



**Southern Grampians**  
SHIRE COUNCIL

# **MEETING PROCEDURES LOCAL LAW**

**No.10 of 2013**



**MEETING PROCEDURES LOCAL LAW**

**LOCAL LAW NO.10 OF 2013**

**TABLE OF CONTENTS**

<b>PART 1 - PRELIMINARY .....</b>	<b>6</b>
1. Title .....	6
2. Purpose.....	6
3. The power to make this Local Law .....	6
4. Commencement, Revocation and Areas of Operation.....	6
5. Repeal of other Local Laws.....	6
6. Definitions .....	7
<b>PART 2 - ELECTION OF MAYOR, ANY DEPUTY MAYOR AND OTHER CHAIRPERSONS .....</b>	<b>9</b>
7. When Required .....	9
8. Election of Mayor and Chairs .....	9
<b>PART 3 - COUNCIL MEETINGS.....</b>	<b>10</b>
<b>DIVISION 1 - NOTICES AND AGENDAS.....</b>	<b>10</b>
9. Dates and Times of Meetings.....	10
10. Council may alter meeting dates .....	10
11. Special Council meetings .....	10
12. Notice of meeting .....	10
13. Leave of Absence .....	10
<b>DIVISION 2 - QUORUMS .....</b>	<b>11</b>
14. Council Meetings.....	11
15. Special Committee Meetings.....	11
16. Inability to Gain a Quorum.....	11
17. Inability to Achieve or Maintain a Quorum due to Pecuniary Interests of Councillors.....	11
18. Notice for Adjourned Meeting.....	11
<b>PART 4 - MINUTES .....</b>	<b>12</b>
19. Keeping of Minutes .....	12
20. No Debate on Confirmation of Minutes.....	12
21. Objection to Confirmation of Minutes.....	12
22. Deferral of Confirmation of Minutes .....	12
23. Contents of Minutes .....	12
<b>PART 5 - BUSINESS OF MEETINGS.....</b>	<b>14</b>



## Southern Grampians Shire Council - Meeting Procedures Local Law

24.	The Order of Business .....	14
25.	Change to Order of Business .....	14
26.	Chief Executive Officer May Include Items on an Agenda .....	14
<b>PART 6 - VOTING AT MEETINGS.....</b>		<b>15</b>
27.	How Determined .....	15
28.	By Show of Hands.....	15
29.	By Secret Ballot.....	15
30.	System of Voting by Secret Ballot .....	15
31.	When a Division is Permitted.....	15
32.	Procedure for a Division .....	15
33.	Change Between the Original Vote and the Division .....	15
34.	Division Not Allowable if Voting by Secret Ballot .....	15
35.	No Discussion Once Declared.....	15
36.	Application To All Meetings .....	16
<b>PART 7 - ADDRESSING THE MEETING.....</b>		<b>17</b>
37.	Addressing the Meeting.....	17
38.	Suspension of Standing Orders.....	17
39.	No Motions May Be Accepted During Suspension of Standing Orders.....	17
40.	Interruption for Point of Order.....	17
<b>PART 8 - OTHER MEETING PROCEDURES.....</b>		<b>18</b>
<b>DIVISION 1 - MATTERS NOT PROVIDED FOR .....</b>		<b>18</b>
41.	Matters Not Provided For .....	18
<b>DIVISION 2 - MOTIONS.....</b>		<b>18</b>
42.	Chairperson's Duty.....	18
43.	Moving a Motion.....	18
44.	Agreed Alteration to a Motion .....	18
45.	Right of Reply .....	18
46.	No Right of Reply for Amendments .....	19
47.	Moving an Amendment .....	19
48.	Who May Propose an Amendment.....	19
49.	Who May Debate an Amendment .....	19
50.	How Many Amendments May Be Proposed .....	19
51.	An Amendment Once Carried .....	19
52.	Foreshadowing Motions .....	19
53.	Withdrawal of Motions .....	19
54.	Separation of Motions .....	19
55.	Chairperson May Separate Motions .....	19
56.	Motions in Writing.....	20
57.	Debate Must Be Relevant to the Motion .....	20
58.	Speaking Times .....	20
<b>DIVISION 3 - EXTENSION OF SPEAKING TIME .....</b>		<b>20</b>



