to a question. All questions and answers must be as brief as possible, and no discussion or debate may be allowed other than for the purposes of clarification.

#### **DIVISION 9 – Petitions and Joint Letters**

##### **~~63.62.~~ Petitions and Joint Letters**

~~63.4~~~~62.1~~ Unless *Council* determines to consider it as an item of *Urgent Business*, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next *Ordinary meeting* after that at which it has been presented.

~~63.2~~~~62.2~~ It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council* and that the contents do not violate any Local Law.

~~63.3~~~~62.3~~ Every Councillor presenting a petition or joint letter to *Council* must write his or her name at the beginning of the petition or joint letter.

~~63.4~~~~62.4~~ Every petition or joint letter presented to *Council* must be in writing (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 20 people.

~~63.5~~~~62.5~~ Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.

**DIVISION 10 – Deputations****64-63. Deputation to be referred to *Mayor***

A deputation wishing to be heard by *Council* may make a *written* request to the *Chief Executive Officer* who must refer the request to the *Mayor*.

**65-64. Consideration of Request**

~~65-1~~64.1 The *Mayor* may:

~~65-1.1~~64.1.1 ask the *Chief Executive Officer* to include the deputation on the *agenda* for a future *Council meeting*; or

~~65-1.2~~64.1.2 ask the *Chief Executive Officer* to include the request for a deputation on the *agenda* for a future *Council meeting*; or

~~65-1.3~~64.1.3 in consultation with the *Chief Executive Officer*, decline the request.

**66-65. Notification of Hearing**

If the *Mayor* asks for a deputation to be heard, the *Chief Executive Officer* must notify all Councillors of that request, and also notify a member of the deputation of the date, time, and place of which the deputation will be heard.

**67-66. Summary of Submissions**

A deputation may lodge with the *Chief Executive Officer*, a *written* submission detailing the subject matter of the deputation prior to the deputation addressing *Council*.

**68-67. Limitations upon Speakers**

*Council* will not hear more than two (2) speakers on behalf of any deputation, and the *Chairperson* may set time limits on the length and address of each speaker.

**69-68. Questions but no discussion permitted**

Councillors and members of *Council* staff may question the deputation on matters raised by it for purposes of clarification but no discussion will be allowed.

**70-69. Matter to be Determined upon a subsequent meeting**

No motion must be allowed on any deputation until the next *Ordinary meeting* after the deputation has been heard unless *Council*, by resolution, decides otherwise.

## **DIVISION ~~10A-11~~ – Public Submissions Under the *Local Government Act 1989***

### **~~71.70.~~ ~~68A.~~ Public Submissions under Section 223 of the Act**

Where a person is given a right to make a submission under section 223 of the *Act* and requests to appear in person (or to be represented by a person specified in the submission) at a *Council meeting* to be heard in support of the submission, the time limit for such hearing shall be 3 minutes, except that the *Chairperson* may allow the hearing to exceed 3 minutes.

## **DIVISION ~~11-12~~ - Voting**

### **~~72.71.~~ How Motion Determined**

~~72.1~~~~71.1~~ To determine a motion before a meeting, the *Chairperson* must:

~~72.1.1~~~~71.1.1~~ first call for those in favour of the motion; and

~~72.1.2~~~~71.1.2~~ then call for those opposed to the motion; and

~~72.1.3~~~~71.1.3~~ if required, identify any Councillor who has abstained from voting,

and must then declare the result to the meeting.

### **~~73.72.~~ Casting Vote**

In the event that the number of votes in favour of a motion is half the number of Councillors present at the meeting at the time the vote is taken, the *Chairperson* must exercise the casting vote in accordance with the *Act*.

### **~~74.73.~~ By Show Of Hands**

~~74.1~~~~73.1~~ Unless the Act requires, or *Council* resolves otherwise, voting on any matter is by show of hands.

~~74.2~~~~73.2~~ Notwithstanding clause 73.1, voting at a meeting that is open to members of the public must not be in secret.

### **~~75.74.~~ Procedure For A Division**

~~75.1~~~~74.1~~ Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

~~75.2~~~~74.2~~ When a division is called for, the vote already taken must be treated as a nullity and the division shall decide the question, motion or amendment.

~~75.3~~~~74.3~~ When a division is called for, the *Chairperson* must:

~~75.3.1~~~~74.3.1~~ first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one (1) of his or her hands. The *Chairperson* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors voting in the affirmative; and

~~75.3.2~~74.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one (1) of his or her hands. The *Chairperson* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors voting in the negative; and

~~75.3.3~~74.3.3 if required, then ask each Councillor wishing to abstain from voting to raise a hand and, upon such request being made, each Councillor wishing to abstain from voting must raise one (1) of his or her hands. The *Chairperson* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors abstaining from voting

#### ~~76.75.~~ **No Discussion Once Declared**

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

~~76.4~~75.1 for a Councillor to request that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or

~~76.2~~75.2 on a *notice of rescission*, where a resolution has been rescinded.

#### **DIVISION ~~12-13~~ – Minutes**

##### ~~77.76.~~ **Confirmation of Minutes**

Where the *agenda* for a *Council meeting* includes provision for the adoption and confirmation of the minutes of the preceding meeting(s), those minutes must be dealt with as follows:

~~77.4~~76.1 a copy of the minutes must be delivered or made available to each Councillor no later than 48 hours before the next meeting. This clause shall not apply in respect of Councillor who has been granted leave of absence pursuant to ~~section 69 of the Act~~ and who has not requested the *Chief Executive Officer*, in writing, to continue to give notice of meetings to be held during the period of leave of absence;

~~77.2~~76.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed and no discussion or debate on the confirmation of minutes may be permitted;

~~77.3~~76.3 if a Councillor indicates opposition to the minutes:

~~77.3.1~~76.3.1 he or she must specify the item(s) to which he or she objects or in respect of which he or she is dissatisfied;

~~77.3.2~~76.3.2 the objected item(s) may be considered separately and in the order in which they appear in the minutes;

~~77.3.3~~76.3.3 the Councillor objecting must move a motion clearly setting out the alternative wording to amend the minutes without speaking to the motion; and

~~77.3.4~~76.3.4 the motion must then be open to debate and at the conclusion of debate, the *Chairperson* must put the motion to the vote;

~~77.4~~76.4 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chairperson* of the meeting at which they have been confirmed;

~~77.5~~76.5 unless otherwise resolved or required by law, minutes of a *Special Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*; and

~~78.~~ Deleted

~~79.~~ Deleted

#### ~~80.~~77. Deferral Of Confirmation Of Minutes

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

#### ~~81.~~78. Recording Of Proceedings

~~81.4~~78.1 Subject to any resolution of *Council*, ~~The the~~ *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer*) may record ~~on suitable audio recording equipment all~~ the proceedings of a *Council meeting*.

