



INDIGO SHIRE COUNCIL

LOCAL LAW NO: 3 OF 2009

MEETING PROCEDURE

TABLE OF CONTENTS

1.0	DIVISION I - PRELIMINARY PROVISIONS	3
1.1	TITLE.....	3
1.2	PURPOSE.....	3
1.3	AUTHORISING PROVISION.....	3
1.4	COMMENCEMENT AND AREA OF OPERATION.....	3
1.5	REVOCATION DATE.....	3
1.6	DEFINITIONS OF WORDS USED IN THIS LOCAL LAW.....	3
2.0	DIVISION 2 - THE COMMON SEAL	5
2.1	WHEN IS THE COMMON SEAL USED?.....	5
2.2	WHO KEEPS THE COMMON SEAL?.....	5
2.3	SIGNATURES TO ACCOMPANY COMMON SEAL.....	5
2.4	UNAUTHORISED USE OF THE COMMON SEAL.....	5
3.0	DIVISION 3 - THE COUNCIL	5
3.1	PROCEDURE FOR ELECTION OF MAYOR AND DEPUTY MAYOR.....	5
3.2	MAYOR TO TAKE CHAIR.....	6
4.0	DIVISION 4 - MEETINGS PROCEDURE	7
4.1	QUORUM.....	7
4.2	FAILURE TO RAISE A QUORUM.....	7
4.3	WHEN MEETING LAPSES.....	7
4.4	BUSINESS OF A LAPSED MEETING.....	7
4.5	DATE, TIME AND PLACE OF MEETINGS.....	7
4.6	ATTENDANCE AT MEETINGS.....	7
4.7	NOTICE OF MEETING.....	8
4.8	CONDUCT OF BUSINESS.....	8
4.9	SPECIAL MEETINGS.....	14
4.10	CALL OF THE COUNCIL.....	14
4.11	FORMAL MOTIONS.....	15
4.12	CASES IN WHICH COUNCILLOR MUST RISE WHEN SPEAKING.....	17
4.13	INTERRUPTIONS, INTERJECTIONS AND RELEVANCE.....	17
4.14	PRIORITY OF ADDRESS.....	17
4.15	COUNCILLORS NOT TO SPEAK TWICE TO SAME MOTION OR AMENDMENT.....	17
4.16	RESUMPTION OF ADJOURNED DEBATE.....	17
4.17	TIME LIMITS.....	17
4.18	POINTS OF ORDER.....	18
4.19	CHAIRPERSON TO DECIDE POINT OF ORDER.....	18
4.20	DISAGREEING WITH CHAIRPERSON'S RULING.....	18
4.21	CHAIRPERSON MAY SPEAK.....	18
4.22	PERSONAL EXPLANATION.....	19
4.23	CRITICISM OF MEMBERS OF COUNCIL STAFF.....	19
4.24	ORDERING WITHDRAWAL OF REMARK.....	19
4.25	GALLERY TO BE SILENT.....	19
4.26	EJECTION OF DISORDERLY VISITORS.....	19
4.27	REPEATING MOTION.....	20
4.28	VOTE TO BE TAKEN IN SILENCE.....	20
4.29	RECOUNT OF VOTE.....	20
4.30	RECORD OF VOTES.....	20



4.31	RESOLUTION NOT TO BE DISCUSSED AFTER IT IS CARRIED	21
4.32	CONDUCT OF PUBLIC MEETING	21
4.33	PRODUCTION OF DOCUMENTS	21
4.34	RECORDING PROCEEDINGS	21
4.35	PROCEDURE NOT PROVIDED IN LOCAL LAW	21
4.36	SUSPENSIONS.....	22
4.37	REMOVAL FROM CHAMBER	22
4.38	OFFENCES.....	22
4.39	ENFORCEMENT	22
5.0	DIVISION 5 - ADVISORY AND SPECIAL COMMITTEES	23
5.1	ADVISORY AND SPECIAL COMMITTEES	23
5.2	APPLICATION TO COMMITTEES.....	23
5.3	SPECIAL COMMITTEE MEETINGS	24

1.0 DIVISION I - PRELIMINARY PROVISIONS

1.1 Title

This Local Law will be known as the "Meeting Procedure Local Law".

1.2 Purpose

The purpose of this Local Law is to:

- (a) regulate the use of the common seal;
- (b) prohibit unauthorised use of the common seal or any device resembling the common seal;
- (c) regulate proceedings for the election of the Mayor and Chairpersons of various committees; and
- (d) regulate proceedings at Council meetings, Special Committee meetings, Advisory Committee meetings, and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Local Law are to apply.

