



MEETING PROCEDURE LOCAL LAW (No. 1 of 2009)

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PART 1 - PRELIMINARY PROVISIONS

1. Title

This is the *Meeting Procedure Local Law (No.1 of 2009)*.

2. Purpose

The objectives of this Local Law are to:

- (a) regulate and control the procedures governing the conduct of meetings of the Council and of Special committees appointed by the Council;
- (b) regulate and control the election of the Mayor and the chairpersons of any Special committees;
- (c) regulate and control the use of the Council's seal;
- (d) promote and encourage community participation in the local government system;
- (e) provide a mechanism through its formal meeting procedure to ensure effective and efficient Council decisions are made in a manner which acknowledges the role of local government within the Australian system of Government;
- (f) provide for the administration of the Council's powers and functions; and
- (g) provide generally for the peace, order and good government of the municipal district.

3. Authorising provision

This Local Law is made in accordance of the provisions of sections 5, 91 and 111 of the *Local Government Act 1989* ("the Act").

4. Commencement, revocation and areas of operation

This Local Law:

- (a) commences operation on the day following the day on which notice of the making of this Local Law is published in the *Victoria Government Gazette*; and
- (b) unless sooner revoked this Local Law ceases to operate on 30 June 2019; and
- (c) applies to all meetings of the Council including the meetings of any Special committees appointed by the Council; and
- (d) From the date of operation of this Local Law the *Meeting Procedure Local Law (No. 1 of 2007)* is revoked.

5. Definitions

'Act' means the *Local Government Act 1989*.

'Agenda' means the notice of a meeting setting out the

	business to be transacted at the meeting.
‘Authorised officer’	means a person appointed by Council under section 224 of the Act.
‘Chairperson’	means the person who chairs a meeting of the Council or Special committee of the Council, and includes an acting, a temporary and a substitute Chairperson.
‘Chief Executive Officer’	means the Chief Executive Officer of Council or any person acting in that position during his or her absence.
‘Common seal’	means the common seal of the Council.
‘Council’	means the Wodonga City Council.
‘Councillor’	means a person who is an elected member of the Council.
‘Council meeting’	means an Ordinary or Special meeting of the Council.
‘Deputy Mayor’	means the Deputy Mayor of the Council.
‘Division’	means a formal count and record taken of those for and against a motion.
‘Formal motion’	means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but merely used as a formal procedural measure.
‘Mayor’	means the Mayor of Council or any person acting in that position during his or her absence.
‘Meeting’	means an Ordinary meeting, Special meeting of Council, or a Special committee meeting.
‘Minister’	means the Minister responsible for administering the Act.
‘Motion’	means a proposal framed in a way that will result in the opinion of Council being expressed

or a Council decision being made.

‘Municipal district’	means the municipal district of 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 unit’	has the meaning ascribed to it by section 110 (2) of the <i>Sentencing Act 1991</i> .
‘Petition’	means a formal written application requesting some action by Council. The petition must be typed or printed without erasure, and be received from at least ten persons of voting age, signed by those persons whose name and physical address also appears and on which each page of the petition bears the formal petition prayer of the whole of the petition.
‘Quorum’	means the minimum number of members required by this Local Law to be present in order to constitute a valid meeting of the Council or a Special committee.
‘Resolution’	means a motion moved, seconded and carried by a vote of a meeting.
‘Schedule’	means a schedule to this Local Law.
‘Special committee’	means a Special committee established by Council under section 86 of the Act.
‘Special committee meeting’	means a meeting of a Special committee.
‘Special meeting’	means a Special meeting of Council convened and held in accordance with section 84 of the Act.
‘Suspension of standing orders’	means the suspension of the provisions of this Local Law to facilitate full discussion of an issue without formal constraints.

PART 2 – ELECTION OF MAYOR AND OTHER CHAIRPERSONS

6. Election of Mayor

At any meeting to elect the Mayor, the Chief Executive Officer or delegate may act as a temporary chair to deal with the receipt of nominations for the election to the position of Mayor and to conduct the election of the Mayor in accordance with the provisions of this Local Law.