~~81.2~~78.2 Subject to clause 78.1, a person must not operate photographic, audio or video recording equipment or any other recording device at any *Council meeting* without first obtaining the consent of ~~Council or the Chairperson (as the case may be)~~. Such consent may at any time during the course of such meeting be revoked by ~~Council or the Chairperson~~ or resolution of Council.~~(as the case may be).~~

**Penalty: 5 penalty units.**

~~81.3~~78.3 The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must:

~~81.3.1~~78.3.1 record the date, place, time and nature of the meeting;

~~81.3.2~~78.3.2 record the names of the Councillors present;

~~81.3.3~~78.3.3 record the names of the members of *Council* staff present;

~~81.3.4~~78.3.4 record any disclosure of a conflict of interest made by a Councillor or member of *Council* staff;

~~81.3.5~~78.3.5 record arrivals and departures (including temporary departures) of Councillors during the course of the meeting;

~~81.3.6~~78.3.6 record each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);

~~81.3.7~~78.3.7 record the vote cast by each Councillor upon a division;

~~81.3.8~~78.3.8 subject to clauses 72, 74, 75 and 78.3.7, not record the vote of any Councillor, unless that Councillor abstained from voting according to the *Act*.

~~81.3.9~~78.3.9 record questions read during public question time at any *Ordinary meeting*; and

~~81.3.10~~78.3.10 record the failure of a quorum.

#### **DIVISION ~~13-14~~ - Behaviour**

##### **~~82-79.~~ 80.79. Public Addressing The Meeting**

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

##### ~~83.~~ Deleted

##### **~~84-80.~~ 80.80. Offences**

It is an *offence* for:

~~84.1~~80.1 a Councillor to not withdraw an expression considered by the *Chairperson* to be offensive or disorderly, and apologise when called on twice by the *Chairperson* to do so;

**Penalty: 2 penalty units**

~~84.2~~80.2 any person, not being a Councillor, who is guilty of any improper or disorderly conduct, to not leave the Chamber when requested by the *Chairperson* to do so;

**Penalty: 5 penalty units**

~~84.3~~80.3 any person to fail to comply with a direction of the *Chairperson* in relation to the conduct of the meeting and the maintenance of order;

**Penalty: 2 penalty units**

~~84.4~~80.4 a Councillor to refuse to leave the Chamber on suspension.

**Penalty: 5 penalty units**

##### **~~85-81.~~ 80.81. Chairperson may adjourn disorderly meeting**

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

**86-82. Suspensions**

~~86-1~~82.1 *Council* may suspend from a meeting any Councillor whose actions have disrupted the business of *Council*, and have impeded its orderly conduct.

~~86-2~~82.2 The duration of any suspension under this clause shall be at *Council's* discretion but shall not exceed the balance of the meeting.

**87-83. Removal from Chamber**

~~87-1~~83.1 The *Chairperson* may order the removal of any Councillor who has been suspended by *Council* in accordance with clause 82;

~~87-2~~83.2 The *Chairperson* may order the removal of:

~~87-2-1~~83.2.1 any person, excluding a Councillor who disrupts any meeting or fails to comply with a direction;

~~87-2-2~~83.2.2 any person, excluding a Councillor who the *Chairperson* reasonably believes has acted in breach of this Local Law; or

~~87-2-3~~83.2.3 any person who the *Chairperson* reasonably believes has acted in breach of the *Summary Offences Act 1966*;

~~87-3~~83.3 The *Chairperson* may issue a warning to any person before exercising the powers in clauses 83.2 and 83.4.

~~87-4~~83.4 The *Chairperson* may ask any member of *Council* staff, security guard or member of the Victoria Police to cause the removal of any person who is the subject of an order under clause 83.1 or 83.2

**DIVISION 14-15 – Additional Duties of *Chairperson*****88-84. The *Chairperson's* Duties And Discretions**

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

~~88-1~~ may not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of *Council* staff, or member of the community; and

~~88-2~~84.1 may not accept any motion, question or statement which:

~~88-2-1~~84.1.1 may reasonably be considered to be defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

~~88-2-2~~84.1.2 relates to a matter outside the duties, functions and powers of *Council*;

~~88-2-3~~84.1.3 is aimed at embarrassing a Councillor, a member of *Council* staff or member of the community;

~~88-3~~84.2 must call to order any person who is disruptive or unruly during any meeting.

**DIVISION ~~15-16~~ – Suspension of Standing Orders****~~89-85.~~ Suspension of Standing Orders**

~~89-1~~**85.1** The *Chairperson* or any Councillor may indicate a desire to suspend standing orders to expedite the business of a meeting. In which case:

~~89-1.1~~**85.1.1** the *Chairperson* may suspend standing orders with the support of the meeting; or

~~89-1.2~~**85.1.2** standing orders may be suspended by procedural motion.

~~89-2~~**85.2** the suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

~~89-3~~**85.3** the suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*.

**~~90-86.~~ Procedure not provided in Local Law**

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

**DIVISION ~~16-17~~ – Miscellaneous****~~91-87.~~ Criticism of members of *Council* staff**

~~91-1~~**87.1** A member of *Council* staff may make a brief statement at a *Council meeting* in respect of any statement (whether made at a *Council meeting* or not) affecting him or her as a member of *Council* staff or any member of *Council* staff under his or her control.

~~91-2~~**87.2** A statement under clause 87.1 must be made at such time during the meeting at which the member of *Council* staff desires to bring it forward and as the *Chairperson* thinks appropriate.

**DIVISION ~~17-18~~ - *Special Committees*****~~92-88.~~ Application Generally**

~~92-1~~**88.1** If *Council* establishes a *Special Committee*, all of the provisions of Divisions 1-~~15-17~~ of this Local Law shall apply with any necessary modifications or adaptations.

~~92-2~~**88.2** For the purposes of clause 88.1, a reference in Division 1-~~15-17~~ of this Local Law to:

~~92-2.1~~**88.2.1** a *Council meeting* is to be read as a reference to a meeting of the *Special Committee*;

~~92-2.2~~**88.2.2** a Councillor is to be read as a reference to a member of the *Special Committee*; and

~~92.2.3~~88.2.3 the *Mayor* is to be read as a reference to the *Chairperson* of the *Special Committee*.

### **93-89. Application Specifically**

89.1 A reference to *Council* in clause 11.2 may be read as a reference to a meeting of the *Special Committee*;

~~93.1~~89.2 Notwithstanding clauses 88 and 89.1, if *Council* establishes a *Special Committee*:

~~93.1.1~~89.2.1 *Council* may; or

~~93.1.2~~89.2.2 the *Special Committee* may, with the approval of *Council*

resolve that any provision(s) of Divisions 1-~~15~~-17 is or are (as appropriate) not to apply, whereupon that provision or those provisions shall not apply until *Council* resolves, or the *Special Committee* with the approval of *Council* resolves, otherwise.