1.3 Authorising Provision

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

1.4 Commencement and area of operation

This Local Law:

- (a) comes into operation on 8 September 2009; and
- (b) operates throughout the municipal district of Council.

1.5 Revocation Date

This Local Law ceases to operate on 8 September 2019.

1.6 Definitions of words used in this Local Law

Unless the contrary intention appears in this Local Law, the following words and phrases are defined to mean:

- **"Act"** means the *Local Government Act 1989* (as amended from time to time);
- **"Advisory Committee"** means an advisory committee established by Council under Clause 5.1 of this Local Law;
- **"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 pursuant to Section 224 of the *Local Government Act 1989*;

- **"business days"** means Monday to Friday inclusive of each week except for Public Holidays;
- **"Chairperson"** means the Chairperson of a meeting and includes an acting, a temporary and a substitute Chairperson;
- **"Chief Executive Officer"** means the Chief Executive Officer of Council, and includes a person acting as Chief Executive Officer;
- **"clause"** means a clause of this Local Law;
- **"Committee meeting"** means a meeting of a Special Committee or an Advisory Committee;
- **"Common Seal"** means the common seal of Council;
- **"Council"** means the Indigo Shire Council;
- **"Councillor"** means a Councillor of Council;
- **"Council meeting"** includes a meeting at which the Mayor is elected, an Ordinary meeting and a Special meeting of Council;
- **"Mayor"** means the Mayor of Council; appointed at the annual Statutory meeting or other meeting where such appointment is made;
- **"Deputy Mayor"** means the Councillor appointed to this position at the annual Statutory meeting;
- **"meeting"** means an Ordinary and a Special meeting of Council, a Special Committee meeting or an Advisory Committee meeting;
- **"member"** means a Councillor or member of a Special Committee or Advisory Committee;
- **"minute book"** means the collective record of proceedings of Council;
- **"municipal district"** means the area from time to time comprising the municipal district of Council;
- **"offence"** means an act or default contrary to this Local Law;
- **"penalty unit"** has the same meaning as set out in Section 110 of the Sentencing Act 1991;
- **"Notice of Motion"** means a notice setting out the text of a motion which it is proposed to move at the next relevant meeting;
- **"Ordinary meeting"** means an Ordinary meeting of Council;
- **"resident"** means a person who has a place of residence within the municipal district;
- **"Special Committee"** means a special committee established by Council under section 86 of the Act;
- **"Special meeting"** means a Special meeting of Council;
- **"visitor"** means any person (other than a Councillor or member of Council staff) who is in attendance at a Council meeting or a Special Committee, or an Advisory Committee meeting; and
- **"written"** includes duplicated, lithographed, photocopied, photographed, transmitted by facsimile, printed and typed.

2.0 DIVISION 2 - THE COMMON SEAL

2.1 When is the Common Seal used?

The Common Seal may be used only on the authority of Council.

2.2 Who keeps the Common Seal?

- (a) The Chief Executive Officer must keep the common seal in safe custody; and
- (b) The Chief Executive Officer must keep a register of documents to which the common seal has been affixed.

2.3 Signatures to accompany Common Seal

Every document to which the common seal is affixed must be signed by two Councillors and the Chief Executive Officer or, in the absence of the Chief Executive Officer, by two Councillors and any other member of staff authorised by Council.

2.4 Unauthorised use of the Common Seal

A person must not use the common seal or any device resembling the common seal without the authority of Council.

The penalty for unauthorised use of the common seal shall be 100 penalty units.

3.0 DIVISION 3 - THE COUNCIL

3.1 Procedure for Election of Mayor and Deputy Mayor

- (a) Councillors must elect a Councillor to be the Mayor and Deputy Mayor.
- (b) The Mayor and Deputy Mayor are to be elected at a Special meeting held:
 - (i) after the last Saturday in November and no later than 31 December in each year; or
 - (ii) as soon as possible after there occurs any vacancy in the office of the Mayor or Deputy Mayor.
- (c) The agenda for the meeting to elect the Mayor and Deputy Mayor must include:
 - (i) in the case of the first meeting after each general election the making of the declaration of office and taking the oath of allegiance by each Councillor, under sections 63 and 64 of the Act;
 - (ii) in all other annual special meetings the fixing of allowances for the Mayor and Councillors under section 74 of the Act; and
 - (iii) the election of the Mayor and Deputy Mayor.
- (d) Any Councillor is eligible for election or re-election to the office of Mayor or Deputy Mayor.
- (e) The Chief Executive Officer will be the first temporary Chairperson of the meeting at which the election of Mayor is to be conducted.