**Southern Grampians Shire Council - Meeting Procedures Local Law**

59.	By Resolution of the Council .....	20
60.	No Extension After Next Speaker Commenced .....	20
61.	Length of Extension .....	20
<b>DIVISION 4 - POINTS OF ORDER.....</b>		<b>20</b>
62.	Chairperson to Decide.....	20
63.	Chairperson May Adjourn to Consider.....	20
64.	Final Ruling on a Point of Order .....	21
65.	Procedure for Point of Order .....	21
66.	Valid Points of Order .....	21
67.	Contradiction of Opinion.....	21
68.	Adjournment and Resumption of Meeting.....	21
69.	Formal Motions .....	21
70.	Laying the Question on the Table.....	21
71.	Proceeding to the Next Business .....	22
72.	The Closure .....	22
73.	Adjourning the Debate.....	22
<b>DIVISION 5 - NOTICE OF MOTION .....</b>		<b>22</b>
74.	Must be Listed on Agenda.....	22
75.	Procedure .....	22
76.	Rejection of a Vague Notice .....	23
77.	Listing Notice on Agenda .....	23
78.	Register of Notices.....	23
79.	May be Moved by any Councillor and Amended.....	23
80.	Except for Confirmation of Previous Resolution.....	23
81.	If Lost .....	23
<b>DIVISION 6 - NOTICE OF AMENDMENT OR RESCISSION .....</b>		<b>23</b>
82.	Procedure .....	23
83.	Listing Notice on Agenda .....	23
84.	If Lost.....	24
85.	If Not Moved.....	24
86.	May be Moved by any Councillor.....	24
87.	When Not Required.....	24
88.	Register of Notices .....	24
89.	Urgent and Other Business .....	24
<b>DIVISION 7 - PUBLIC PARTICIPATION.....</b>		<b>24</b>
90.	During Meetings .....	24
91.	Meetings .....	24
92.	Chairperson May Remove.....	24
93.	Petitions and Joint Letters .....	25
94.	Signing Petitions .....	25
95.	Councillor Presenting Petition - Obligations.....	25
<b>DIVISION 8 - ADDITIONAL DUTIES OF CHAIRPERSON.....</b>		<b>25</b>
96.	The Chairperson’s Duties and Discretions.....	25



<b>PART 9 - COMMON SEAL .....</b>	<b>26</b>
97. The Council's Common Seal .....	26
<b>PART 10 - ENFORCEMENT AND PENALTIES.....</b>	<b>27</b>
98. Infringement Notices .....	27
99. Payment of Penalty .....	27
<b>SCHEDULE 1 - PENALTIES FIXED FOR INFRINGEMENTS.....</b>	<b>28</b>



**SOUTHERN GRAMPIANS SHIRE COUNCIL  
MEETING PROCEDURES  
LOCAL LAW  
LOCAL LAW NO.10 OF 2013**

**PART 1 - PRELIMINARY**

**1. Title**

This Local Law is the Meeting Procedures Local Law No.10 Of 2013 and is referred to below as this Local Law.

**2. Purpose**

The purpose of this Local Law is to:

1. Provide a mechanism to facilitate the good government of the Council and provide procedures for fair and open decision making;
2. Regulate and control the election of Mayor, Deputy Mayor and the chairperson of any Special Committees;
3. Regulate and control the use of the Council's seal.

**3. The power to make this Local Law**

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

**4. Commencement, Revocation and Areas of Operation**

This Local Law:

1. commences operation on the day after notice of its making appears in the Victoria Government Gazette; and
2. unless sooner revoked this Local Law ceases to operate on the date 10 years following its making; and
3. applies to all meetings of the Council including the meetings of any special committees appointed by the Council; and
4. may apply any additional requirements in the *Policies Manual*.

**5. Repeal of other Local Laws**

From the date of operation of this Local Law, the following Local Law will cease to operate and is repealed.