### **94-90. Public Submissions/Presentations**

~~94.1~~90.1 At all *Special Committee* meetings, members of the public may be given an opportunity to make submissions/presentations to the *Special Committee* on an *agenda* item relevant to the meeting. The following provisions will apply to such submissions/presentations:

90.1.1 Each submitter may only speak once to each *agenda* item, except at the discretion of the *Chairperson*.

~~94.1.1~~90.1.2 ~~submitters~~ Submitters must fill out the form designated by the *Chief Executive Officer*, ~~prior to the commencement of the *Special Committee* meeting;~~

~~94.1.2~~90.1.3 Information on the form must include:

- (a) the name and address of the person requesting to discuss the *agenda* item; or in the case of a person representing a business, their name and ordinary business address;
- (b) the relevant report number and or report title;
- (c) an indication of whether the submitter wishes to address the *Special Committee* meeting, have their submission/presentation read out by a member of *Council* staff or distributed to Councillors at the meeting; and
- (d) an indication of whether the person supports the recommendation contained in the report, ~~and~~

90.1.4 The form must be lodged in the receptacle designated for such purpose prior to the time specified for the *Special Committee* meeting to commence.

90.1.5 The Chairperson may:

90.1.5.1 Accept forms lodged after the commencement of the Special Committee meeting.

90.1.5.2 Seek clarification from a submitter regarding information provided on their form, at any time before, during or after the submitter has made their submission.

~~94.2~~90.2 Submitters wishing to speak at a *Special Committee* meeting are only permitted to speak to their submission/presentation for the period prescribed by the *Chairperson* of that meeting.

~~94.3~~90.3 In determining the period submitters will be permitted to speak, the *Chairperson* will have regard to the number of submissions/presentations and the number of speakers wishing to be heard.

~~94.4~~90.4 Submitters not wishing to speak at a *Special Committee* meeting can request that their submission/presentation be read out at the meeting by a member of *Council* staff.

~~94.5~~90.5 The Chairperson may refuse a request under clause 90.4 if the written submission/presentation exceeds 200 words.  
~~All written submissions/presentations must be a maximum of 200 words only.~~

~~94.6~~90.6 Considering the general rights of citizens to take part in the conduct of *Council* affairs, a submission/presentation at a *Special Committee* meeting may be disallowed by the *Chairperson* at any stage of the submission/presentation if:

~~94.6.1~~90.6.1 it does not relate to an *agenda* item as published for that particular *Special Committee* meeting;

~~94.6.2~~90.6.2 it deals with a particular aspect of the subject matter already addressed by a previous speaker;

~~94.6.3~~90.6.3 it relates to a matter outside the duties, functions and powers of *Council*;

~~94.6.4~~90.6.4 it may reasonably be considered to be~~it is~~ defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

~~94.6.5~~90.6.5 it is aimed at embarrassing a Councillor, a member of the Special Committee or a member of *Council* staff;

~~94.6.6~~90.6.6 it relates to personnel matters or the personal hardship of any resident or ratepayer; or

~~94.6.7~~90.6.7 it relates to any other matter the *Chairperson* considers would prejudice *Council* or any person.

~~94.6.8~~90.6.8 the submitter has not lodged a form in accordance with clause 91.1.

~~94.7~~90.7 The *Chairperson* and/or councillors may seek clarification from any submitter on matters raised by the submitter.

~~94.8~~90.8 ~~The *Chairperson* of a *Special Committee* may, in addition to clauses 91.1, 91.2 and 91.3, set limits on the number of speakers to address a *Special Committee* meeting on any agenda item and the *Chairperson* may:~~  
In addition to any limits set out in this Division, the *Chairperson* of a *Special Committee* may set additional limits on the number of speakers to address a *Special Committee* meeting on any agenda item and the *Chairperson* may

~~94.8.1~~90.8.1 determine not to hear submitters or have all submissions/presentations read out by a member of *Council* staff;

~~94.8.2~~90.8.2 determine to hear submitters and in doing so limit the number of submitters to address a *Special Committee* meeting on any agenda item by inviting a set number of submitters who are opposed to the Officer Recommendation (Against) and a set number of submitters who are in favour of the Officer Recommendation (For) to each speak for the period prescribed by the *Chairperson* of that meeting;

~~94.8.3~~90.8.3 nominate one (1) spokesperson for the 'For' and one (1) spokesperson for the 'Against' who are each given an opportunity to speak for the period prescribed by the *Chairperson* of that meeting; and

~~94.8.4~~90.8.4 if necessary, adjourn the meeting to enable the parties to nominate speakers.

~~94.8.5~~90.8.5 If the submitters For and Against are unable to reach a consensus regarding a spokesperson for the purposes of clause 90.8.3 or who shall be nominated to speak for the purposes of clause 90.8.2, the names of the submitters ~~nominated to speak and as spokesperson~~ may be drawn by ballot.

The Common Seal of the City of )  
Boroondara was hereunto affixed in the )  
presence of: )

..... Councillor

..... Chief Executive Officer



# Community Impact Statement

Meeting Procedure Local Law 2017



**Responsible Directorate:** Chief Executive Office



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## 1. Introduction

Council's current Meeting Procedure Local Law was originally adopted by Council on 26 March 2007 and commenced on 6 April 2007. It has been amended three times since its inception, to respond to the needs of the Council of the day or legislative change.

The current Meeting Procedure Local Law, as amended, is due to expire (i.e. its 'sunset date') on 6 April 2017. After this date, the current Local Law will cease to apply.

Council is therefore proposing to make the Meeting Procedure Local Law 2017 to replace the current Local Law. Council provides the following information to the community in respect of the proposed changes introduced as part of the proposed Meeting Procedure Local Law 2017.

### 1.1. Background

Section 91(1) of the Local Government Act 1989 requires a council to make a local law governing the conduct of Council and Special Committee meetings.

The current Meeting Procedure Local Law incorporates amendments made in:

- July 2011 by the Meeting Procedure (Amendments 2011) Local Law;
- March 2014 by the Meeting Procedure (Further Amendments 2014) Local Law
- April 2015 by the Meeting Procedure (Additional Amendments 2014) Local Law

The Meeting Procedure Local Law as amended is hereafter referred to as the current Local Law.

The current Local Law has been generally successful in regulating the election of the Mayor; the use of the common seal; and the conduct of Council and Special Committee Meetings over the past decade.

The proposed Meeting Procedure Local Law 2017 is therefore generally consistent with the current Local Law, with changes that are considered:

- necessary as a consequence of changes to the *Local Government Act 1989*;
- appropriate to improve the structure and readability of the local law;
- prudent following a review of the operation of the current local law;
- appropriate in the experience of officers or Councillors having regard to the operation of the current Meeting Procedure Local Law (incorporating amendments).