- (f) The Chief Executive Officer must invite nominations for a second temporary Chairperson. If there is only one nomination the candidate nominated is deemed to have been elected. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates, and the candidate receiving a majority of the votes must be declared to have been duly elected.
- (g) The second temporary Chairperson must invite nominations for the office of Mayor. If there is only one nomination (which must be seconded), the candidate nominated is deemed to be elected.
 - (i) If there is more than one nomination (each of which must be seconded), the Councillors present at the meeting must vote for one of the candidates by a show of hands;
 - (ii) In the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
 - (iii) 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 by secret ballot;
 - (iv) 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 candidate with the fewest number of votes a defeated candidate and voting for the remaining candidates by a show of hands (or by such other method as Council determines) 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;
 - (v) In the event of two or more candidates having an equality of votes and one of them having to be declared:
 - (a) a defeated candidate; or
 - (b) duly elected;
 - (c) the temporary Chairperson shall have no second or casting vote, and the result will be determined by lot;
 - (vi) The Chief Executive Officer has the conduct of any ballot or lot.

3.2 Mayor to take Chair

- (a) After the election of the Mayor is determined, the Mayor must take the Chair.
- (b) The Mayor must take the Chair at all meetings of Council at which he or she is present.
- (c) If the Mayor is absent from a meeting of Council then the Deputy Mayor must take the Chair. In the event that both the Mayor and Deputy Mayor are absent then the Chief Executive Officer must take the Chair and invite nominations for a temporary Chairperson. If there is only one nomination (which must be moved and seconded), the candidate nominated is deemed to have been duly elected.
- (d) If there is more than one nomination the process outlined in Clause 3.1 pertaining to the election of the Mayor shall be followed.

4.0 DIVISION 4 - MEETINGS PROCEDURE

4.1 Quorum

The quorum is:

- (a) Council meeting:
a majority of the number of Councillors.
- (b) Meetings of Special Committees and Advisory Committees:
a majority of the number of persons who comprise the committee or such other number as Council specifies when establishing the committee.

4.2 Failure to raise a Quorum

If a quorum is not present within 30 minutes of the time appointed for the commencement of a Council meeting:

- (a) the meeting may be adjourned for not more than seven days by:
 - (i) a majority of the Councillors present; or
 - (ii) the Chief Executive Officer; and
- (b) the Chief Executive Officer must give all Councillors notice of the adjourned meeting.

4.3 When meeting lapses

If a quorum fails after a Council meeting has begun, the meeting lapses.

4.4 Business of a lapsed meeting

If a Council meeting lapses, the undisposed of business must, unless it has already been disposed of at a Special meeting, be included in the agenda for the next Ordinary meeting.

4.5 Date, time and place of meetings

- (a) The dates, times and places of meetings are within the discretion of Council; and
- (b) Council may, by resolution, at an Ordinary meeting or a Special meeting alter the day and time upon which any Ordinary meeting shall be held.

4.6 Attendance at meetings

- (a) Subject to sub-clause (b), all Council meetings (ordinary and special) and Special Committee meetings must be open to members of the public.
- (b) Council may resolve that its meeting be closed to members of the public if the meeting is discussing:
 - (i) personnel matters;
 - (ii) the personal hardship of any resident or ratepayer;
 - (iii) industrial matters;

- (iv) contractual matters;
- (v) proposed developments;
- (vi) legal advice;
- (vii) matters affecting the security of Council property;
- (viii) any other matter which Council or the Special Committee considers would prejudice Council or any person; or
- (ix) a resolution to close the meeting to members of the public.

4.7 Notice of meeting

- (a) The Chief Executive Officer must give notice to the public of any Ordinary or Special meeting of the Council or any Special Committee meeting.
- (b) The Chief Executive Officer must ensure that the agenda for any Ordinary meeting is delivered to every Councillor at least four days before the meeting.
- (c) The Chief Executive Officer must ensure that the agenda for any Special meeting of Council Special Committee meeting is sent to every Councillor and, where relevant, officer member of the Special Committee at least two business days before the meeting.
- (d) Despite anything contained in this Local Law, the Chief Executive Officer must, in respect of an Ordinary meeting, include in the agenda any matter which the Chief Executive Officer thinks should be the subject of consideration at the meeting.
- (e) No business can be transacted at an Ordinary or Special meeting unless it appears on the agenda. Unless it is admitted as 'urgent' or 'general' business as permitted in section 4.8 items 14 and 15.