7. Method of voting

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

8. Determining the election of the Mayor

8.1 In determining the election of the Mayor, the following process will apply:

- a) The Chief Executive Officer or delegate must invite nominations for the office of Mayor.
- b) All nominations must be seconded, and the nominee must consent to his or her nomination.
- c) If there is only one nomination, the candidate nominated is deemed to be elected.
- d) If there is more than one nomination, the councillors present at the meeting must vote for one of the candidates.
- e) In the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected.
- f) In the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The councillors present at the meeting must then vote for one of the remaining candidates.
- g) If one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute 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 of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected.
- h) In the event of two or more candidates having an equality of votes and one of them having to be declared:
 - i) a defeated candidate; or
 - ii) duly electedthe declaration will be determined by lot.
- i) If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
 - i) each candidate will draw one lot;

- ii) 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 or more such councillors' surnames are identical, the order will be determined by the alphabetical order of the councillors' first names; and
- iii) 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 word "Defeated" shall be written on one 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 be taken on the remaining candidates). If the lot is being conducted to determine which candidate is to be duly elected, the word "Elected" must be written on one 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.

8.2 Any election for the appointment of a Deputy Mayor or an acting Chairperson of a meeting of the Council or of a Chairperson of a Special committee will follow the same procedure as that for an election of Mayor with such adaptations as necessary.

PART 3 – COUNCIL MEETINGS

Division 1 – Notices of Meetings and Agendas

9. Date, time and place of meetings

- 9.1. The date, time and place of all Council meetings are to be fixed by the Council and reasonable notice of the meetings, being at least seven days, must be provided to the public.
- 9.2. The Council may change the date, time and place of any Council meeting which has been fixed and must provide reasonable notice of the changes, being at least seven days, to the public.

10. Special Council meetings

- 10.1 The Council may by a resolution call a Special meeting, or the Mayor or at least three councillors may by a written notice call a Special meeting.
- 10.2 The resolution or notice must specify the date and time of the Special meeting and the business to be transacted.
- 10.3 The Chief Executive Officer must convene the Special meeting as specified in the resolution or notice.
- 10.4 Unless all councillors are present and unanimously agree to deal with any other matter, only the business specified in the resolution or notice is to be transacted.
- 10.5 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.
- 10.6 The Chief Executive Officer may also summon a Special meeting of the Council, but only within 14 days following a general election for the purpose of the first meeting of the new Council.

11. Notice of meeting

- 11.1 A notice of meeting which includes 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 24 hours before the meeting, unless urgent circumstances require less notice; and
 - c) for a Special committee meeting, at least 48 hours before the meeting.
- 11.2 The notice of agenda for any meeting must:
 - a) state the date, time and place of the meeting; and
 - b) the business to be dealt with; and
 - c) be delivered to each Councillor or committee member by post, facsimile, electronically or otherwise delivered to:
 - i) the Councillor's place of residence;
 - ii) the Councillor's place of business (if applicable); or

- iii) the place specified by the councillor for delivery of notices of meetings.
- d) be available for public inspection.

12. Leave of absence

It will not be necessary to forward a notice of meeting to any Councillor who has been granted leave of absence, unless the Councillor has made a written request to the Chief Executive Officer to continue to give notice of any meeting to be held during the period of his or her absence.

13. Convening a Council meeting due to urgent or extraordinary circumstances

13.1 In the case of urgent or extraordinary circumstances, the Chief Executive Officer may call a meeting of the Council, without the necessity to comply with clause 9 provided reasonable attempts are made to notify every Councillor.

13.2 The Chief Executive Officer must specify in the minutes of the meeting the urgent or extraordinary circumstances which prevented Council from complying with clause 9.

Division 2 - Quorums

14. Ordinary Council meetings

The quorum required for Council meetings or Special committee meetings is a majority of the members of the Council or the Special committee.

15. Inability to obtain or maintain a quorum

15.1 Those councillors present, or if there are no councillors present, the Chief Executive Officer must adjourn the meeting if there is insufficient numbers of councillors present to form a quorum within 30 minutes of the scheduled starting time of the meeting; or

15.2 The meeting may be adjourned until another time and place is determined and written notice of the adjournment must be provided by the Chief Executive Officer to all councillors unless the meeting is adjourned to a later time on the same day, in which case, any form of notice may be given to councillors.

16. Inability to achieve or maintain a quorum because of councillors' conflicts of interest

If during any meeting a quorum cannot be achieved or maintained due to the number of declarations of a conflict of interest by councillors, the Chief Executive Officer may adjourn the meeting for a length of time sufficient to

enable an exemption for the affected councillors to be obtained from the Minister in accordance with section 80 of the Act.