Changes have also been made as required to correct grammatical errors, capitalisation and italicisation, or to ensure cross references are correct.

**1.2. Objectives**

The purpose of the Meeting Procedure Local Law 2017 is to:

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

There are no changes proposed to the objectives of the current Meeting Procedure Local Law and these objectives are consistent with the Council's objectives as set out in the Council Plan 2013-17:

|                        |  |
|------------------------|--|
| Strategy 15 Governance | We will ensure Council is open, transparent, inclusive and accountable to the community by having sound processes for making and implementing decisions. |
| Community outcome      | A high standard of democratic and corporate governance, and sound financial records and budget systems are maintained.                                   |
| What we will do        | Provide open and transparent processes and strong accountability to the community.   |

**2. Evaluation of the Meeting Procedure Local Law 2017**

An evaluation of the Meeting Procedure Local Law 2017 (MPLL2017) follows.

| Issue               | Evaluation  |
|---------------------|---|
| Measures of success | The success of the MPLL2017 will be best measured by: <ol style="list-style-type: none"> <li>1. The extent to which it provides for and facilitates the orderly, efficient and fair conduct of mayoral elections.</li> <li>2. The extent to which it provides for and facilitates the orderly, efficient, participative and fair conduct of meetings to which it applies.</li> <li>3. The extent to which it effectively regulates the use of the common seal.</li> </ol> |

| Issue   | Evaluation   |
|---|--|
| Existing legislation that might be used instead | <p>Existing legislation cannot be used to achieve the objectives of the MPLL2017 on the basis that:</p> <ol style="list-style-type: none"> <li>1. Section 91 of the Local Government Act 1989 specifically requires a council to make a local law governing the conduct of Council and Special Committee meetings.</li> <li>2. Section 5 of the <i>Local Government Act 1989</i> provides that Council must have a common seal the use of which must be in accordance with the local laws of the Council.</li> </ol>   |
| State legislation more appropriate              | <p>There is no State legislation that can achieve the objectives of the MPLL2017. As indicated above, State legislation specifically requires the making of a local law governing the conduct of Council and Special Committee meetings use of the Council's common seal.</p>  |
| Overlap of existing legislation                 | <p>There are provisions in the <i>Local Government Act 1989</i> with respect to the conduct of Council and Special Committee meetings.</p> <p>There is no overlap between the legislation and the MPLL2017.</p> <p>To the extent that the MPLL2017 addresses the same subject material as the Local Government Act 1989, it does so in a manner which is consistent with the requirements of the legislation.</p>  |
| Overlap of planning scheme                      | <p>There are no provisions in the MPLL2017 which overlap with the Boroondara Planning Scheme.</p>  |
| Risk assessment                                 | <p>The MPLL2017 has not been the subject of a risk assessment.</p>   |
| Legislative approach adopted                    | <p>The MPLL2017 is necessitated by the provisions of the <i>Local Government Act 1989</i>.</p> <p><u>Conduct of meetings</u></p> <p>The MPLL2017 adopts a medium impact regulatory approach. Prescribing, with a level of detail, the business that can and can't be transacted, and the procedures and protocols of participation, the MPLL2017 is an integral part of Council's governance structure. It provides a foundation for the efficient conduct of the decision making process, and the framework for fair and equitable access and participation of Councillors, Committee members, and where appropriate officers and the community.</p> <p>Whilst being largely prescriptive, the MPLL2017 retains a level of discretion that is considered appropriate to facilitate the orderly conduct of meetings, whilst allowing latitude to deal with particular circumstances of the meeting and business at hand.</p> |



| Issue  | Evaluation   |
|--|--|
| Performance standards or prescriptive          | <p>It is considered appropriate that the MPLL2017 contains prescriptive standards, to the extent that it sets out the procedures to be followed in the conduct of mayoral elections, Council and Special Committee Meetings. The prescriptive nature of many provisions in the MPLL2017 provide procedural certainty for Councillors, staff and the community.</p> <p>With regard to the mayoral election and conduct of meetings, the prescriptive nature of the MPLL2017 also contributes to the fair and equitable application of its provisions.</p> <p>The MPLL2017 takes a performance based approach to many of the behavioural aspects of meeting procedure; refer for example to Clause 29 Chairperson’s Duty, Division 13 Behaviour and Division 14 Additional Duties of Chairperson.</p>  |
| Comparison with neighbouring and like Councils | <p>A detailed comparison has not been undertaken with the equivalent local laws of neighbouring municipalities.</p> <p>Each Council develops meeting procedures which address their particular needs and approach to meeting procedure. Anecdotally, there is a both a high degree of similarity and difference in meeting procedures across the local government sector.</p>  |
| Charter of Human Rights                        | <p>The MPLL2017 has been reviewed for compatibility with the Charter of Human Rights (the Charter).</p> <p>The key points of engagement between the Charter and the MPLL2017 are in the context of the right to freedom of expression and the right to participate in the conduct of public affairs, directly or through freely chosen representatives.</p> <p>The MPLL2017 is considered to be fully compatible with the Human Rights Charter. Following is a description of key aspects of the MPLL2017 which are considered relevant to any limitations it imposes upon rights protected by the Charter,</p> <p><u>Part C, Division 1</u></p> <p>Division 1 contains a number of provisions requiring notice to Councillors and the community, facilitating participation in public affairs.</p> <p>The Division includes prescriptive and performance based approaches, for example including minimum notice period for Councillors and requiring "reasonable" notice for the community. Whilst applying different standards, these provisions are reflective of the relative power of these different groups to access information regarding the business of Council.</p> |

| Issue | Evaluation   |
|-------|--|
|       | <p><u>Part C, Division 4</u></p> <p>This Division contains a number of provisions which restrict the business which may be conducted at Council meetings and the manner in which councillors or committee members can participate.</p> <p>These could be viewed as limiting freedom of expression and the right to participate in public affairs. Whilst the MPLL2017 imposes procedural limitations, it does so in a manner which is considered proportionate to the purpose and objectives of both the MPLL2017 and the meetings it regulates. This includes balancing opportunities for participation with the efficient and orderly conduct of the meeting and the business of Council more generally.</p> <p>The procedural limitations contained in this division are determined by the Chairperson. Whilst these procedural limitations engage the freedom of expression and the right to participate in public affairs, the provisions vest power in the Chairperson to rule on their application in a discretionary rather than mandatory form. This provides the Chairperson some latitude to apply the provisions of the MPLL2017 in a manner which is not disproportionate to the Charter rights.</p> <p><u>Part C, Division 7</u></p> <p>This division is a further balance to the limitations on freedom of expression and the right to participate in public affairs, providing an appropriate mechanism for Councillors and Committee member to challenge rulings of the Chairperson.</p> <p><u>Part C, Divisions 8, 9 and 10</u></p> <p>These Divisions expressly provide for participation by the community in the conduct of Council meetings through Public Question Time, deputations, petitions and joint letters.</p> <p>The MPLL2017 regulates that participation with procedural limitations regarding the form, content and processes to be followed and these limitations engage the freedom of expression and the right to participate in public affairs. The Division is considered to do so however, in a manner which is proportionate to the purpose and objectives of both the MPLL2017 and the meetings it regulates, including the efficient and orderly conduct of meetings.</p> <p>The provisions also vest power to rule on the application of these procedural limitations in the Chairperson in a discretionary rather than mandatory form. This provides the Chairperson some latitude to apply the provisions of the MPLL2017 in a manner which is not disproportionate to the Charter rights.</p> |

