



## **LOCAL LAW NO 9**

**TO AMEND**

**LOCAL LAW NO 7**

**MEETINGS PROCEDURE**

**AND**

**USE OF COMMON SEAL**

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## MAROONDAH CITY COUNCIL

### LOCAL LAW NO 9

### TO AMEND MEETINGS PROCEDURE AND USE OF COMMON SEAL LOCAL LAW NO 7

#### PART 1 - PRELIMINARY

**1. Title**

The title of this Local Law is **Local Law No 9 - To Amend 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 -

- (a) amend Meetings Procedure And Use of Common Seal Local Law No 7 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.

**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 September 2010.

**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 in conjunction with Local Law No 7.

**6. Application**

This Local Law applies to Local Law No 7 Meeting Procedure and Use of Common Seal.

**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.
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.
Mayor	means the person elected by Council as such and described in Section 71 of the Act.
Principal Local Law	means Meeting Procedure And Use Of Common Seal Local Law No 7
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.
Special Committee	Committee appointed by Council in accordance with sections 86 or 87 of the <i>Local Government Act 1989</i>

## **PART 2 – AMENDMENTS TO LOCAL LAW NO 7**

### **8. Amendments to Part 1 - Preliminary**

- (1) That clause 6 (b) of the Principal Local Law be substituted by: “ (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*.”
- (2) That clause 7, definition of Special Committee, of the Principal Local Law be substituted by: “Committee appointed by Council in accordance with sections 86 or 87 of the Act.”

### **9. Amendments to Part 2 - Election of Mayor and Acting Chairman**

That clause 8(2)(a) of the Principal Local Law be substituted by: “(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);”

### **10. Amendments to Part 3 – Council Meetings**

- (1) That clause 10 Special Meetings of the Principal Local Law be substituted by:- “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”.
- (2) That clause 11(1)(b) Notice of Council Meeting of the Principal Local Law be substituted by “ (b) for a Special Meeting, at least 48 hours before the meeting.”

### **11. Amendments to Part 4 – Minutes**

- (1) That clause 24(1)(l) Contents of Minutes of the Principal Local Law be substituted by “ (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;”
- (2) That clause 24(1)(m) Contents of Minutes of the Principal Local Law be substituted by “ (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. “

**12. Amendments to Part 5 – Order of Business**

- (1) That clause 26(1) Ordinary Meetings of the Principal Local Law be added to by:
  - (i) the inclusion of “Prayer” as the first item of order of business; and
  - (ii) the inclusion of “Acknowledgment of Country” as the second item of order of business.
- (2) That clause 26(2) of the Principal Local Law be substituted by “ (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.”

**13. Amendments to Part 7 – Addressing the Meeting**

That clause 35(5) Addressing the Meeting of the Principal Local Law be substituted by “ (5) All members of Council staff should be addressed by either their name or their title.”

**14. Amendments Part 8 – Other Meeting Procedures**

- (1) That clause 41(d) of the Principal Local Law be revoked.
- (2) That clause 41(e) of the Principal Local Law be revoked
- (3) That clause 41(f) of the Principal Local Law be revoked.
- (4) That a new clause 41(d) within the Principal Local Law be inserted “(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);
  - (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.”
- (5) That clause 43 Adequate Debate of the Principal Local Law have after the word *speak*, insert “and requested to do so by the Chairman.”
- (6) That clauses 44(1) & (2) Sufficient Debate of the Principal Local Law be substituted by “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.”

- (7) That clause 63 Adequate Debate of the Principal Local Law have the words omitted "...however, only one extension is permitted for each speaker on any question."
- (8) That clause 81(1) Deputations of the Principal Local Law omit 24 and insert 72.
- (9) That clause 82(3) Question Time of the Principal Local Law be substituted by " (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."

**15. Amendments to Notation After Attestation Clause**

That the boxed notation after the attestation sealing clause of the Principal Local Law, after the words *normal office hours* insert " and is also available on Council's website."

**16. Amendments to Appendix 1 - Public Question Time Form**

- (1) That Appendix 1 Public Question Time of the Principal Local Law after the words "*Address*  *Yes*  *No* " insert "READ QUESTION I willingly opt to be able to state my question before Council. *Please tick appropriate box.* **State Question**  *Yes*  *No* "
- (2) That Appendix 1 Public Question Time of the Principal Local Law after the words "*Signature: ----- Date:-----*" insert "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."

**Resolution for the making of this Local Law was agreed to by Council on the sixteenth day of August, 2010.**

THE COMMON SEAL of )  
MAROONDAH CITY COUNCIL was )  
affixed on 17 August 2010 in )  
accordance with the resolution of )  
Council made on 16 August 2010 in the )  
presence of )

ALEX MAKIN ..... Councillor

FRANK DIXON ..... Chief Executive Officer