Division 3 - Minutes

17. Keeping of minutes

The Chief Executive Officer or his or her delegate must record in the minutes of each meeting:

- a) the date, time and place of each meeting; and
- b) the names of the councillors present and the names of those councillors who tendered an apology and the names of those councillors who have been given leave of absence; and
- c) the names of Council officers present and their titles; and
- d) the arrival and departure times of councillors, including any temporary departures during the course of the meeting; and
- e) all declarations of a conflict of interest of a Councillor; and
- f) every motion and amendment moved, including the mover (and seconder) of any motion or amendment; and
- g) the outcome of every motion put to the vote; and
- h) procedural motions; and
- i) the vote cast by each Councillor on each division called and the way their vote was cast; and
- j) when requested by a Councillor, a record of that Councillor's support or opposition for any motion; and
- k) the failure of a quorum; and
- l) any adjournment of the meeting and the reasons for that adjournment; and
- m) the time at which standing orders were suspended and resumed; and
- n) closure and reopening of the meeting to members of the public; and
- o) any other matter that the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or reading of the minutes.

18. Confirmation of minutes

18.1 The minutes of Ordinary meetings must be presented for confirmation to the next Ordinary meeting of the Council.

18.2 The minutes of Special meetings must be presented for confirmation to the next Ordinary meeting of the Council or as otherwise determined by the Chief Executive Officer.

18.3 The Chief Executive Officer must cause a copy of the Minutes of each Council meeting to be circulated to all councillors within twenty-one days of the meeting.

18.4 After the Minutes are confirmed, they must be signed by the Chairperson of the meeting at which they are confirmed.

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

19. No debate on confirmation of minutes

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

20. Objection to confirmation of minutes

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

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

Division 4 – Business of Meetings

21. The order of business

21.1 Unless the Council resolves otherwise, the business of an Ordinary meeting of the Council must be as follows:

- a) Calling to order
- b) Statement of acknowledgment
- c) Apologies and requests for leave of absence
- d) Declaration under acts, regulations, codes or local laws
- e) Declaration by councillors of any conflict of interest
- f) Confirmation of minutes of previous meetings of Council
- g) Delegates' reports
- h) Officer reports for determination
- i) Officer reports for information
- j) Notices of motion
- k) Petitions
- l) Council seal
- m) Urgent business
- n) Question time
- o) Confidential business
- p) Confidential urgent business
- q) Close of meeting

21.2 Once the agenda has been sent to councillors or members of a Committee, the order of business for that meeting, including the addition or deletion of items from the order of business, may only be altered by resolution.

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

22. Delegates' reports

22.1 At an Ordinary meeting, the Mayor and councillors who are delegates or representatives of the Council on other bodies may report to the

meeting on issues of importance to the Council, notwithstanding that the report is not listed on the agenda.

22.2 No motion (except to receive any such report) can be accepted by the Chairperson unless there is a matter raised in it which is resolved in the manner prescribed for dealing with urgent business.

23. Urgent business

If the agenda for an Ordinary meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if it:

- a) relates to or arises out of a matter which has arisen since distribution of the agenda; or
- b) cannot safely or conveniently be deferred until the next Ordinary meeting or involves a matter of urgent community concern.

Division 5 - Voting

24. Voting

Voting shall be by show of hands.

25. How determined

In determining a motion before a meeting of the Council, the Chairperson will first call for those in favor of the motion, and then those opposed to the motion, and will declare the result to the meeting.

26. Recount

The Chairperson may direct that a vote be recounted to satisfy him or herself of the result.

27. Divisions

27.1 A division may be requested by any Councillor on any matter.

27.2 The request must be made to the Chairperson immediately after any question is put to a meeting and before the next item of business has commenced.

27.3 Once a division has been requested, the Chairperson will call for those councillors voting for the motion to raise their hand and the Chairperson will duly name those councillors. The Chairperson will then call for those councillors voting against the motion to raise their hand and the Chairperson will duly name those councillors.

27.4 All councillors who cast votes originally shall remain in the Chamber and vote on the division. Councillors who were absent from the original vote, but who may have returned to the meeting in time for voting on the division, must cast a vote.

- 27.5 The Chairperson must announce the result of the vote immediately after the division is taken. The result of the division supersedes the result of the original vote.
- 27.6 The Chairperson shall state, and the Chief Executive Officer must record the names of those councillors voting in the affirmative and those voting in the negative.
- 27.7 A division may be requested at Council and Special committee meetings that are composed solely of councillors.

28. Casting vote

In the event of a tied vote, the Chairperson has a second, or casting, vote and must exercise it in accordance with the Act.