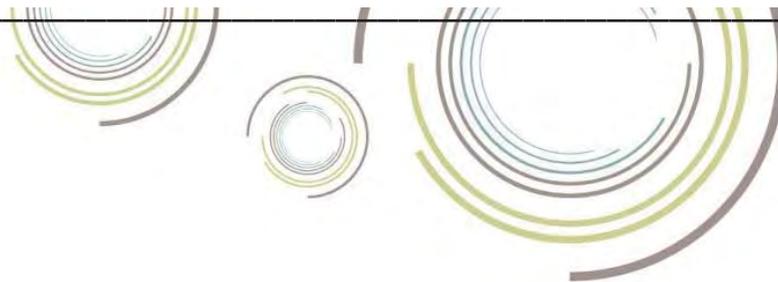
| Issue                        | Evaluation   |
|------------------------------|--|
|                              | <p><u>Part C, Divisions 13, 14 and 16</u></p> <p>This division regulates the conduct and behaviors of Councillors, officers and the community. To the extent that it prescribes a standard of behavior that is considered acceptable in the context of Council or committee meetings, it engages both the freedom of expression and right to participate in public affairs. Again, it is considered to do so in a manner which is proportional to the objectives of the MPLL2017 to provide for the efficient and orderly conduct of meetings.</p> <p>To an extent, the limitations on expression and participation in this section when applied to an individual in context, may also serve to protect the very same rights of another individual. It may also protect their rights to privacy and reputation, and their rights to liberty and security (for example, protection from harassment and threats).</p> <p><u>Part C, Division 17</u></p> <p>This Division contains a number of provisions facilitating the participation of the community in the conduct of committee meetings.</p> <p>This division contains a number of provisions which restrict the manner of that participation which could be viewed as limiting freedom of expression and the right to participate in public affairs. Whilst the division imposes procedural limitations, it does so in a manner which is considered proportionate to the purpose and objectives of both the MPLL2017 and the meetings it regulates, including the efficient and orderly conduct of meetings.</p> <p>The procedural limitations contained in this division are determined by the Chairperson. Whilst these procedural limitations engage the freedom of expression and the right to participate in public affairs, the provisions vest power to rule on their application in the Chairperson in a discretionary rather than mandatory form. This provides the Chairperson some latitude to apply the provisions of the MPLL2017 in a manner which is not disproportionate to the Charter rights.</p> |
| <p>Consultation meetings</p> | <p>The amendments proposed to the MPLL2017 have been developed in consultation with Councillors, Council and Council's external legal advisors.</p>  |
| <p>Submissions</p>           | <p>Public consultation will be undertaken as part of the process of making the MPLL2017 and anyone interested in making a submission may do so, in accordance with section 223 of the <i>Local Government Act 1989</i>.</p>  |

### 3. Evaluation of the Meeting Procedure Local Law 2017

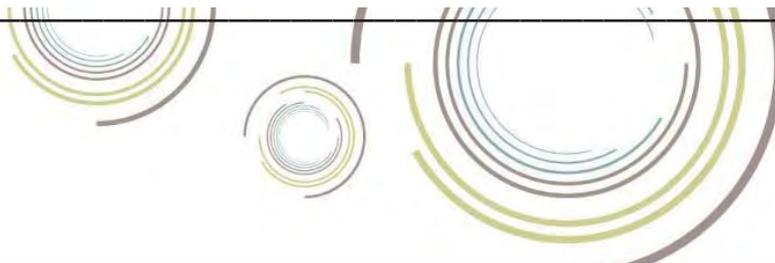
Following is a detailed breakdown of the changes introduced in the Meeting Procedure Local Law 2017, when compared to its predecessor.

The breakdown identifies each section that has been amended, summarising the amendment proposed and providing a brief explanation of the rationale behind the amendment.

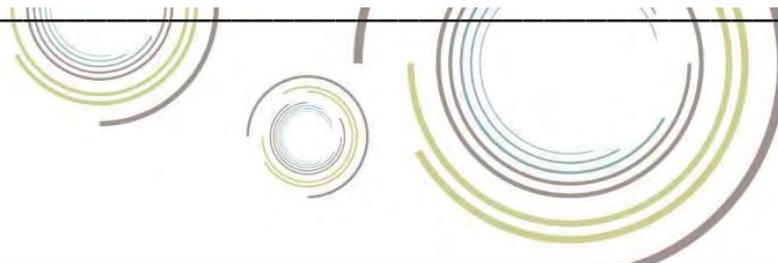
This information is provided to assist the community to understand the implications and impact of the differences between the current Meeting Procedure Local Law and the proposed Meeting Procedure Local Law 2017.



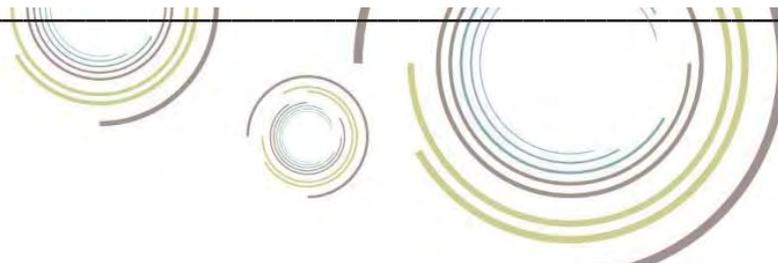
| Clause  |  | Description / Rationale for Change  |
|---|--|---|
| References to clause numbers in this table are references to amended (new) clause numbers, except where the reference is to a deleted clause. |  |   |
| Part A - Introduction   |  |   |
| 4. Commencement and End Dates   |  | Prescribes a commencement date of 7 April 2017 being the day after the current Meeting Procedure Local Law sunsets.<br><br>An amendment has been made to reflect that the Local Law may be revoked by Council sooner than the sunset date prescribed in this section. |
| 5. Revocation of Meeting Procedure Local Law  |  | Updated to revoke the current Meeting Procedure Local Law and subsequent amending instruments.  |
| 6. Definitions and Notes  |  | The definition of "Chief Executive Officer" has been expanded in the interest of certainty, to include a person "acting in or performing the position" of Chief Executive Officer   |
| Part B - Swearing In Of Councillors and Election of Mayor   |  |   |
| Heading and introduction  |  | Part B has been updated to include provisions regarding the first meeting after a general election, in addition to the election of the mayor.   |
| 7. Swearing in of Councillors   |  | Amended to formalise the custom and practice that has historically applied at this meeting.<br><br>Appropriate discretions have been reserved to ensure that the Council may elect a temporary chairperson once councillors have been sworn into office if desired.   |
| 8. Election of Mayor  |  | This section has been updated to acknowledge that procedures for electing the Mayor are set down in both the <i>Local Government Act 1989</i> and the MPLL2017.   |



