



MEETINGS PROCEDURE  
AND  
USE OF COMMON SEAL

LOCAL LAW NO. 7

Incorporating Amendments  
From Local Law No 9

## CONTENTS

	PAGE
<b>PART 1 - PRELIMINARY</b>	
1. Title	1
2. Objectives of this Local Law	1
3. Enabling Power to make this Local Law	1
4. Commencement	1
5. Date Local Law Ceases Operation	1
6. Application	2
7. Definitions	2
<b>PART 2 - ELECTION OF MAYOR AND ACTING CHAIRMAN</b>	
8. Election of Mayor and Acting Chairman	4
<b>PART 3 - COUNCIL MEETINGS</b>	
<i>Division 1 - Notices and Agendas</i>	
9. Dates and times of Council Meetings	6
10. Special Meeting	6
11. Notice of Council Meeting	6
12. Leave of absence	6
<i>Division 2 – Quorum</i>	
13. Ordinary Meetings	7
14. Special Meetings	7
15. Inability to gain a Quorum	7
16. Inability to maintain a Quorum	7
17. Inability to achieve or maintain a Quorum due to Conflicts of Interests of Councillors	7
18. Notice for adjourned meeting	8
<b>PART 4 - MINUTES</b>	
19. Keeping of minutes	9
20. Confirmation of Minutes	9
21. No debate on confirmation of minutes	9
22. Objection to confirmation of minutes	9
23. Deferral of confirmation of minutes	9
24. Contents of minutes	9
25. Minutes of In Camera Meetings	11
<b>PART 5 - ORDER OF BUSINESS</b>	
26. Ordinary and Special Meetings	12
27. Change to order of business	12
28. Chief Executive Officer may include items on an agenda	12
29. Urgent Business	12

**PART 6 - VOTING AT MEETINGS**

30.	How determined	13
31.	By show of hands	13
32.	When a division permitted	13
33.	Procedure for a division	13
34.	No discussion once declared	13

**PART 7 - ADDRESSING THE MEETING**

35.	Addressing the Meeting	14
36.	Suspension of Standing Orders	14
37.	No motions may be accepted during Suspension of Standing Orders	14
38.	Interruption for point of order	15

**PART 8 - OTHER MEETING PROCEDURES*****Division 1 - Matters Not Provided For***

39.	Matters not provided for	16
-----	--------------------------	----

***Division 2 - Motions***

40.	Chairman's Duty	16
41.	Moving a motion (except procedural motions)	16
42.	Procedure for proposing a motion	17
43.	Adequate debate	17
44.	Sufficient Debate	17
45.	Right of reply	17
46.	No right of reply for amendments	17
47.	Moving motions by group (en bloc)	17
48.	Moving an amendment	18
49.	Who may propose an amendment	18
50.	Who may debate an amendment	18
51.	How many amendments may be proposed	18
52.	An amendment once carried	18
53.	Foreshadowing motions	18
54.	Withdrawal of motions	19
55.	Separation of motions	19
56.	Chairman may separate motions	19
57.	Motions in writing	19
58.	Debate must be relevant to the motion	19
59.	Further information	20
60.	Speaking times	19
61.	Chairman's right to speak	19
62.	Personal explanations	20

***Division 3 - Extension of Speaking Time***

63.	By resolution of Council	21
64.	When an extension can be proposed	21
65.	No extension after next speaker commenced	21
66.	Length of extension	21

***Division 4 - Notice to Review***

67.	Procedure	22
-----	-----------	----

---

	PAGE
68. Listing Notice to Review on agenda	22
69. If Lost	22
70. If not moved	22
71. May be moved by any Councillor	22
 <b><i>Division 5 - Points of Order</i></b>	
72. Chairman to decide	23
73. Chairman may adjourn to consider	23
74. Final ruling on a point of order	23
75. Procedure for point of order	23
76. Valid points of order	24
77. Difference of opinion	24
78. Adjournment and resumption of meeting	24
 <b><i>Division 6 - Procedural Motions</i></b>	
79. Closure Motion	25
80. Adjournment Motion	26
 <b><i>Division 7 - Public Participation</i></b>	
81. Deputations	27
82. Question Time	27
83. Chairman may remove	28
 <b><i>Division 8 - Additional Duties of Chairman</i></b>	
84. The Chairman's duties and discretion	29
 <b><i>Division 9 - Curfew</i></b>	
85. Curfew	29
 <b><i>Division 10 - Council In Camera</i></b>	
86. Council In Camera	29
 <b>PART 9 - COMMON SEAL</b>	
87. Council's Common Seal	30
 <b>APPENDIX 1</b>	
Public Question Time Form	32

---

## Local Law No 9

The objectives of *Local Law No 9 – To Amend Meetings Procedure and Use of Common Seal Local Law No 7* are to

- (i) conform with the provisions of recent legislative changes to the *Local Government Act 1989*;
- (ii) enhance the opportunities for more debate and participation at Council Meetings; and
- (iii) incorporate minor changes to processes.