- Local Law No.5 of 2005 Meeting Procedures Local Law

## 6. Definitions

In this Local Law and the Council's *Policies Manual* the following words have the meaning given to them unless stated otherwise:

<b>“Act”</b>	means the <b>Local Government Act 1989</b> .
<b>“Chair”</b>	refers to the Chairperson.
<b>“Chairperson”</b>	means the person who chairs a meeting of the Council or Special Committee of the Council.
<b>“Council”</b>	means the Southern Grampians Shire Council
<b>“Councillor”</b>	means a person who is an elected member of the Council.
<b>“Council Meeting”</b>	includes Ordinary and Special meetings of the Council.
<b>“Deputy Mayor”</b>	means the Councillor elected as Deputy to the Mayor (if Council resolves to elect a Deputy Mayor).
<b>“Division”</b>	means a formal count of those for and those against a motion generally to remove any doubt as to whether the motion is supported or opposed.
<b>“Formal Motion”</b>	means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure.
<b>“Mayor”</b>	means the Councillor appointed as the Mayor.
<b>“Member”</b>	refers to a person who is entitled to vote at a meeting of the Council or a Special Committee of the Council.
<b>“Minister”</b>	means the Minister responsible for administering the <b>Local Government Act 1989</b> .
<b>“Policies Manual”</b>	means the Policies made by the Council from time to time and used in conjunction with this Local Law.
<b>“Quorum”</b>	means a majority of the members of the Council or a Special Committee.
<b>“Regulations”</b>	means the <b>Local Government (General) Regulations 2004</b> or any subsequent enactment.



## ***Southern Grampians Shire Council - Meeting Procedures Local Law***

### **“Replica”**

in relation to the common seal of the 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 the Council.

### **“Suspension of Standing Orders”**

means the suspension of the provisions of this Local Law to facilitate full discussion on an issue without formal constraints.



## **PART 2 - ELECTION OF MAYOR, ANY DEPUTY MAYOR AND OTHER CHAIRPERSONS**

### **7. When Required**

The meeting to fill the vacancy of Mayor will be held:

1. Annually in accordance with the provisions of s71 of the Act or biennially should Council so resolve in accordance with s71(2) of the Act to appoint a Mayor for a two year term;
2. Where the position of Mayor otherwise becomes vacant, as soon as practicable after the vacancy has occurred.

### **8. Election of Mayor and Chairs**

1. At any meeting to elect the Mayor, any Councillor may be appointed as a temporary chair to deal with:
  - a. the receipt of nominations for the election of Mayor;
  - b. the election of the Mayor.
2. In determining the election of the Mayor, the following will apply:
  - a. where only one nomination is received, that Councillor must be declared elected;
  - b. where two nominations are received, the Councillor with the majority of votes cast will be declared elected;
  - c. where there are two or more nominations and all votes cast are equally divided between two or more candidates, the election must be determined by lot;
  - d. where there are more than two nominations received and a result has not been achieved under paragraphs (b) or (c) the candidate with the least number of votes cast must be eliminated, and if more than one of them, the candidate to be eliminated must be determined by lot with the first candidate drawn to be eliminated. The names of the remaining candidates must be put to the vote again;
  - e. the procedure in paragraph (d) must be repeated until the circumstances in paragraph (c) apply or until only two candidates remain. A further vote must be taken and the candidate with a majority with a majority of votes cast will be declared elected or, if there is an equal number of votes, the election must be determined by lot.
3. If it is necessary to determine an election by lot, the Chief Executive Officer must place the names of the remaining candidates in a container and the candidate whose name is drawn first by the Chief Executive Officer will be declared elected as Mayor.
4. If the Mayor is unable to attend a Council meeting for any reason the Council will appoint one of the Councillors to be the Acting Mayor in accordance with Section 73 of the Act, but if the Council has elected a Deputy Mayor the Councillors will give preference to appointing the Deputy Mayor as the Acting Mayor in those circumstances.
5. Any election by Council of a Deputy Mayor or acting Chair of a Council meeting or a chair of a special committee will follow the same procedure as that for an election of the Mayor.

## **PART 3 - COUNCIL MEETINGS**

### **DIVISION 1 - NOTICES AND AGENDAS**

#### **9. Dates and Times of Meetings**

The Council must provide at least 7 days notice of Ordinary Meetings and Special Meetings of the Council and meetings of any special committees comprised solely of Councillors unless urgent or extraordinary circumstances prevent the Council from doing so in which case, the Council must give public notice that is practicable for the circumstances.

#### **10. Council may alter meeting dates**

The Council may change the date, time and place of any Council meeting which has been fixed and must provide reasonable notice of the changes to the public.