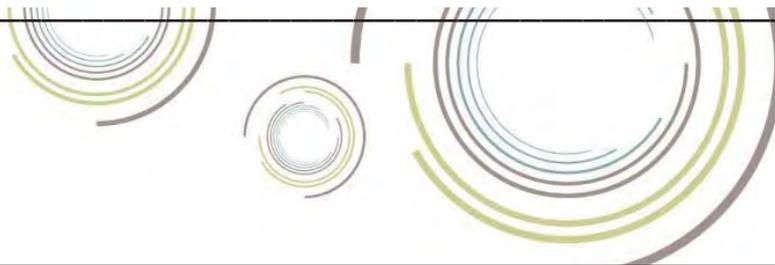
| Clause                                   |                 | Description / Rationale for Change  |
|--|-----------------|---|
| 9. Method of Voting                      |                 | The requirement that votes under this part be by show of hands has been moved to clause 9.2.4.  |
| 9. Determining the election of the Mayor | 9.2             | The preamble to this clause has been amended to improve clarity and readability.  |
|  | 9.2.1 and 9.2.2 | These clauses were previously combined and have been separated to improve clarity and readability of the section. Appropriate cross references to clause 9.2.1 have been included.  |
|  | 9.2.3           | An appropriate cross reference to clause 9.2.1 has been included.   |
|  | 9.2.3.4         | This clause previously provided for lots to be conducted either to declare an elected candidate or to declare a defeated candidate. For the avoidance of doubt, and to simplify the process, the clause has been amended such that lots are conducted to declare a defeated candidate only. Consequential amendments have also been made to clause 9.2.5.3. |
|  | 9.2.4           | The requirement that votes under this part be by show of hands has been moved from the former clause 9, Method of Voting.   |
|  | 9.2.5           | This clause has been cross referenced to clause 9.2.3.4 to improve clarity and readability.   |
|  | 9.2.5.3         | This clause has been amended to remove references a lot being conducted to declare an elected candidate as a consequence of changes made to clause 9.2.3.4  |
|  | 9.3             | This clause reflects the custom and practice of the Mayor taking the Chair immediately following his or her election.   |



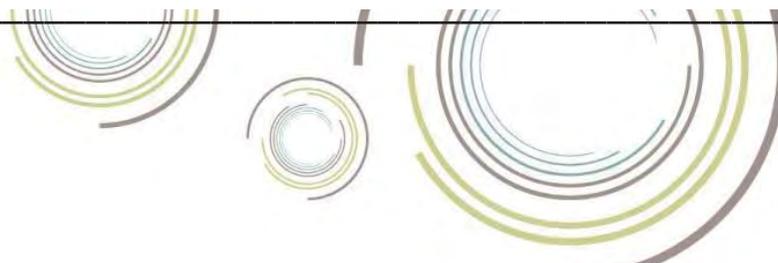
| Clause                                       |                | Description / Rationale for Change  |
|--|----------------|---|
| Part C - Council's Common Seal               |                |   |
| 10. Council's Common Seal                    | 10.2<br>10.4   | <p>Clause 10.2 has been inserted as an enabling provision so the Chief Executive Officer may authorise the use of Council's common seal, in the event that Council resolves to delegate this power in an instrument of delegation. A consequential amendment to Clause 10.4 has also been made.</p> <p>This change is proposed in recognition that, from time to time, contracting parties have unexpectedly insisted upon agreements being executed under seal. This has required agreements be delayed until such time as a report authorising the fixing of the seal can be prepared and considered at an ordinary or special council meeting.</p> |
|  | 10.3<br>10.3.2 | <p>Reference to a "member of Council staff authorised by Council" attesting to the fixing of the Council seal has been removed from clause 10.3.2 to remove ambiguity about who may attest to the fixing of the seal.</p> <p>Clause 10.3 has been amended to reserve power for Council to specifically resolve, in circumstances where it is considered appropriate, who may attest to the fixing of the seal.</p>  |
| Part D - Meetings Procedure                  |                |   |
| 11. Dates and Times of Meetings              | 11.2           | This clause has been added to provide, in the interests of certainty, that Council meetings may set the date, time and place of Special Committee meetings.   |
| 12. Council May Alter Ordinary Meeting Dates |                | This clause has been amended to enable the Chief Executive Officer to amend the date time and place of Ordinary Council Meetings, to avoid unforeseen circumstances where it is impractical to get the necessary Council resolution to make the change.   |



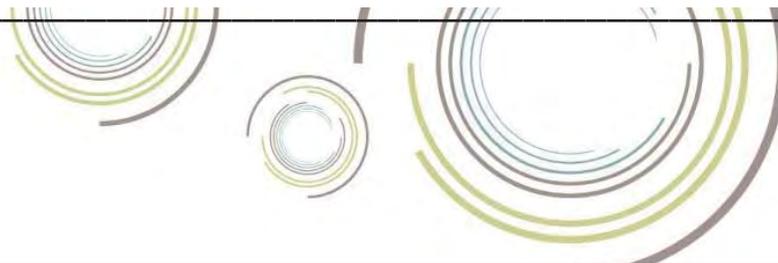
| Clause                             |      | Description / Rationale for Change  |
|------------------------------------|------|---|
| 14. Notice Of Meeting              | 14.2 | This clause has been added in the interests of certainty, to clarify that in the absence of a Council resolution, the Chief Executive Officer will determine the method of delivering a notice of meeting pursuant to clause 14.1.  |
|                                    | 14.3 | This clause has been amended in the interests of certainty, to provide that notice of meetings must be provided in accordance with the Act.<br><br>The clause then provides that Council may additionally publish a schedule of meetings annually; or details of meetings from time to time; in a newspaper and/or on Council's website. This is consistent with Council's current custom and practice. |
| 19. Inability to Maintain A Quorum | 19.3 | A grammatical correction has been made to the commencement of this clause.  |
| 24. Change To Order Of Business    |      | This clause has been amended in the interests of certainty, to clarify that the order of business for a meeting may be altered before the meeting by the Chief Executive Officer issuing a revised agenda; or at the meeting by either a resolution, or with the consent of Council. This is consistent with current custom and practice and the definition of "agenda" in Clause 6.                    |
| 25. Urgent Business                | 25.1 | The current clause is silent as to whether Council or the Chairperson shall determine whether urgent business may be admitted.<br><br>In the interests of certainty, this clause has been amended to clarify that urgent business may only be admitted by a resolution of the Council, as is Council's current custom and practice.   |