The amendments made by Local Law No 9 have been incorporated into Local Law No 7. and this consolidated versions produced. The dates applicable for both local laws are highlighted in the table below.

<b>No.</b>	<b>Title</b>	<b>Date made</b>	<b>Period operative</b>
7	Meetings Procedure and Use of Common Seal	17/10/2006	1/1/2007 to 31/12/2016
9	Local Law No 9 – To Amend Meetings Procedure and Use of Common Seal Local Law No 7	16/08/2010	1/9/2010 to 31/12/2016

## MAROONDAH CITY COUNCIL

### MEETINGS PROCEDURE AND USE OF COMMON SEAL Local Law No. 7

#### PART 1 - PRELIMINARY

**1. Title**

The title of this Local Law is **Meetings Procedure and Use of Common Seal** Local Law No. 7 and is referred to below as “this Local Law”.

**2. Objectives of this Local Law**

The objectives of this Local Law are to regulate the: -

- (a) proceedings of Ordinary and Special Meetings of the Maroondah City Council;
- (b) election of the Mayor and Acting Chairman;
- (c) use of the Common Seal of the Maroondah City Council; and
- (d) proceedings of special committees.

**3. Enabling Power to make this Local Law**

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

**4. Commencement**

This Local Law comes into operation on the first day of January 2007.

**5. Date Local Law Ceases Operation**

Unless this Local Law is revoked sooner, its operation will cease on the thirty-first day of December 2016.

## 6. Application

- (a) This Local Law applies to Ordinary and Special Meetings of the Maroondah City Council; and
- (b) The Council may from time to time issue protocols to govern the conduct of meetings of special committees appointed under section 86 or 87 of the *Local Government Act 1989*.

## 7. Definitions

In this Local Law, unless inconsistent with the context:

Act	means the <i>Local Government Act 1989</i> as amended from time to time.
Attendee	means any person other than a Councillor or member of Council staff who has been invited to take part in discussion on an item on the agenda by the Chairman or Chief Executive Officer.
Chairman	means a person who chairs a meeting of Council.
Chief Executive Officer	means the person appointed by Council to be its Chief Executive Officer or any person acting in that position.
Council	means the Maroondah City Council.
Councillor	means a person who holds the office of member of Council.
Council Meeting	means an Ordinary or Special Meeting of Council.
Deputation	means a person or body of persons appointed to represent others.
Division	means a formal count of those for and those against a motion.
Mayor	means the person elected by Council as such and described in Section 71 of the Act.
Minister	means the Minister responsible for administering the Act.
Procedural Motion	means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but is used merely as a formal procedural measure.
Quorum	means the minimum number of persons required by this Local Law to be present in order to constitute a valid Council Meeting.

Regulations	means the <i>Local Government (General) Regulations 2004</i> as amended from time to time.
Replica	in relation to the Common Seal of Council, means any representation which purports to be, looks like or is capable of being mistaken for the Common Seal (whether fixed to or printed on a document or advertisement or sign) and includes any use of a symbol resembling the Common Seal which is capable of misleading a person into believing it is used with the authority of Council.
Special Committee	Committee appointed by Council in accordance with sections 86 or 87 of the Act.
Standing Orders	means all the provisions of this Local Law.
Suspension of Standing Orders	means the suspension of the provisions of this Local Law to facilitate discussion on an issue without formal constraints.
Visitor	means any person other than an Attendee, Councillor, or member of Council staff who is in attendance at a Council Meeting.

## **PART 2 - ELECTION OF MAYOR AND ACTING CHAIRMAN**

### **8. Election of Mayor and Acting Chairman**

- (1) The meeting to fill the vacancy of Mayor will be held:
  - (a) as soon as practicable after the declaration of the result of an election for the entire Council; or
  - (b) where the position of Mayor otherwise becomes vacant, as soon as practicable after the vacancy has occurred.
- (2) At the commencement of proceedings of the meeting to elect the Mayor, the Chief Executive Officer shall invite nominations for an Acting Chairman of the meeting to deal with:-
  - (a) the fixing of allowances payable to the Mayor and Councillors (where applicable as required to set allowances after every general Council election and for the length of that term ie a four year period);
  - (b) the receipt of nominations for the election of Mayor; and
  - (c) the election of the Mayor.
- (3)
  - (a) The Acting Chairman of the meeting shall call for nominations for the position of Mayor.
  - (b) Upon nominations being made, the Acting Chairman shall ask each Councillor nominated whether such Councillor accepts nomination.
  - (c) A nomination is valid only if the Councillor nominated accepts the nomination. On acceptance, the nominated Councillor becomes a candidate.
  - (d) If a Councillor who is nominated is not present, acceptance of nomination may be submitted to the meeting, in writing, signed by the Councillor nominated.
- (4)
  - (a) The election of the Mayor will be carried out by show of hands unless the Council resolves that it be by secret ballot.
  - (b) All Councillors present must vote.