#### **11. Special Council meetings**

1. The notice necessary to call a meeting in accordance with section 84 of the Act must be delivered to the Chief Executive Officer in sufficient time to enable reasonable notice to be given to Councillors.
2. In giving such notice, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken.

#### **12. Notice of meeting**

1. A notice of 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, within a reasonable time before the meeting; and
  - c. For a special committee meeting at least 48 hours before the meeting.
2. The notice on agenda for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent by hand, post, or electronic means or as nominated by the Councillors.

#### **13. Leave of Absence**

It will not be necessary for a notice of meeting or agenda to be served on any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of his or her absence.

##### Special (Emergency) Meetings

1. In the case of an emergency, the Chief Executive Officer or, in his or her absence, a senior officer, may call or postpone a meeting of the Council, without the necessity to comply with clauses 10 to 12 provided reasonable attempts are made to notify every Councillor.
2. The Chief Executive Officer or senior officer must submit a full written report of the circumstances requiring his or her action to the next ordinary meeting of the Council.

## **DIVISION 2 - QUORUMS**

### **14. Council Meetings**

The quorum required for all Council meetings will be a majority of the Councillors capable of being elected to the Council (as currently constituted).

### **15. Special Committee Meetings**

The quorum for a special committee meeting will be determined by the Council for each committee, but in the absence of the Council's determination, the quorum required will be not less than a majority of the members for the time being appointed to that committee.

### **16. Inability to Gain a Quorum**

If a quorum cannot be obtained within thirty (30) minutes of the scheduled starting time of any meeting or adjournment those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in his or her absence, a senior officer may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.\*

#### Inability to Maintain a Quorum

If during any meeting or any adjournment of the meeting, a quorum cannot be achieved and maintained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in his or her absence, a senior officer may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.\*

*\*Note: Should these circumstances arise then s85 of the Act provides that the Minister or the CEO may require all Councillors to attend a Call of the Council. Should a Call of the Council meetin be called then the provisions of s85 of the Act apply to its conduct.*

### **17. Inability to Achieve or Maintain a Quorum due to Pecuniary Interests of Councillors**

If during any meeting or adjournment a quorum cannot be achieved or maintained due to the number of declarations of conflicts of interests by Councillors, the Chief Executive Officer, or in his or her absence, a senior 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.

### **18. Notice for Adjourned Meeting**

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

## **PART 4 - MINUTES**

### **19. Keeping of Minutes**

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

### **20. 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.

### **21. 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.

### **22. Deferral of Confirmation of Minutes**

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

### **23. 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, an APOLOGY, on LEAVE OF ABSENCE, etc;
  - b. the names of Officers IN ATTENDANCE with their organisational title;
  - c. the arrival and departure times of Councillors (including any temporary departures or arrivals);
  - d. every motion and amendment moved, including the mover (and seconder\*) of any motion or amendment;
  - e. the outcome of every motion, that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED, AMENDED etc. and identification of those motions voted on by secret ballot;
  - f. where a valid division is called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST;
  - g. when requested by a Councillor, a record of that Councillor's support or opposition for any motion;
  - h. details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
  - i. the time and reason for any adjournment of the meeting or suspension of standing orders;
  - j. disclosure by a Councillor of a conflict of interest and the details associated with that disclosure required by Section 79 of the Act and any disclosure of conflict of interest by the Chief Executive Officer required by Section 80B of the Act;
  - k. any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the



## ***Southern Grampians Shire Council - Meeting Procedures Local Law***

Minutes.

\* If relevant

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 a subject title and where appropriate sub-titles and file references.

## **PART 5 - BUSINESS OF MEETINGS**

### **24. The Order of Business**

The order of business of Council meetings will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.

### **25. Change to Order of Business**

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

### **26. 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.

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

### **27. How Determined**

Subject to clause 50 in determining a question before a meeting of Council, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will declare the result to the meeting.

### **28. By Show of Hands**

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

### **29. By Secret Ballot**

The Council may resolve to deal with any matter by secret ballot unless the meeting is required to be open to the public and the Act prohibits voting by secret ballot.

### **30. System of Voting by Secret Ballot**

If the Council resolves to deal with any matter by secret ballot then the Chief Executive Officer must establish and cause to be administered a system for voting by secret ballot to ensure that the privacy of the vote is maintained.