Division 6 – Procedure at meetings

29. Addressing the meeting

- 29.1 Any Councillor wishing to speak at a Council meeting must first obtain the permission of the Chairperson.
- 29.2 Any Councillor or person who addresses the meeting at an Ordinary or Special meeting of the Council may remain seated and must direct all remarks through the Chair.
- 29.3 Despite clause 29.2, the Chairperson may permit a councillor or person to stand while addressing the meeting.
- 29.4 any person addressing the Chair must refer to the Chairperson as:
- a) Madam Mayor; or
 - b) Mr Mayor; or
 - c) Madam Chair; or
 - d) Mr Chair
- as the case may be;
- 29.5 all councillors, other than the Mayor, must be addressed as Cr _____ (name).
- 29.6 all members of Council staff, must be addressed as Mr or Ms _____ (name) as appropriate or by their official title.

30. No interruption

- 30.1 Councillors addressing the Chairperson must not be interrupted except by the Chairperson or upon a point of order.
- 30.2 If a councillor is interrupted by the Chairperson or upon a point of order the councillor must be seated until the Chairperson has ceased speaking or the point of order has been disposed of.

31. Chairperson's duty

- 31.1 In addition to the duties and discretions otherwise provided by this Local Law, the Chairperson will have the following duties and discretions:
- a) The Chairperson must not accept or entertain any motion, question or statement which:
 - i) is objectionable in language or nature; or
 - ii) appears to be derogatory, defamatory or embarrassing to any councillor, member of Council staff, ratepayer or member of the public; or
 - iii) relates to a matter outside the duties, functions and powers of Council; or
 - iv) is not relevant to an item of business on the agenda and has not been admitted as urgent business; or
 - v) relates to personnel matters; or
 - vi) purports to be an amendment but is not.
 - b) The Chairperson must call to order any person, including any councillor, who is disruptive or unruly during any meeting and any person who, having been so called to order fails to comply with the Chairperson's call will be guilty of an offence under clause 63.1.
 - c) The Chairperson may without resolution adjourn, for a period not exceeding five minutes, any meeting which has, in the opinion of the Chairperson, become unruly to the extent that the business of the meeting cannot be reasonably continued; and
 - d) The Chairperson may remain seated during all or any part of any meeting.
- 31.2 Any person who upon being requested by the Chairperson to leave a meeting does not do so forthwith will be guilty of a further offence under clause 63.3.
- 31.3 The Chairperson has absolute discretion to terminate the use of an audio, video or still image recording device, or a combination of such devices, notwithstanding that its use may have been previously authorised under clause 67.1, where in the opinion of the Chair such conduct is unnecessarily impacting on the meeting.
- 31.4 Any person who upon being requested by the Chairperson to cease the use of an audio, video or still image recording device, or a combination of such devices, does not do so may be forthwith removed from the meeting.
- 31.5 Councillors, the Chief Executive Officer, staff members and members of the public are not permitted to have mobile phones turned on within the confines of the Council Chamber during a Council meeting. The Chairperson has the discretion to waive this requirement in extenuating circumstances.

Division 7 - Motions

32. Moving a motion

The procedure for any motion is:

- a) the mover must state the motion without speaking to it;
- b) unless the motion is a formal motion it must be seconded by a councillor other than the mover;
- c) if a motion is not seconded it shall lapse for want of a seconder;
- d) if the motion is seconded, the Chairperson must ask whether the motion is opposed or if any councillor wishes to address a particular aspect of the motion;
- e) if there is no opposition or no councillor has indicated they want to speak to the motion it must be declared to be carried unanimously without the need for a vote;
- f) if a councillor indicates opposition, then the Chairperson must permit all councillors to address the motion in the following sequence:
 - i) invite the mover to address the Council on the motion; and
 - ii) after the mover has exercised his or her option to address the meeting invite the seconder to address the meeting (the seconder may reserve their right to speak until later in the debate)
 - iii) invite any other councillors for and against the motion to speak until all councillors wishing to speak have spoken;
- g) the mover of an original motion, which has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during debate; and
- h) after the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

33. Moving an amendment

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

33.2 An amendment may be proposed or seconded by any councillor, other than the mover or seconder of the original motion.

33.3 An amendment cannot be moved once the right of reply to the original motion has been exercised.

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

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

33.6 No right of reply is available to the mover of an amendment.

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

33.8 The original mover of the motion shall retain the right of reply to the amended motion.

34. Foreshadowing motions

34.1 At any time during debate, a councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any rights to the foreshadowed motion.