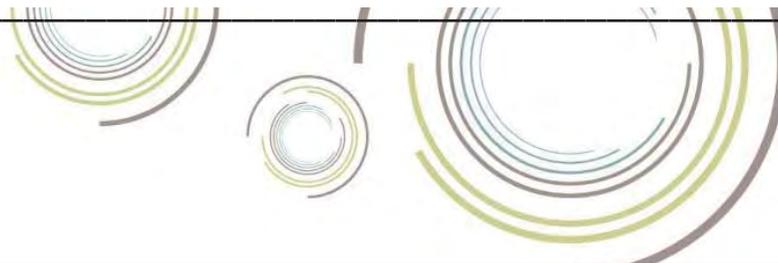
| Clause                 |              | Description / Rationale for Change  |
|------------------------|--------------|---|
| 28. Notice Of Motion   | 28.4         | The former clause 28.4 has been split into two parts. The duties previously imposed upon the Chief Executive Officer in the event a notice of motion is rejected are retained in clause 28.5.<br><br>The new clause 28.4 provides greater detail regarding circumstances in which a notice of motion might be rejected by the Chief Executive Officer.<br><br>Clause 28.5 maintains the existing duties imposed upon the Chief Executive Officer 's duties to |
|                        | 28.5         | Consequential amendments have been made to clause 28.5  |
|                        | 28.11        | This clause has been included to ensure that where appropriate, Councillors have the benefit of officer advice when considering the implications (e.g. upon physical and financial resources) of a notice of motion.  |
| 29. Chairperson's Duty | 29.1         | This clause provides that the Chairperson may refuse motions that are, for example, defamatory or objectionable. This clause has been amended to reflect that the Chairperson needn't for example, decide a motion "is defamatory" but that a motion "may reasonably be considered defamatory"  |
| 47. Procedural Motions | 47.3<br>47.4 | These clauses have been updated to correct an inconsistency in the current Meeting Procedure Local Law, and remove any ambiguity around who may move or second a procedural motion.   |
|                        | Table        | A procedural motion has been included to facilitate, if required, Council revoking consent to record meetings, pursuant to Clause 78 of the Local Law.  |
| 48. Rescission Motion  | 48.2.2       | This clause has been amended to clarify that a notice of rescission must be submitted in accordance with clause 28 (Notice of Motion).  |



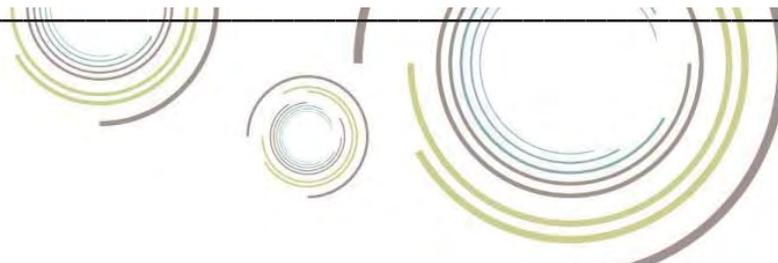
| Clause                               |              | Description / Rationale for Change   |
|--------------------------------------|--------------|--|
| 49. Majority to rescind a resolution |              | This clause has been deleted as it is inconsistent with Section 90(d) of the Local Government Act 1989 as amended by the Local Government Legislation Amendment (Miscellaneous) Act 2012. A replacement is not required as the Act deals sufficiently with the procedural requirements for voting.   |
| 49. If Lost                          |              | These clauses have been amended to refer to the defined term "notice of rescission" rather than a "motion for rescission".   |
| 50. If Not Moved                     |              |  |
| 51. May Be Moved By Any Councillor   |              |  |
| 52. When Not Required                | 54.2<br>54.3 | These clauses have been deleted as they are inconsistent with Clause 48. Clause 48 prohibits a rescission motion where a resolution of Council has been acted on. A policy which has been in operation (amended or otherwise) for up to 12 months would be considered to have been "acted on".<br><br>Additionally, the extent of communication required when Council changes policy is something that can be appropriately dealt with by Council when considering the new policy. |
| 58. Contradiction Or Opinion         |              | This clause has been amended to remove references to a Councillor "rising" to speak as this is not consistent with the custom and practice at Council or committee meetings.   |
| 59. Submission of Questions          | 59.1         | Provision has been included in this clause for Council to determine that public question time shall not be held at an ordinary Council meeting. An example of circumstances where public question time may not be appropriate may be for example, during the election period before a general election.  |



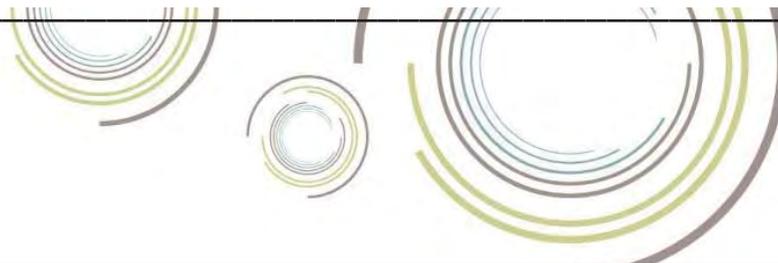
| Clause                         |          | Description / Rationale for Change   |
|--------------------------------|----------|--|
|                                | 59.3.3   | This clause has been amended to express the requirements for submission of public questions in discretionary rather than mandatory terms. Clause 59.3 places procedural limitations on the admission of public questions and this change ensures the provision can be applied flexibly by the Chairperson, and in a manner which is not disproportionate to the freedom of expression or right to participate in public affairs as protected in the Charter of Human Rights. |
|                                | 59.4.3.4 | This clause has been inserted to reflect the custom and practice of accepting questions lodged in person prior to the commencement of an ordinary council meeting. Any questions so received would still be subject to the limitations expressed elsewhere in this division.   |
| 60 Questions may be disallowed |          | This clause has been renumbered and the preambles to clauses 60.1, 60.2 and 60.3 amended to improve the readability of the local law.  |
|                                | 60.1.3   | This clause provides that the Chairperson may refuse questions that are, for example, defamatory or objectionable. This clause has been amended to reflect that the Chairperson needn't, for example, decide a question "is defamatory" but simply that a question "may reasonably be considered defamatory"   |
|                                | 60.1.4   | This clause has been amended to clarify, in the interests of certainty, that questions may be disallowed if they relate to matters already answered at the meeting, rather than at a time prior to the meeting. This ensures the clause does not appear to contradict clause 60.2.   |
|                                | 60.1.14  | Notwithstanding clauses 59.4.1 and 59.4.2, Council continues to receive questions on the day of the meeting, even where it is evident that the question would require significant research to prepare a response. This clause has been inserted to enable the Chairperson to disallow a question where, in the opinion of officers, the preparation of a response for public question time would unreasonably divert the resources of Council.                               |