### **31. When a Division is Permitted**

1. Subject to clause 40, a division may be requested by any Councillor on any matter.
2. The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

### **32. Procedure for a Division**

1. Once a division has been requested in circumstances other than those dealt with in clause 40, the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion.
2. The Chairperson shall name those Councillors voting for the motion and those Councillors voting against the motion and the names shall be recorded in the Minutes of the Meeting.

### **33. Change Between the Original Vote and the Division**

No Councillor is prevented from changing his or her original vote at the voting on the division, and the voting by division will determine the Council's resolution on the issue.

### **34. Division Not Allowable if Voting by Secret Ballot**

If the question on any matter is determined by secret ballot, a request to the Chairperson for a Division must not be accepted.

### **35. No Discussion Once Declared**

Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion is-

- a. for a Councillor to request that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or

- b. for a Councillor to a call for a division.

### **36. Application To All Meetings**

The provisions of this Part apply to meetings of special committees of Council to the extent that they are relevant to the proceedings of any special committee and any reference to Councillor in those clauses extends to any member of a special committee.



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

### **37. Addressing the Meeting**

1. Except for the Chairperson, any Councillor or person who addresses the meeting must stand and direct all remarks through the Chair, however, the Chairperson may permit at their discretion any Councillor or other person to remain seated while addressing the Chair.
2. Any person addressing the Chair should refer to the Chairperson as:
  - a. Madam Mayor;
  - b. Mr Mayor;
  - c. Madam Chairperson; or
  - d. Mr Chairperson;as the case may be.
3. All Councillors, other than the Mayor, should be addressed as Cr .....  
(name).
4. All Officers, should be addressed as Mrs, Ms, Miss or Mr .....(name).

### **38. Suspension of Standing Orders**

1. Subject to clause 45, the provisions of this Local Law may be suspended for a particular purpose by resolution of the Council.
2. The suspension of such provisions (standing orders) should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
3. The purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
4. It should not be used purely to dispense with the processes and protocol of the government of the Council.
5. Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary.

### **39. No Motions May Be Accepted During Suspension of Standing Orders**

No motion may be accepted by the Chair or be lawfully dealt with during any suspension of standing orders.

### **40. Interruption for Point of Order**

A Councillor who is addressing the meeting must not be interrupted unless called to order when 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**

#### **41. Matters Not Provided For**

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

### **DIVISION 2 - MOTIONS**

#### **42. Chairperson'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 the Council; or
- d) is not relevant 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 Chairperson.

#### **43. 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 and is not a formal motion, the motion will lapse for want of a seconder;
- d) If the motion is seconded, the Chairperson must ask
  - i. the mover to address the Council on the motion; and
  - ii. any Councillor opposed to debate the motion; and
  - iii. any other Councillors for and against the motion to debate in turn.
- e) Except as provided for in Clause 51 or for the purposes of Clauses 53 to 57 or for the raising of a point of order no Councillor may speak more than once on any motion
- f) A Councillor may, with the leave of the Chairperson, ask a question for the purposes of clarification. In asking such questions Councillors must not offer opinions on the issue to be considered. Asking a question for the purposes of clarification will not be deemed as speaking to the motion.

#### **44. Agreed Alteration to a Motion**

1. With the leave of the Chairperson both the mover and the seconder of the motion may agree to an alteration proposed by another Councillor.
2. For the purposes of this Local Law, any such alteration shall not be regarded as an amendment to the motion.

#### **45. Right of Reply**

1. The mover of an original motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate.

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

#### **46. No Right of Reply for Amendments**

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

#### **47. 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.

#### **48. Who May Propose an Amendment**

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

#### **49. Who May Debate an Amendment**

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

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

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

#### **51. An Amendment Once Carried**

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

#### **52. Foreshadowing Motions**

1. At any time during debate, a Councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
2. A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chair is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
3. A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
4. 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 if it is thought appropriate.

#### **53. Withdrawal of Motions**

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

#### **54. Separation of Motions**

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

#### **55. Chairperson May Separate Motions**

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

#### **56. Motions in Writing**

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

#### **57. Debate Must Be Relevant to the Motion**

1. Debate must always be relevant to the question before the Chair, and if not, the Chairperson may request the speaker to confine debate to the subject motion.
2. If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.