4.8 Conduct of business

Subject to any Resolution providing otherwise, the business and order of business of any Ordinary meeting must be as follows:

Item

1. Welcome
2. Opening Prayer and Acknowledgement of the traditional owners of the land
3. Apologies
4. Declaration by Councillors of any conflict of interest or personal interest as defined in the Local Government Act 1989 in any items on the Notice Paper
5. Open Forum at which time members of the public may ask questions of Council
6. Condolences
7. Confirmation of minutes of previous meetings
8. Business Arising from the previous meeting (not otherwise reported on)
9. Deputations and Petitions/Joint Letters
10. Presentation of Officers' reports
11. Reports of Committees

12. Notices of Motion - Other motions of which previous notice has been given
13. Reports from delegates appointed by Council to other bodies; and Councillor reports
14. Urgent Business
15. General Business
16. Confidential Business

unless the majority of Councillors present resolve to vary the order of business.

The following items of business listed on an agenda must be dealt with in the following manner:

Item 1 Welcome

A welcome is to be extended by the Chairperson of the meeting to all those present at the meeting.

Item 2

Opening Prayer and Acknowledgement of the Traditional Owners of the Land

The opening prayer and acknowledgement of the traditional owners of the land is to be read by a Councillor.

Item 3 Apologies

Apologies from Councillors and/or members of various committees to be recorded at this stage.

Item 4 Conflict of Interest

Declaration by Councillors of any conflict of interest or personal interest as defined in the Local Government Act 1989 in any items on the Notice Paper.

Item 5 Open Forum

- (a) Visitors present at an Ordinary Meeting may ask a question or questions of the Council, but shall do so only after having written those questions on a form and provided them to the Chief Executive Officer or Chairperson at least ten (10) minutes prior to the meeting commencing. No question may be dealt with unless the visitor is present in the public gallery.
- (b) The Chairperson shall, at his sole discretion, allow the visitor so submitting a question to verbally ask that question and be verbally answered or advised that the question will be taken on notice and a written response provided to the question.
- (c) Questions submitted after the ten (10) minute period may be answered at the next Ordinary Meeting or, at the discretion of the Chief Executive Officer, may be answered in writing instead.
- (d) An answer must only be given to the Meeting if the Chairperson has determined that the relevant question:
 - (i) does not relate to a matter beyond or outside the Council's power;
 - (ii) is not defamatory indecent, abusive or objectionable;
 - (iii) is not repetitive of a question already asked (whether at that meeting or a previous meeting);

- (iv) is not asked to embarrass a Councillor or a member of Council's staff; or
 - (v) does not involve the disclosure of confidential information or private information the disclosure of which is prohibited by law. No debate on questions asked or answers given is permitted.
- (e) The time allowed for questions and the relevant answers and the number of questions from any one visitor shall be at the sole discretion of the Chairperson.

Item 6 Condolences

- (a) Any Councillor may request that the passing of a former Councillor, officer or notable community member shall be recorded in the Minutes;
- (b) The Councillor shall give a brief description of the person and their contribution to the community; and
- (c) Any Councillor may also request the acknowledgement of a significant tragedy and request a minute's silence observed.

Item 7 Confirmation of minutes of previous meetings

- (a) At every meeting of Council the minutes of the preceding meeting(s) must be dealt with as follows:
 - (i) a copy of the minutes must be delivered to each Councillor no later than two business days before the next meeting;
 - (ii) the minutes must be confirmed by a motion of Council; and
 - (iii) the minutes must be signed by the Chairperson of the meeting at which they have been confirmed.
- (b) The minutes must be entered in the minute book and each item in the minute book must be numbered consecutively.
- (c) The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council meeting, Advisory Committee meeting and, subject to Clause 63(e) of the LGA, Special Committee meeting (as the case may be), and those minutes must record:
 - (i) the name of the body to which the minutes apply;
 - (ii) the nominated date, place and time of the meeting together with the time it commenced and concluded;
 - (iii) the names of the Councillors and/or members present;
 - (iv) arrivals and departures (including temporary departures) of Councillors and/or members during the course of the meeting;
 - (v) each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
 - (vi) the vote cast by each Councillor and/or member upon a division;
 - (vii) questions upon notice, the names of the submitter and a summary of the response;
 - (viii) the failure of a quorum;
 - (ix) all committee and staff reports presented to Council in full;
 - (x) required details of any interest or conflict of interest disclosed;

- (xi) details of any presenters; and
- (xii) in respect to any resolution to close the meeting, the reason.