- (5) In determining the election of the Mayor, the following will apply:
- (a) where only one nomination is received, that candidate must be declared elected by the Acting Chairman;
  - (b) where two nominations are received, the candidate with the majority of votes cast will be declared elected by the Acting Chairman;
  - (c) if there are two candidates and both receive an equal number of votes, the election will be decided by lot in accordance with the procedure prescribed in sub-sections (g) and (h);
  - (d) where there are more than two candidates and one candidate receives more than one half of the total votes cast, that candidate must be declared elected by the Acting Chairman;
  - (e) if there are more than two candidates and no candidate receives more than half of the total votes cast, the candidate who receives the least number of votes will be declared eliminated by the Acting Chairman and a new vote taken in relation to the remaining candidates. This process continues until a candidate receives more than half of the total votes cast or only two candidates remain. If by this process the number of candidates is reduced to two, the election will be decided in accordance with clause 8.(5)(b) and 8.(5)(c);
  - (f) if there are more than two candidates and no candidate receives more than half of the total votes cast and two or more candidates equally receive the lowest number of votes cast, one of the lowest polling candidates will be eliminated in accordance with the procedure prescribed in sub-sections (g) and (h) and a new vote taken in relation to the remaining candidates;
  - (g) to determine an election by lot, the first Councillor, by surname alphabetically, shall draw to determine which Councillor is to draw to determine the issue. For this purpose, two identical size pieces of paper shall be placed in a receptacle. On one, the word 'draw' shall be written. The Councillor who takes the paper marked 'draw' from the receptacle shall be the Councillor who draws first to then determine the question; and
  - (h) two identical pieces of paper shall be placed in a receptacle - on one the word 'eliminated' shall be written. The Councillor who draws out the paper with the word 'eliminated' written on it shall be eliminated as a candidate for Mayor and the remaining candidate must be declared elected by the Acting Chairman.
- (6) If the Mayor is unable to attend a Council meeting for any reason, the Chief Executive Officer shall invite nominations for an Acting Chairman to preside at the meeting.

## **PART 3 - COUNCIL MEETINGS**

### **Division 1 - Notices and Agendas**

#### **9. Dates and times of Council Meetings**

The date, time and place of all Council Meetings are to be fixed by Council from time to time and reasonable notice of such meetings must be provided to the public.

#### **10. Special Meetings**

The notice necessary to call a meeting in accordance with section 84 of the Act must be delivered to the Chief Executive Officer at least seven (7) clear days prior to the meeting to enable reasonable public notice in accordance with section 89 (4) of the Act and background information to be given to Councillors.

#### **11. Notice of Council Meeting**

- (1) A notice of a Council Meeting incorporating or accompanied by an agenda of the business to be dealt with must be served on every Councillor:
  - (a) for an Ordinary Meeting, at least 48 hours before the meeting; and
  - (b) for a Special Meeting, at least 48 hours before the meeting.
- (2) Notice of a Council Meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent by post, facsimile or otherwise delivered to each Councillor's place of residence or usual place of business (if applicable) or as otherwise specified by the Councillor.
- (3) Notice of a Council Meeting may be handed personally to a Councillor in any location within the time required, or may be delivered to another destination, provided a written, signed authorisation of the relevant Councillor is held by the Chief Executive Officer.

#### **12. Leave of absence**

It will be unnecessary for a notice of a Council Meeting to be served on any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of his or her absence.

## Division 2 - Quorums

### 13. Ordinary Meetings

The quorum required for an Ordinary Meeting will be a majority of the Councillors capable of being elected to Council (from time to time).

### 14. Special Meetings

The quorum required for a Special Meeting will be the same as for an Ordinary Meeting.

### 15. Inability to gain a Quorum

#### (1) *Ordinary Meetings*

If a quorum cannot be obtained within thirty (30) minutes of the scheduled starting time of an Ordinary Meeting, the meeting, if not adjourned, lapses. The Chief Executive Officer, may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment. If an Ordinary Meeting lapses, the business undisposed of must be included in the agenda for the next Ordinary Meeting.