#### **58. Speaking Times**

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

- a) the mover of a motion - three minutes;
- b) the mover of a motion when exercising his or her right of reply - three minutes;
- c) any other Councillor - three minutes;

### **DIVISION 3 - EXTENSION OF SPEAKING TIME**

#### **59. By Resolution of the Council**

An extension of speaking time may be granted by resolution of the Council but only one extension is permitted for each speaker on any question.

#### **60. No Extension After Next Speaker Commenced**

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

#### **61. Length of Extension**

Any extension of speaking time must not exceed three minutes.

### **DIVISION 4 - POINTS OF ORDER**

#### **62. Chairperson to Decide**

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

#### **63. Chairperson May Adjourn to Consider**

1. The Chairperson 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 the Council are to be suspended until the point of order is decided.

#### **64. Final Ruling on a Point of Order**

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

#### **65. Procedure for Point of Order**

A Councillor raising a point of order must :

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

#### **66. Valid Points of Order**

A point of order may be raised in relation to:

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

#### **67. Contradiction of Opinion**

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

#### **68. Adjournment and Resumption of Meeting**

1. The Chairperson or the Council may adjourn any meeting until a time and place to be determined at the time of the adjournment.
2. For the purpose of stating the time to which the meeting is adjourned, that time may be indicated as at the adjournment or conclusion of another meeting or event.

#### **69. Formal Motions**

1. Unless otherwise prohibited, a formal motion may be moved at any time and must be dealt with immediately by the Chairperson.
2. Formal motions are not required to be seconded.
3. The mover of a formal motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.
4. A formal motion cannot be moved by the Chairperson.
5. Unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.
6. Unless otherwise provided, a formal motion cannot be amended.

#### **70. Laying the Question on the Table**

1. A motion may be moved "That the (question, letter, document, report etc.) lay on the table"-
2. The motion in sub-clause (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.

#### **71. Proceeding to the Next Business**

1. A motion may be moved "That the meeting proceed to the next business"-
2. The motion in sub-clause (1):
  - a. is a formal motion which cannot be moved during the election of 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 proceed; 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.

#### **72. The Closure**

1. A motion "That the motion be now put"-
  - a. is a formal motion which if carried in respect to 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; and
2. 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.
3. Sufficient debate is deemed to have been achieved when those possessing different views have been given an opportunity to state them.

#### **73. Adjourning the Debate**

1. A motion may be moved "That the motion and amendments now before the meeting be adjourned until....." -
  - a. is a formal motion which cannot be moved while any person is speaking or during the election of a Chairperson; and
  - b. 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, it may be relisted at the discretion of the Chief Executive Officer or upon a subsequent resolution of Council.

### **DIVISION 5 - NOTICE OF MOTION**

#### **74. Must be Listed on Agenda**

A notice of motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.

#### **75. Procedure**

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

#### **76. Rejection of a Vague Notice**

The Chief Executive Officer-

- a) may reject any notice of motion that is too vague, but before rejecting it must give the Councillor delivering the notice an opportunity to amend it; and
- b) must notify the relevant Councillor of any notice of motion which has been rejected and give the reasons for its rejection.

#### **77. Listing Notice on Agenda**

Unless the notice specifies 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.

#### **78. Register of Notices**

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

#### **79. May be Moved by any Councillor and Amended**

A notice of motion listed on a meeting agenda, may be moved by any Councillor present and, except where the notice of motion is to confirm a previous resolution of the Council, may be amended

#### **80. Except for Confirmation of Previous Resolution**

If a notice of motion to confirm a previous resolution of the Council cannot be carried in its original form, it is lost.

#### **81. If Lost**

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

### **DIVISION 6 - NOTICE OF AMENDMENT OR RESCISSION**

#### **82. Procedure**

1. A Councillor may propose a motion to amend or rescind a decision of the Council provided :
  - d. the previous motion has not been acted upon; and
  - e. a notice is delivered to the Chief Executive Officer outlining;
    - i. the decision proposed to be amended or rescinded; and
    - ii. the meeting and date when the decision was made.
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 resolution or where a statutory procedure has been carried out as a result of that decision.