34.2 A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chairperson is resolved in a certain way, a councillor intends to move an alternative or additional motion.

34.3 A foreshadowed motion has no procedural standing and is merely a means to assist the flow of the meeting.

34.4 The Chief Executive Officer is not required to have foreshadowed motions recorded in the minutes until the foreshadowed motion is formally moved, but may do so if thought appropriate.

35. Withdrawal of motions

35.1 Before any motion or amendment is put to the vote, it may be withdrawn by the mover and seconder with leave of Council.

35.2 If the majority of councillors object to the withdrawal of the motion or amendment, it may not be withdrawn.

36. Separation of motions

36.1 Where a motion contains more than one part, a councillor may request the Chairperson to put the motion to the vote in separate parts.

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

37. Motions in writing

The Chairperson may require any motion to be submitted in writing where it is lengthy, unclear or for any other reason and may suspend the meeting while the motion is being written or Council may defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

38. Debate must be relevant to the motion

38.1 Debate must always be relevant to the question before the Chairperson, and if not, the Chairperson may request the speaker to confine the debate to the subject motion.

38.2 If after being requested to confine debate to the motion before the Chairperson, the speaker continues to debate irrelevant matters, the

Chairperson may require the speaker to be seated and not speak further in respect of the matter before the Chairperson.

39. Speaking times

- 39.1 Unless a motion for extension of time has been carried the maximum speaking times will be:
- a) the mover of the motion - five minutes;
 - b) the mover of the motion when exercising his or her right of reply - two minutes;
 - c) any other councillor - three minutes.
- 39.2 One extension only of up to two minutes may be permitted by resolution of the Council meeting.
- 39.3 Any councillor, except the councillor speaking, may move or second a motion for an extension of time.
- 39.4 Committees may set time limits for Members.

Division 8 – Formal Motions

40. Formal motions

- 40.1 Unless otherwise prohibited, a formal motion may be moved at any time and must be dealt with immediately by the Chairperson.
- 40.2 Formal motions are not required to be seconded.
- 40.3 The mover of a formal motion must not have moved, seconded or spoken to the question before the Chairperson or any amendment of it.
- 40.4 A formal motion cannot be moved by the Chairperson.
- 40.5 Unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.
- 40.6 Unless otherwise provided, a formal motion cannot be amended.

41. Laying the question on the table

- 41.1 A motion may be moved – “that the (question, letter, document, report, etc) lay on the table”.
- 41.2 The motion in clause 41.1:
- a) is a formal motion which may be debated and, if carried, has the effect of adjourning any further debate on the matter currently before the Council until such time (if any) as the Council resolves to take the question from the table; and
 - b) if carried in respect to an amendment, has the effect that both the original motion and the amendment will be adjourned; and
 - c) prevents debate on the matter currently before the Council proceeding until a motion to take the question from the table is passed.

42. Proceeding to the next business

42.1 A motion may be moved “That the meeting proceed to the next business”.

42.2 The motion in clause 42.1:

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

43. The previous question

43.1 A motion may be moved “That the question be NOT put”-

43.2 The motion in clause 43.1:

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

43.3 The Chairperson has the discretion to reject a motion for the previous question if the matter is contentious by nature or has not been adequately debated.

43.4 Adequate debate arises when every councillor who wishes to put a view has had an opportunity to do so.

44. The closure

44.1 A motion may be moved “That the motion be now put” –

44.2 The motion in clause 44.1:

- a) is a formal motion which if carried in respect of an original motion requires that the original motion must be put to the vote immediately without any further debate, discussion or amendment: and
- b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and
- c) if lost, allows debate to continue unaffected.

44.3 The Chairperson has the discretion to reject such a motion for closure if the motion upon which it is proposed has not been sufficiently debated.

44.4 Sufficient debate arises when those possessing different views have been given an opportunity to state them.

45. Adjourning the debate

45.1 A motion may be moved “That the motion and amendment now before the meeting be adjourned until

45.2 The motion in clause 45.1:

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

45.3 If the time, date or place is not included in a motion carried under clause 45.1, the matter may be re-listed at the discretion of the Chief Executive Officer or upon a subsequent resolution of the Council.

Division 9 – Points of Order

46. Valid points of order

46.1 A point of order may be raised in relation to:

- a) a procedural matter;
- b) a councillor who is or appears to be out of order; or
- c) any act of disorder.