#### (2) *Special Meetings*

If a quorum cannot be obtained within thirty (30) minutes of the scheduled starting time of any Special Meeting or adjournment of Special Meeting, the meeting lapses. Items listed on the agenda are deemed to be withdrawn.

#### (3) *Limit on Adjournments*

A meeting may not be adjourned to another day more than once.

### 16. Inability to maintain a Quorum

If during any Council Meeting or any adjournment of a Council Meeting, a quorum cannot be maintained, the Chief Executive Officer may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.

### 17. Inability to achieve or maintain a Quorum due to Conflict of Interests of Councillors

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

**18. Notice for adjourned meeting**

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

## **PART 4 - MINUTES**

### **19. Keeping of minutes**

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

### **20. Confirmation of minutes**

The minutes of an Ordinary Meeting and the minutes of a Special Meeting shall, where practicable, be confirmed at the next Ordinary Meeting and such minutes, after confirmation by Council, shall be signed by the Chairman of the Ordinary Meeting at which they are confirmed.

### **21. No Debate on confirmation of minutes**

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

### **22. Objection to confirmation of minutes**

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

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

### **23. Deferral of confirmation of minutes**

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

### **24. Contents of minutes**

- (1) In keeping the minutes of any meeting, the Chief Executive Officer must arrange the recording of minutes so as to show:
  - (a) the names of Councillors and whether they are PRESENT, have given an APOLOGY, or are on LEAVE OF ABSENCE;
  - (b) the names and organisational titles of members of Council staff IN ATTENDANCE for the purposes of providing advice or recording minutes;
  - (c) the name of any Attendees at the Council Meeting and the organisation they represent or the capacity in which they attend;

- (d) the arrival and departure times of any Councillor and member of Council staff during the course of the Council Meeting;
  - (e) every motion and amendment moved, including the mover and seconder of any motion or amendment;
  - (f) the outcome of every motion, that is, whether it was put to the vote and the result of that vote being either CARRIED, LOST, WITHDRAWN, LAPSED or AMENDED and identification of those motions voted on by secret ballot;
  - (g) where a valid Division is called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST;
  - (h) when requested by a Councillor, a record of that Councillor's support for or opposition to any motion;
  - (i) details of failure to achieve or maintain a quorum and any adjournment;
  - (j) details of any deputations made to Council;
  - (k) the time and reason for any adjournment of the Council Meeting or Suspension of Standing Orders;
  - (l) disclosure of the declaration and the nature of any Conflict of Interest of a Councillor or member of Council Staff declared at, or identified to, a meeting;
  - (m) in respect of each declaration of a Conflict of Interest to a meeting at which a Councillor or member of Council Staff is in attendance, the time when the Councillor or member of Council Staff left the Chamber prior to the debate and vote on the issue and the time when they returned to the Chamber.
  - (n) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the Minutes.
- (2) In addition, the minutes should:
- (a) bear the date and time the meeting was commenced, adjourned, resumed and concluded;
  - (b) be consecutively page numbered; and
  - (c) contain consecutive item numbers which are clearly headed with subject titles and where appropriate, sub-titles and file references.

**25. Minutes of In Camera Meetings**

The Minutes of Council Meetings In Camera under section 89(2) of the Act must be recorded in the same manner as described in this Part.

## **PART 5 - ORDER OF BUSINESS**

### **26. (1) Ordinary Meetings**

- Prayer
- Acknowledgment of Country
- Apologies
- Declaration of Interests
- Confirmation of Minutes
- Public Question Time
- Officers' Reports
- Documents for Sealing
- Motions to Review
- Late Items
- Requests/Leave of Absence
- In Camera

### **(2) Special Meetings**

The order of business of Special Meetings will be determined by the Chief Executive Officer and will include an Acknowledgment of Country.

### **27. Change to order of business**

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

### **28. Chief Executive Officer may include items on an agenda**

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

### **29. Urgent Business**

Business which has not been listed on the agenda may only be transacted by resolution agreed to by a majority of the Councillors present and voting. Should there be dissent by the majority of Councillors, Council may resolve to place the matter on the agenda for the following Council Meeting.

## **PART 6 - VOTING AT MEETINGS**

### **30. How determined**

Subject to clause 48, in determining a question before a Council Meeting, the Chairman will first call for those in favour of the motion and then those opposed to the motion and will declare the result to the Council Meeting.

### **31. By show of hands**

Unless Council resolves otherwise, voting on any matter will be by show of hands.

### **32. When a division permitted**

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

### **33. Procedure for a division**

Once a Division has been requested, the Chairman will call for those Councillors voting for the motion to stand and then those Councillors opposed to the motion to stand.