#### **83. Listing Notice on Agenda**

The Chief Executive Officer must list the notice of amendment or rescission, and if

more than one, in the order they were received, on the next appropriate meeting agenda, together with a brief report outlining the criteria required for the motion to be amended or rescinded and the effect of the amendment or rescission and any subsequent action required of the Council.

**84. If Lost**

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

**85. If Not Moved**

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

**86. May be Moved by any Councillor**

A notice of amendment or rescission listed on a meeting agenda may be moved by any Councillor present but cannot be amended.

**87. When Not Required**

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

**88. Register of Notices**

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

**89. Urgent and Other Business**

Business which has not been listed on the Agenda may only be raised as urgent or other business by resolution agreed by the Council.

## **DIVISION 7 - PUBLIC PARTICIPATION**

**90. During Meetings**

1. A person wanting to have a deputation to the Council must make a request in writing to the Chief Executive Officer prior to the Council meeting.
2. A person wanting to participate in a Council meeting through any formal process that is provided must comply with any relevant requirements of any policies adopted by Council from time to time.

**91. Meetings**

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

**92. Chairperson May Remove**

1. Any person who has been called to order including any Councillor who fails to comply with the Chairperson's direction will be guilty of an offence.

***Penalty: 10 Penalty Units***

2. The Chairperson has a discretion to cause the removal of any person including a



Councillor who disrupts any meeting or fails to comply with a direction.

### **93. Petitions and Joint Letters**

A petition or joint letter to Council will be tabled and received at the next appropriate Council meeting. Petitions or joint letters not related to (Town) Planning matters will then be forwarded to the appropriate Director for action. Petitions or joint letters concerning a (Town) Planning permit application or Planning Scheme amendment will be referred to the relevant Director and considered through the applicable Planning process.

### **94. Signing Petitions**

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

***Penalty: 20 Penalty Units***

### **95. Councillor Presenting Petition - Obligations**

Any Councillor presenting a petition or joint letter will be responsible for ensuring that:

- a) he or she is familiar with the contents and purpose of the petition or joint letter; and
- b) the petition or joint letter is not derogatory or defamatory.

## **DIVISION 8 - ADDITIONAL DUTIES OF CHAIRPERSON**

### **96. The Chairperson's Duties and Discretions**

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

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

## **PART 9 - COMMON SEAL**

### **97. The Council's Common Seal**

1. The Chief Executive Officer must ensure the security of the Council's common seal at all times.
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 signed by one Councillor and the Chief Executive Officer.
3. Any person who uses the Council's common seal without authority is guilty of an offence.

***Penalty: 20 Penalty Units***

4. Any person who uses any replica of the Council's seal without authority is guilty of an offence.

***Penalty: 20 Penalty Units***

## **PART 10 - ENFORCEMENT AND PENALTIES**

### **98. Infringement Notices**

1. As an alternative to prosecution for an offence, an authorised officer may issue an infringement notice containing the information required by the Infringements Act 2006.
2. A person issued with an infringement notice can decide not to pay the penalty amount in the notice within the time required in the notice and defend the prosecution in court.
3. If the penalty amount in the infringement notice is paid within 28 days or the notice is withdrawn by an authorised officer within that time the person on whom the infringement notice was served will be considered to have expiated the offence.
4. If a person does not pay the penalty amount within 28 days or any extended time period that the authorised officer has permitted or the notice is not withdrawn the authorised officer may pursue the matter by prosecuting for the offence or by taking the steps available under the Infringements Act 2006 for enforcing penalties by registration of infringement notices.
5. the penalty amount for an offence against this Local Law is the amount in Schedule 1.

### **99. Payment of Penalty**

1. A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Southern Grampians Shire Council, Locked Bag 685, Hamilton. 3300.
2. To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.

## SCHEDULE 1 - PENALTIES FIXED FOR INFRINGEMENTS

<b>Provision</b>	<b>Offence</b>	<b>Penalty Units</b>
100	Failing to comply with a direction of the Chair	10
102	Fraudulently signing a petition or joint letter	20
105(3)	Using the Common Seal without authority	20
106(4)	Using a replica of the Common Seal without authority	20

This Local Law was adopted at the Council Meeting held on 9 October 2013.

Notice was placed in the Victoria Government Gazette on 17 October 2013.

The Local Law came into effect on 18 October 2013.