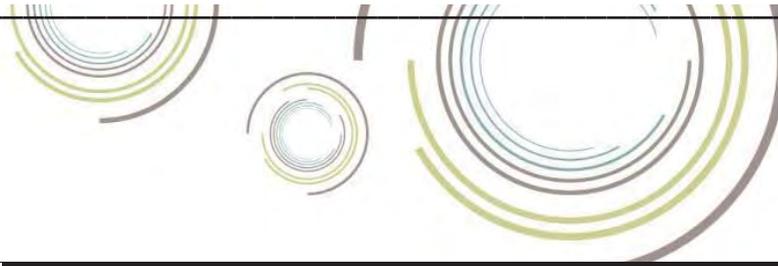
| Clause   |  | Description / Rationale for Change  |
|--|--|---|
|  | 60.2                                     | The preamble to this clause has been amended to reflect the structure of clause 60, and improve readability.  |
|  | 60.3<br>60.3.1<br>60.3.2<br>60.3.3       | The preamble to this clause has been amended to reflect the structure of clause 60, and improve readability.<br>The sub-clauses have been relocated from Clause 61, Procedures for Public Question Time, consolidating all provisions regarding disallowing questions into the same clause.<br>The change also clarifies, in the interests of certainty, that a question not read is a disallowed question, and must therefore be made available to any Councillor on request under clause 60.4 |
| 61. Procedures for Question Time                                     |  | This clause has been renumbered to improve the readability of the local law.  |
|  | 61.1`<br>61.2`                           | These clauses refer to a Chairperson or a member of Council staff reading a question, and have been expanded to acknowledge under clauses 60.3.1 and 60.3.2 the Chairperson may call upon the person submitting question, or their representative, to read a question.  |
|  | 60B.1.2<br>60B.1.3<br>60B.1.4<br>60B.1.5 | These provisions have been relocated to Clause 60.3 as outlined above.  |
| Division 11 – Public Submissions under the Local Government Act 1989 |  | This clause has been renumbered to improve the readability. Consequential amendments have been made to each subsequent division.  |



| Clause                                       |              | Description / Rationale for Change   |
|--|--------------|--|
| 73. By Show Of Hands                         |              | This clause has been amended to clarify that the <i>Local Government Act 1989</i> , as well as the local law, may prescribe the process for voting.  |
| 76. Confirmation of Minutes                  | 76.1         | This clause has been updated to reflect that changes in technology mean some Councillors access minutes that are "made available" electronically rather than being "delivered". This is consistent with clause 14 of the local law with respect to agendas.<br><br>An incorrect reference to clause 69 of the Local Government Act has been deleted. A specific section reference is not considered necessary.   |
| 78 Recording Of Proceedings                  | 78.1<br>78.2 | To avoid ambiguity, Clause 78.1 enabling the recording of the proceedings has been amended to simply refer to "recording". This amendment takes into account technological changes that may render obsolete, any specified method or medium for recording meetings.<br><br>These clauses presently give power to both Council and the Chairperson to authorise recording of proceedings. To avoid confusion, amendments have been made to provide authority to the Chairperson only. Power has been reserved for Council to revoke consent and a procedural motion included in Clause 47 for this purpose. |
| 84. The Chairperson's Duties And Discretions |              | This clause has been supplemented to provide additional guidance to the Chairperson as to the matters which may be considered out of order under the local law.  |
| 88. Application Generally                    |              | The reference to "Divisions 1-15" has been updated to "Divisions 1-17" to reflect renumbering in the new local law and to include Division 17.   |



| Clause                               |        | Description / Rationale for Change   |  |
|--------------------------------------|--------|--|--|
| 89. Application Specifically         |        | <p>Clause 89.1 has been inserted to clarify that a Special Committee, may from time to time to time fix the date, time and place of its meetings pursuant to clause 11.2</p> <p>A consequential amendment has been made to clause 89.2.</p> <p>The reference to "Divisions 1-15" has been updated to "Divisions 1-17" to reflect renumbering in the new local law and to include Division 17.</p>  |  |
| 90. Public Submissions/Presentations | 90.1   | <p>Amendments have been made to these clauses to reflect the custom and practice at Special Committee meetings, including:</p> <ul style="list-style-type: none"> <li>• Clause 90.1.1 providing a specific discretion for the Chairperson to allow submitters to speak more than once.</li> <li>• Clause 90.1.5 clarifying, in the interests of certainty, that the Chairperson has discretion to accept and clarify incomplete forms and to accept forms from submitters after the commencement time of a special committee,</li> </ul> |  |
|                                      | 90.1.1 |  |  |
|                                      | 90.1.5 |  |  |
|                                      |        | 90.1.3 (a)   | This clause is unnecessarily prescriptive in its present form and has been amended to reflect the custom and practice at Special Committee meetings of accepting the ordinary business address of corporate spokespersons. |
|                                      |        | 90.1.3 (b)   | This clause is unnecessarily prescriptive in its present form and has been amended to allow either the report number or the report title on forms, but not require both.   |
|                                      | 90.5   | This clause has been amended to clarify the Chairperson's discretion to refuse a request to read out a submission under clause 90.4  |  |



| Clause |        | Description / Rationale for Change   |
|--------|--------|--|
|        | 90.6.4 | This clause provides that the Chairperson may disallow a submission that is, for example, defamatory or objectionable. This clause has been amended to reflect that the Chairperson needn't for example, decide a motion "is defamatory" but that a motion "may reasonably be considered defamatory" |
|        | 90.6.5 | This clause has been amended to ensure it protects the interests of a "member of a special committee" who is not a "councillor"  |
|        | 90.8   | This clause clarifies the breadth of a chairperson's discretion to set limits on submissions/presentations. In the interests of clarity, it has been re-written to preserve all the limits available to the Chairperson under the division, rather than just the three clauses referenced.           |
|        | 90.8.2 | The words "determine to" have been added to this clause to be consistent with the structure of clause 90.8.1 and clarify the subject of the chairperson's discretion.  |
|        | 90.8.5 | Amendments have been made to this clause to clarify, in the interests of certainty the preceding clauses to which the provision for a ballot is to apply.  |