### **34. No discussion once declared**

Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless a Councillor requests that his or her opposition to the motion be recorded in the minutes.

## **PART 7 - ADDRESSING THE MEETING**

### **35. Addressing the Meeting**

- (1) Except for the Chairman, any Councillor or person who addresses the meeting must stand and direct all remarks through the Chairman.
- (2) Despite sub-clause (1), the Chairman may permit any Councillor or person to remain seated while addressing the Chairman, for reasons of sickness, infirmity, disability or otherwise at his or her discretion.
- (3) Any person addressing the Chairman should refer to the Chairman as:
  - (a) Madam Mayor;
  - (b) Mr. Mayor;
  - (c) Madam Chairman; or
  - (d) Mr. Chairman;as the case may be.
- (4) All Councillors, other than the Mayor, should be addressed as Cr. ....  
(name).
- (5) All members of Council staff should be addressed by either their name or their title.

### **36. Suspension of Standing Orders**

- (1) Subject to clause 37, Standing Orders may be suspended by resolution.
- (2) The Suspension of Standing Orders should be used to enable full discussion of any issue or to receive information from a Visitor to the Council Meeting without the constraints of formal meeting procedure.
- (3) The purpose of the Suspension of Standing Orders is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
- (4) Standing Orders should not be suspended purely to dispense with the processes and protocol of the government of Council.
- (5) Once the discussion has taken place and before any motions can be put, the resumption of Standing Orders will be necessary.

### **37. No motions may be accepted during Suspension of Standing Orders**

No motion may be accepted by the Chairman or be lawfully dealt with during any Suspension of Standing Orders.

**38. Interruption for point of order**

A Councillor who is addressing the meeting must not be interrupted unless called to order, in which case he or she must sit down and remain silent until the Councillor raising the point of order has been heard and the question disposed of.

## **PART 8 - OTHER MEETING PROCEDURES**

### **Division 1 - Matters Not Provided For**

#### **39. Matters not provided for**

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

### **Division 2 - Motions**

#### **40. Chairman's duty**

Any motion or amendment which-

- (a) is defamatory; or
  - (b) is objectionable in language or nature; or
  - (c) is outside the powers of Council; or
  - (d) is irrelevant to the item of business on the agenda and has not been admitted as urgent business; or
  - (e) purports to be an amendment but is not -
- must not be accepted by the Chairman.

#### **41. Moving a motion (except procedural motions)**

The procedure for any motion is-

- (a) upon the call given by the Chairman, the mover must state the motion without speaking to it;
- (b) unless the motion is a Procedural Motion, it must be seconded by a Councillor other than the mover;
- (c) a motion or amendment which is not seconded, lapses;
- (d) if the motion is seconded, the Chairman must request
  - (i) the mover to address Council on the motion;
  - (ii) the seconder to address Council on the motion (who may, without speaking on the motion, reserve his or her address until later in debate); and
  - (iii) any Councillor opposed, to debate the motion; and

- (iv) any other Councillors for and against the motion to debate in turn in alternative sequence. When the sequence of alternative speakers is exhausted, any other Councillor that wishes to debate the motion.

#### **42. Procedure for proposing a motion**

Any Councillor desirous of proposing a motion or amendment or taking part in discussion thereon shall stand, address the Chairman, and shall not be interrupted except by the Chairman or upon a point of order. If a Councillor is interrupted by the Chairman or upon a point of order, he or she shall resume his or her seat until the Chairman has ceased speaking, or the point of order has been determined.

#### **43. Adequate debate**

Adequate debate must occur where an issue is contentious in nature. In such cases, every Councillor shall be given an opportunity to speak and requested to do so by the Chairman.

#### **44. Sufficient debate**

If several Councillors have addressed the meeting with the same or very similar viewpoints, then the Chairman will draw the meeting's attention to the fact that sufficient debate has occurred on that viewpoint and seek different opinions.

#### **45. Right of reply**

- (1) The mover of a motion which has not been amended may, once debate has been exhausted, exercise a right of reply to matters raised during debate.
- (2) In exercising his or her right of reply, the mover of a motion shall not introduce new material and, immediately after the right of reply has been taken, the motion must be put to the vote by the Chairman without any further discussion or debate.

#### **46. No right of reply for amendments**

The mover of an amendment shall have no right of reply.

#### **47. Moving motions by group (en bloc)**

- (1) The Chairman has the right to enquire of a Council Meeting whether there is opposition to the proposals in any grouping of recommendations contained on or in the agenda.
- (2) Notwithstanding the procedure described in clause 47 (1), the Chairman may then seek one resolution to accept all recommendations not opposed.