Item 8 Business arising from previous meetings (not otherwise reported on)

An opportunity for items listed in the minutes of the previous meeting to be discussed, if not otherwise provided for in the agenda.

Item 9 Petitions/Joint Letters

- (a) Petitions and joint letters must be presented at the Council meeting by a Councillor;
- (b) The Councillor shall identify the petitioners by general description;
- (c) Shall advise the meeting as to the number of signatories; shall read out the petition to the meeting;
- (d) Shall endorse the number of signatories on the top of the petition and sign it;
- (e) May move "That the petition be received" and any other action appropriate; and
- (f) An Officer's report on the Petition/Joint letter may be dealt with immediately following the above.

Item 10 Presentation of Officer Reports

A Report from a member of Council staff must not be read in full at any Council meeting unless Council resolves to the contrary.

Item 11 Reports of Committees

Reports from a Special or Advisory Committee can be received by Council, they may:

- (i) contain a recommendation(s) to Council;
- (ii) provide information only;
- (iii) be included in the agenda for the next convenient meeting of Council; or
- (iv) be confirmed by a motion of Council.

Item 12 Notices of Motion

12.1

- (a) A Councillor must not move a Notice of Motion unless notice of such motion has been given in accordance with this Local Law.
- (b) A notice of motion must be in writing signed by a Councillor, and be lodged with the Chief Executive Officer in sufficient time for him or her to give each Councillor at least two business days notice of such Notice of Motion.
- (c) The full text of any such notice of motion must be included on the agenda.
- (d) The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion book in the order in which they were received.
- (e) Except by leave of the Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion book.
- (f) If a Councillor who has given a notice of motion:
 - (i) is absent from the meeting; or
 - (ii) fails to move the motion when called upon by the Chairperson any other

Councillor may himself or herself move the motion.

12.2 Motion forms

- (a) A motion or an amendment:
 - (i) must relate to the powers or functions of Council;
 - (ii) may be in writing; and
 - (iii) except in the case of urgent business, must be relevant to an item of business on the agenda.
- (b) A motion or amendment must not be defamatory or objectionable in language or nature.
- (c) The Chairperson may refuse to accept any motion or amendment which contravenes this clause.

12.3 Motion not to be withdrawn without leave

A motion or amendment cannot be withdrawn without the consent of the meeting.

12.4 Motion to be moved and seconded

- (a) The procedure upon any motion or amendment is that the mover must state the nature of the motion or amendment, and then move it without speaking to it.
- (b) A motion or an amendment which is not seconded lapses.

12.5 Unopposed motion or amendment

If a motion or an amendment is seconded:

- (i) the Chairperson may inquire as to whether there is any opposition to the motion; and
- (ii) if no Councillor indicates opposition, it may be declared to be carried.

12.6 Course of debate of opposed motion

- (a) The mover may address Council upon it.
- (b) The seconder may speak to it.
- (c) Any Councillor may debate it.
- (d) The mover must, except in the case of an amendment or a motion which has been amended, be given a right of reply.
- (e) The Chairperson must then put it to the vote.

12.7 Amendment

- (a) No notice need be given of any amendment.
- (b) The mover and seconder of a motion cannot move or second an amendment to it.
- (c) The mover of an amendment has no right of reply.

- (d) A second or subsequent amendment cannot be moved until the immediately preceding amendment is disposed of.
- (e) If any Councillor intends to move a second or subsequent amendment he or she must give notice of that intention prior to the next item of business being discussed.
- (f) If an amendment is adopted it becomes the substantive motion and, unless subject to further amendment and debate must be put to the vote by the Chairperson.
- (g) A Councillor cannot move more than two amendments in succession, unless permitted by the Chairperson.
- (h) No amendment shall be moved that is contrary in substance to the original motion.

12.8 Rescission or alteration

A notice of motion to rescind or alter a previous resolution of Council must be given to the Chief Executive Officer in sufficient time to enable the Chief Executive Officer to give two business days notice to all Councillors; is deemed to have been withdrawn if not moved at the next meeting at which such business may be transacted; and if it is a second or subsequent notice to revoke or alter an earlier resolution, must not be accepted by the Chief Executive Officer until a period of twenty days has elapsed since the date of the meeting at which the first or last motion or revocation or alteration was dealt with.