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

47. Procedure for points of order

A councillor raising a point of order must:

- a) state the point of order; and
- b) state the clause, paragraph, provision, rule, practice or precedent constituting the point of order.

48. Chairperson to decide

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

48.2 The Chairperson may adjourn the meeting to consider a point of order. Otherwise he or she must rule on it as soon as it is raised and all matters before the Council are to be suspended until the point of order is decided.

49. Final ruling on a point of order

- 49.1 The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of the councillors present adopt a motion of dissent.
- 49.2 A motion of dissent on a point of order must contain the rule, provision, practice or precedent in substitution for the Chairperson's ruling
- 49.3 When a motion of dissent is moved and is seconded the following procedures must be followed:
- a) The Chairperson asks the mover, then the seconder, to speak to their motion and the matter is then further debated as required.
 - b) A motion of dissent on a point of order is not a motion of no confidence in the Chairperson who must at all times remain in the chair and he or she shall maintain his or her right to a second vote.
 - c) The matter is put to the vote and the Chairperson announces the result.
 - d) A motion of dissent on a point of order will take precedence over all other business and if carried must be acted upon instead of the ruling given by the Chairperson.

50. Adjournment and resumption of meeting

- 50.1 The Chairperson or the Council may adjourn any meeting to a time, date and place to be fixed at the time of the adjournment.
- 50.2 For the purpose of stating the time to which a meeting is adjourned, that time may be indicated as the adjournment or conclusion of another meeting or event.

Division 10 – Notice of Motion

51. Must be listed on agenda

- 51.1 A notice of motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.
- 51.2 Councillors may ensure that an issue is listed on an agenda by completing a "Notice of Motion" form included at schedule 1.
- 51.3 All notices of motion must be in writing, dated and signed by one or more councillors and given to the Chief Executive Officer not less than seven days prior to the Council meeting at which one of the councillors who signed the notice of motion proposes to move the motion.

52. Rejection of a notice of motion

The Chief Executive Officer:

- a) may reject any notice of motion that he or she considers is too vague, but must before rejecting it give the councillor or councillors who signed the notice the opportunity to amend it; and

- b) must notify the relevant councillor or councillors of any notice of motion which has been rejected and give the reasons for such rejection.

53. Listing notice of motion on agenda

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

54. Register of notice of motion

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

55. May be moved by a councillor and amended

- 55.1 A notice of motion listed on a meeting agenda may be moved by any councillor present and may be amended.
- 55.2 A notice of motion which has been lost, or a similar motion, must not be put before the Council for at least three months from the date it was lost.
- 55.3 If a notice of motion is not moved at the meeting at which it is listed, it lapses.
- 55.4 If the motion is moved but not seconded, it will lapse

Division 11 – Notice of Alteration or Rescission

56. Procedure

- 56.1 A councillor may propose a motion to alter or rescind a decision of the Council provided:
 - a) the decision has not been acted upon; and
 - b) a written notice which has been dated and signed by at least three councillors is delivered to the Chief Executive Officer not less than seven days prior to the meeting outlining:
 - i) the decision proposed to be altered or rescinded; and
 - ii) the date and place when the decision was made.
- 56.2 A decision will be deemed to have been acted upon once its details have been formally communicated to persons affected by or reliant on the decision, or where a statutory procedure has been carried out as a result of that decision.

57. Listing notice on agenda

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

together with a brief report outlining the criteria required for the decision to be altered or rescinded.

58. Criteria to alter or rescind a motion

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

58.2 Unless the Council resolves to re-list at a future meeting a notice to alter or rescind a motion which has been lost, a similar motion must not be put before the Council for three months from the date it was last considered.

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

58.4 A notice of alteration or rescission listed on a meeting agenda may be moved and amended by any councillor present.

59. When not required

A notice of alteration or rescission is not required where the Council wishes to change the effect of a previous decision relating to a policy of the Council.

60. Register of notices of alteration or rescission

The Chief Executive Officer must cause every notice of alteration or rescission received to be sequentially numbered and maintained in a register established for that purpose.

Division 12 – Public Participation

61. Question time

61.1 There shall be a public question time at every Ordinary meeting to enable members of the public to submit written questions to Council.

61.2 Public Question Time will have a duration as determined by Council from time to time.

61.3 Questions submitted to Council must be prefaced by the name and address of the person submitting the question and generally be in a form approved or permitted by Council.