- (3) Those recommendations opposed will be discussed individually in accordance with normal procedures.

#### **48. Moving an amendment**

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

#### **49. Who may propose an amendment**

- (1) An amendment may be proposed or seconded by any Councillor, other than the mover or seconder of the original motion.
- (2) No Councillor may move or second more than one amendment to the same motion.

#### **50. Who may debate an amendment**

A Councillor may address a Council Meeting once on any amendment, whether or not he or she has spoken to the original motion, provided that debate is confined to the terms of the amendment.

#### **51. How many amendments may be proposed**

Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chairman at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been determined.

#### **52. An amendment once carried**

If the amended motion is carried, it then becomes the substantive motion.

#### **53. Foreshadowing motions**

- (1) At any time during debate, a Councillor may foreshadow a motion 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.
- (2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chair is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.

- (4) The Chief Executive Officer is not required to have foreshadowed motions recorded in the minutes until the foreshadowed motion is formally moved.

**54. Withdrawal of motions**

Before any motion is put to the vote, it may be withdrawn by resolution.

**55. Separation of motions**

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

**56. Chairman may separate motions**

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

**57. Motions in writing**

- (1) The Chairman may require any motion to be submitted in writing where it is lengthy, unclear or for any other reason.
- (2) The Chairman may allow sufficient time during the meeting for a motion to be written or may request Council to defer the matter until a motion has been written, allowing the meeting to proceed uninterrupted.

**58. Debate must be relevant to the motion**

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

**59. Further information**

A Councillor may, with the permission of the Chairman, ask for information on the subject before the meeting, during the course of a debate.

**60. Speaking times**

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

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

- (3) any other Councillor - three (3) minutes;

**61. Chairman's right to speak**

The Chairman may address any meeting on any matter under discussion.

**62. Personal explanations**

- (1) A Councillor or member of Council staff may, at any Council Meeting and at a time decided by the Chairman, make a personal explanation for a period not exceeding two (2) minutes, on any statement made affecting that Councillor or member of Council staff.
- (2) A personal explanation shall be heard in silence and shall not be debated.

### **Division 3 - Extension of Speaking Time**

**63. By resolution of Council**

An extension of speaking time may be granted by resolution of Council.

**64. When an extension can be proposed**

A motion for an extension of speaking time must be proposed :-

- (1) immediately before the speaker commences debate;
- (2) during the speaker's debate; or
- (3) at the conclusion of the time limits prescribed in clause 60.

**65. No extension after next speaker commenced**

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

**66. Length of extension**

Any extension of speaking time must not exceed two (2) minutes.

## Division 4 - Notice to Review

### 67. Procedure

- (1) A Councillor may propose a motion to review a decision of Council provided :
  - (a) the decision has not been acted upon; and
  - (b) a notice (“Notice to Review”) signed by three Councillors is delivered to the Chief Executive Officer by 10 a.m. on the morning following the Council Meeting, at which the decision was taken. The Notice to Review must outline:
    - (i) the decision proposed to be reviewed; and
    - (ii) the Council Meeting and date when the decision was made.
- (2) A decision will be acted upon once its details have been formally communicated to persons affected by, or reliant on, the resolution or where a statutory procedure has been carried out as a result of that decision.
- (3) The failure of a Councillor to receive notice of the Notice to Review shall not in any way invalidate Council considering and resolving upon such Notice to Review.

### 68. Listing Notice to Review on agenda

The Chief Executive Officer must list the Notice to Review, and if more than one, in the order each Notice to Review was received, on the next appropriate agenda.

### 69. If Lost

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

### 70. If not moved

If a Notice to Review is not moved at the Council meeting for which it is listed, it will lapse.

### 71. May be moved by any Councillor

A Notice to Review listed on a meeting agenda may be moved by any Councillor present but cannot be amended.

## Division 5 - Points of Order

### **72. Chairman to decide**

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

### **73. Chairman may adjourn to consider**

- (1) The Chairman may adjourn the meeting to consider a point of order otherwise she or he must rule on it as soon as it is raised.
- (2) All other matters before Council are to be suspended until the point of order is decided.

### **74. Final ruling on a point of order**

- (1) The decision of the Chairman in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present move a motion of dissent.
- (2) A motion of dissent on a point of order must contain the relevant provision, rule, practice or precedent to be relied upon in substitution for the Chairman's ruling.
- (3) A motion of dissent in relation to a point of order is not a motion of dissent in the Chairman and the Chairman must continue to chair the Council Meeting.
- (4) A motion of dissent on a point of order will take precedence over all other business and, if carried, must be acted on instead of the ruling given by the Chairman.

### **75. Procedure for point of order**

A Councillor raising a point of order must :

- (1) state the point of order; and
- (2) the clause, paragraph or provision relied upon in support of the point of order.

**76. Valid points of order**

A point of order may be raised in relation to:

- (1) a procedural matter;
- (2) a Councillor who is, or appears to be, out of order; or
- (3) any act of disorder.

**77. Difference of opinion**

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

**78. Adjournment and resumption of meeting**

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

## Division 6 - Procedural Motions

### 79. Closure Motion

- (1) A motion may be moved as follows:

“That the motion be now put” (“Closure Motion”)
- (2) A “Closure Motion” is a Procedural Motion which:
  - (a) if carried, requires that the motion before the Council Meeting be put to the vote immediately, without any further debate, discussion or amendment;
  - (b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately, without any further debate or discussion, however, it allows debate on the original motion to continue;
  - (c) if lost, allows debate to continue unaffected;
  - (d) may be moved at any time and must be dealt with immediately by the Chairman;
  - (e) is not required to be seconded;
  - (f) cannot be amended;
  - (g) cannot be moved by the Chairman; and
  - (h) cannot be debated and the mover does not have a right of reply.
- (2) The mover of a Closure Motion must not have moved, seconded, or spoken to the question before the Council meeting or any amendment of it.
- (3) A speaker may be interrupted for the purpose of moving a Closure Motion.
- (4) The Chairman has the discretion to reject a Closure Motion if the motion upon which it is proposed has not been adequately or sufficiently debated for the purposes of clause 43 or 44.
- (5) An Adjournment Motion may not be moved while a Closure Motion is being considered.

**80. Adjournment Motion**

- (1) A motion may be moved as follows: -  

“That the motion and amendments now before the meeting be adjourned until.....”
- (2) An “Adjournment Motion” is a Procedural Motion which :
  - (a) cannot be moved while any person is speaking to a motion or amendment, or during the election of a Chairman;
  - (b) may be debated but may only be amended in relation to the time, date and place of the proposed adjournment;
  - (c) should provide a date or time to which the adjournment is sought but, if no date or time is included, may be re-listed at the discretion of the Chief Executive Officer or upon a subsequent resolution of Council;
  - (d) is not required to be seconded;
  - (e) cannot be moved by the Chairman; and
  - (f) if lost, allows debate to continue unaffected.
- (3) The mover of an Adjournment Motion must not have moved, seconded or spoken to the question before the Council Meeting or any amendment of it.
- (4) When the debate on a motion or an amendment resumes after an adjournment, the mover of the adjournment shall have the first call to recommence the debate.

## Division 7 - Public Participation

### 81. Deputations

- (1) A Deputation wishing to be heard by Council must make a written request to the Chief Executive Officer not less than 72 hours prior to the latest time for delivery of a notice of a Council Meeting under clause 11.
- (2) A request for a Deputation shall specify the name and address of a person authorised to receive notice on behalf of the Deputation.
- (3) The Chief Executive Officer will arrange for the Deputation to meet with Council, or a group of Councillors, depending on the subject of the matter and the relative importance of the issue.
- (4) If the Deputation is listed for hearing, the Chief Executive Officer shall give to the person specified in the request written notice of the time, date and place of the meeting at which the Deputation will be heard.
- (5) Nothing shall prevent Council from hearing a Deputation at shorter notice, as a matter of urgency.

### 82. Question Time

- (1) There shall be question time at every Ordinary Meeting to enable the general public to submit questions to Councillors or members of Council staff.
- (2) Up to fifteen (15) minutes will be allowed for the answering of all questions.
- (3) Upon expiration of fifteen (15) minutes, any unanswered questions will be answered the day after the Council Meeting by means of letter OR an extension of time may be granted by resolution of Council for another ten (10) minutes.
- (4) A person must not submit more than two questions to a Council Meeting.
- (5) Where questions are divided into parts, each part will be considered a separate question.
- (6) Questions will only be accepted in the format of the prescribed form as detailed in Appendix 1. Public Question Time Forms are available from the City Offices and Customer Service Centres and may be downloaded from Council's website.
- (7) Questions are to be submitted to the Chief Executive Officer at the City Offices no later than 12 noon on the day of the Council Meeting.

- (8) The Chairman may disallow any question on the ground that it is repetitive of a question already asked, either at the current Council Meeting or previous Council Meeting, objectionable, irrelevant, raises an issue of a confidential nature or is asked to embarrass either a Councillor or member of Council staff.
- (9) Council will not deal with a question if the person who submitted the question is not present during question time.
- (10) The Chairman will nominate the appropriate Councillor or member of Council staff to answer the question.
- (11) (a) A Councillor or member of Council staff may take a question on notice, in which case he or she will provide an answer by letter; and
  - (b) Copies of any letter provided under sub-clause (a) must be provided to all other Councillors.
- (12) A Councillor may, at his or her discretion, seek additional information from the Chief Executive Officer to assist in the answering of a question at the meeting.
- (13) No debate or discussion of questions or answers is permitted.