61.4 Persons submitting questions must be present in the gallery at the time the question is due to be read, or the question will not be addressed by Council.

61.5 No person may submit more than two questions at any one meeting.

61.6 If a person has submitted two questions to a meeting, the second question:

- a) may, at the discretion of the Chairperson, be deferred until all other persons who have asked a question have had their questions asked and answered; or
 - b) may not be asked if the time allotted for public question time has expired.
- 61.7 A question may be disallowed by the Chairperson if the Chairperson determines that it:
- a) relates to a matter outside the duties, functions and powers of Council;
 - b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - c) deals with a subject matter already answered;
 - d) is aimed at embarrassing a councillor or a member of Council staff;
 - e) relates to personnel matters;
 - f) relates to the personal hardship of any resident or ratepayer;
 - g) relates to industrial matters;
 - h) relates to contractual matters;
 - i) relates to proposed developments;
 - j) relates to legal advice;
 - k) relates to matters affecting the security of Council property; or
 - l) relates to any other matter which Council considers would prejudice Council or any person.
- 61.8 Questions will be answered either at the Council meeting or as soon as possible after the Council meeting, subject to such policy or guidelines that Council may adopt from time to time.
- 61.9 No debate on questions asked or answers given is permitted.

62. Directions given by Chairperson

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

63. Chairperson may remove

- 63.1 Any person who has been called to order, including any councillor, who fails to comply with the Chairperson's direction, shall be guilty of an offence.
- 63.2 The Chairperson has the discretion to cause the removal of any person, including any councillor, who disrupts any meeting or fails to comply with a lawful direction.
- 63.3 Any person who fails to leave a meeting after being directed to do so by the Chairperson shall be guilty of an offence.

64. Petitions

- 64.1 A petition is defined as a formal written application requesting some action by Council and must be in the prescribed form as set out in Schedule 2.

- 64.2 Unless Council determines to consider it as an item of urgent business or unless otherwise provided, no motion (other than a motion to receive the same) may be made on any petition until the next Ordinary meeting after that at which it has been presented.
- 64.3 Every petition presented to Council shall:
- a) Be in writing (other than pencil), type or print.
 - b) Contain the request of the petitioners.
 - c) Be signed by the person whose names are appended to it by their names or marks and except in cases of incapacity or sickness by no one else.
 - d) Clearly state the address of every signatory to the petition.
 - e) Be signed by at least ten persons of voting age and who are residents or ratepayers of the Wodonga municipal district.
- 64.4 Any signature appearing on a page which does not bear the wording of the whole of the petition shall not be considered by the Council.
- 64.5 Every page of a petition shall be a single piece of paper and shall not be pasted, stapled or pinned or otherwise affixed to any piece of paper other than another page of the petition.
- 64.6 Any person who fraudulently signs a petition which is presented to the Council shall be guilty of an offence.
- 64.7 Where a petition presented to a Council meeting relates to an item of business on the agenda, the petition is to be considered by Council as part of its deliberations on the item.
- 64.8 Where a petition presented to a Council meeting relates to a planning application, the petition is to be processed by Council in accordance with the relevant legislation, with the organiser of the petition, or first named signatory, registered as the objector to the application.
- 64.9 A petition will not be presented to Council if, in the opinion of the CEO, it is:
- a) derogatory or defamatory; or
 - b) aimed at embarrassing a councillor or a member of Council staff; or
 - c) relates to personnel matters; or
 - d) relates to the personal hardship of any resident or ratepayer.

65. Public Submissions

- 65.1 Council, or a committee appointed by Council for the purpose, shall at such time as is allocated by it, hear any person wishing to be heard in respect of their submission to Council under section 223 of the Act.
- 65.2 Councillors may through the Chairperson question any submitter in relation to their submission.
- 65.3 After hearing submissions Council may immediately consider them and any submissions made to it in writing or may adjourn its consideration of any such submissions.

Division 13 – Other Procedural Matters

66. Suspension of standing orders

66.1 To expedite the business of a meeting, Council may suspend standing orders.

66.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be:

"That standing orders be suspended to enable discussion on"

66.3 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

67. Use of recording devices at meetings

67.1 A person must not operate an audio, video or still image recording device, or a combination of such devices, 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 (as the case may be).

67.2 Any person who contravenes the provisions of clause 67.1 shall be guilty of an offence.

67.3 Where the use of an audio, video or still image recording device, or a combination of such devices, has been permitted in accordance with this Local Law, the Chairperson shall at the commencement of the meeting, inform the meeting accordingly.

67.4 Security cameras are excluded from the provisions of clause 67.1 to the extent that they are required for security purposes.

68. Criticism of members of Council staff

68.1 The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a Councillor made at the Council meeting criticising him or her or any member of Council staff.

68.2 Such a statement must be made by the Chief Executive Officer, through the Chairperson, as soon as it practicable after the Councillor who made the statement has resumed his or her seat.

69. Special Committees

69.1 If Council establishes a Special Committee, all of the provisions of part 3 of this Local Law shall apply with any necessary modification or adaptations.

69.2 Notwithstanding clause 69.1 if Council establishes a Special Committee, Council may, or the Special Committee may, with the approval of Council resolve that any provision(s) of part 3 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.

70. Matters not provided for

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

PART 4 – COMMON SEAL

71. The Council’s common seal

- 71.1 The Chief Executive Officer must ensure the security of the Council’s common seal at all times.
- 71.2 The Council’s common seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be attested to by the signatures of any two councillors and the Chief Executive Officer, or some other officer he or she has authorised in writing.
- 71.3 Any person who uses or causes to be used the Council’s common seal without authority shall be guilty of an offence.
- 71.4 Any person who uses or causes to be used a replica of the Council’s common seal shall be guilty of an offence.

72. Common seal clause

The Council’s sealing clause must be as follows:

“The COMMON SEAL of the
WODONGA CITY COUNCIL
was affixed hereto by authority
of the Council on theday of
.....20... in the presence of:

.....Councillor

.....Councillor

.....Chief Executive Officer

PART 5 – ENFORCEMENT AND PENALTIES

73. Offences

73.1 A person who contravenes or fails to comply with any provision of this Local Law is guilty of an offence and is liable to:

- a) a maximum penalty of 20 penalty units, unless stated otherwise in this Local Law; and
- b) a further penalty of one penalty unit for each day after conviction during which the contravention continues; and
- c) upon conviction for a second or subsequent offences, 40 penalty units.

73.2 As an alternative to prosecution for an offence, a person may be served with an infringement notice under this Local Law.

74. Infringement notices

74.1 An authorised officer may issue an infringement notice for an offence.

74.2 The penalty fixed for an infringement notice is as listed in Schedule 3 of this Local Law, unless otherwise specified.

75. Payment of penalty

75.1 Payment of the fixed penalty for an infringement notice may be made to Chief Executive Office, Wodonga City Council, PO Box 923 Wodonga VIC 3689 or to a member of Council's staff authorised for this purpose at the Council offices.

75.2 To avoid prosecution, the penalty indicated in an infringement notice must be paid within 42 days from the date of the issue of the infringement notice.

75.3 The form of an infringement notice shall be in the form as set out in section 13 of the *Infringements Act 2006*.

SCHEDULE ONE

NOTICE OF MOTION

In accordance with Clause 51.2 of the *Meeting Procedure Local Law (no. 1 of 2009)* the following Notice of Motion is submitted.

Subject: _____

Notice of motion

I hereby give notice of my intention to move at the next meeting of Council, the following motion:

Rationale (brief explanation to assist councillors to fully consider the notice)

Councillor: _____

Signed: _____

SCHEDULE TWO

PETITION

The residents and ratepayers of Wodonga City Council draw to the attention of the Council:

(give the circumstances of the case)

We therefore request that: -----

(outline the action sought)

NOTE: Every page of this petition must contain the above information.

The contact person for this petition is:

Name

Address

Name
(please print name)

Address
(please write full address)

Signature

On presentation to the Council this petition will become a public document.

SCHEDULE THREE

PENALTIES FIXED FOR INFRINGEMENTS

Clause No.	Offence	Penalty
63.1	Failing to comply with the Chairpersons direction	2 penalty units
63.3	Fail to leave meeting after being directed to do so by Chairperson	2 penalty units
64.6	Fraudulently sign a petition	2 penalty units
67.2	Use a recording device during any Ordinary or Special meeting of Council	2 penalty units
71.3	Use or cause the use of the common seal without proper authority.	2 penalty units
71.4	Use or cause the use of a replica common seal	2 penalty units

The Common Seal of the Wodonga)
City Council was hereunto affixed, in)
accordance with a resolution of)
Council of 29 June 2009, in the)
presence of:)

..... Councillor

..... Councillor

..... Chief Executive Officer