**83. Chairman may remove**

The Chairman has a discretion to cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction.

## **Division 8 - Additional Duties of Chairman**

### **84. The Chairman's duties and discretion**

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

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

## **Division 9 - Curfew**

- 85.** Council Meetings must conclude by 10.00 p.m., however, this time may be extended by a majority vote of Councillors for up to thirty (30) minutes only, at which time the meeting must be declared closed or adjourned by the Chairman. If not adjourned, all items of business not dealt with shall be listed on the agenda of the next Ordinary Meeting.

## **Division 10 - Council In Camera**

- 86.** Subject to section 89 of the Act, any Councillor may move 'that Council meet In Camera'. If such motion is carried, all members of the public and such members of Council staff as determined by the Chief Executive Officer, shall leave the Council Chamber, however, nothing shall prevent Council from permitting Council Consultants and Advisors or any other person from remaining in the Chamber. When the motion 'that Council resume Open Council' is carried, Council resumes open proceedings and any person may enter the Council Chamber.

## **PART 9 - COMMON SEAL**

### **87. Council's Common Seal**

- (1) The Chief Executive Officer must ensure the security of Council's Common Seal at all times.
- (2) Council's Common Seal may only be used by Council or its Chief Executive Officer under delegation, and every document to which the Seal is affixed must be signed by:
  - (a) The Mayor OR due to the unavailability of the Mayor, any one Councillor; and
  - (b) The Chief Executive Officer OR a Director authorised by the Chief Executive Officer.
- (3) Notwithstanding clause 87 (2), the Council may from time to time resolve that routine documents of a certain class(es) to which the seal is affixed be signed by the Chief Executive Officer and any one Director (or other Council officer as appointed by the Chief Executive Officer).

#### **(4) Attestation Clause**

Notwithstanding clause 87 (3), when the Common Seal is affixed to a document, the following attestation clause or any other words to the like effect, must appear:-

The Common Seal of Maroondah City Council was affixed in the presence of :

..... Councillor  
..... Chief Executive Officer

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

Penalty: 10 Penalty Units

- (6) Any person who uses a Replica of Council's Seal without authority is guilty of an offence.

Penalty: 10 Penalty Units

**Resolution for the making of this Local Law was agreed to by Council on the sixteenth day of October, 2006.**

**THE COMMON SEAL** of )  
**MAROONDAH CITY COUNCIL** was )  
affixed on 17<sup>th</sup> October 2006 in )  
accordance with the resolution of )  
Council made on 16<sup>th</sup> October 2006 in )  
the presence of )

**SEAL**

Councillor

MAUREEN NAYLOR

Chief Executive Officer

MICHAEL MARASCO

Council resolved to give notice of the proposal to make this Local Law and such was included in the Victorian Government Gazette dated 21<sup>st</sup> September 2006 and the Maroondah Journal dated 19<sup>th</sup> September 2006 respectively.

Public Notice that the Local Law had been made was inserted in the Victorian Government Gazette dated 26<sup>th</sup> October 2006 and the Maroondah Journal dated 24<sup>th</sup> October 2006 respectively.

A copy of this Local Law was sent to the Minister for Local Government on 30<sup>th</sup> October 2006 and a copy of this Local Law is available for public inspection at the City Offices, Braeside Avenue, during normal office hours and is also available on Council's website.

**PUBLIC QUESTION TIME FORM**

**ORDINARY COUNCIL MEETING**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PRIVACY ISSUES <sup>1</sup> I willingly opt for my personal information to appear in the Council minutes. *Please tick appropriate box.*

**Name**       Yes       No

**Address**     Yes       No

READ QUESTION I willingly opt to be able to state my question before Council. *Please tick appropriate box.*

**State Question**       Yes       No

ORGANISATION REPRESENTED: \_\_\_\_\_

\_\_\_\_\_  
*(If applicable)*

CONTACT TELEPHONE: \_\_\_\_\_

DATE OF COUNCIL MEETING: \_\_\_\_\_

QUESTION *(One question per form)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**Please note that Councillors and Directors if required will be available for further discussions on items over supper at the conclusion of the Council Meeting.**

1. Nb Council is committed to the privacy principles as prescribed by the Information Privacy Act. It is your option as to whether your name and or address (street only not number) appears within the Council minutes.