Item 13 Reports from delegates appointed by Council to other bodies

The duration of any Report from a delegate of Council to another body is within the discretion of the Chairperson.

Item 14 Urgent Business

Business must not be admitted as urgent business unless it:

- (i) relates to or arises out of a matter which has arisen since distribution of the agenda; or
- (ii) is of such importance that deliberation by Council cannot be delayed.

Item 15 General Business

- (a) General Business items shall be admitted at the discretion of the Chairperson.
- (b) Items raised in General Business shall be limited to requests for action or reports appropriate to Councillors' and officers' concerns.

Item 16 Confidential Business

- (a) Council may close the meeting to the public pursuant to Section 4.6(b) of this Local Law and Section 89(2) of the Local Government Act 1989.
- (b) A council resolution is required for Council to move into camera (i.e. exclude the public from the meeting) which states the reason that the meeting is being closed to the public and that reason must be recorded in the minutes of the meeting.
- (c) Following consideration of the item in camera, the Council shall resolve to continue the open meeting and may resolve on any motion emanating from the closed session that is able to be made public.

- (d) Separate minutes of the closed session shall be kept, including any confidential reports, with such information being kept confidential until it is appropriate to be made public.

4.9 Special Meetings

The Mayor or at least three Councillors may by a written notice call a Special meeting.

- (a) The notice must specify the date and time of the Special meeting and the business to be transacted.
- (b) The Chief Executive Officer must convene the Special meeting as specified in the notice.
- (c) Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice is to be transacted.
- (d) 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.

4.10 Call of the Council

- (a) If a quorum of Council cannot be formed and maintained due to the absence of Councillors, the Minister responsible for administering the Act or the Chief Executive Officer may require all Councillors to attend a "Call of the Council" meeting.
- (b) A "Call of the Council" meeting must be treated as a Special meeting.
- (c) The Minister responsible for administering the Act (or a person appointed by the Minister) is entitled to attend and speak at a "Call of the Council" meeting which he or she has required Councillors to attend.
- (d) If a "Call of the Council" has been required, immediately after the opening of the meeting the Chief Executive Officer must call the name of:
 - (i) the Mayor;
 - (ii) each Councillor in alphabetical order; each person present must answer to his or her name; all excuses for absence must be considered;
 - (iii) Council must determine by vote as to whether the excuse of the Councillor is reasonable; and
 - (iv) if a Councillor does not attend within 30 minutes after the time fixed for a call of the Council meeting, or remain at the meeting, the Chief Executive Officer must immediately advise the Minister responsible for administering the Act in writing who may take actions under Section 67 of the Act to apply to the Supreme Court for the ouster from the office of Councillor.

4.11 Formal Motions

The procedure for and effect of formal motions is as follows:

	Formal Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost
1.	Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor	Any matter	(a) During the election of a Chairperson; (b) when another Councillors is speaking	Motion and amendments postponed to the stated time and/or date	Debate continues unaffected
2.	Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor	Any matter except: (a) election of a Chairperson; (b) a matter in respect of which a call of the Council has been made for that meeting	(a) During the election of a Chairperson; (b) when another Councillors is speaking; (c) when the matter is one in respect of which a call of the Council has been made	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected
3.	Adjournment of meeting to later hour or date	That the meeting be adjourned to *am/pm and/or *date	Any Councillor	Any meeting	(a) During the election of a Chairperson; (b) When another Councillor is speaking	Meeting adjourns immediately until the stated time and/or date	Debate continues unaffected
4.	Adjournment of meeting indefinitely	That this meeting be adjourned until further notice	Any Councillor	(a) Any matter except election of a Chairperson; (b) during a meeting which is a call of the Council (c) when another Councillor is speaking	(a) During the election of a Chairperson; (b) during a meeting which is a call of the Council (c) when another Councillor is speaking	Meeting adjourns until an agenda is delivered under Clause 20	Debate continues unaffected
5.	The closure	That the motion be now put	A Councillor who has not spoken to the motion or any amendment of it	Any matter	During nominations for Chairperson	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion	Debate continues unaffected

**LOCAL LAW 3 OF 2009
MEETING PROCEDURE**



6.	Previous question	That the question be not now put	A Councillor who has spoken to the motion or any amendment of it	Any matter except: (a) election of a Chairperson; (b) a matter in respect of which a call of the Council has been made for that meeting	(a) During the election of a Chairperson; (b) when another Councillor is speaking; (c) when the matter is one in respect of which a call of the Council has been made; (d) when an amendment is before Council	(a) No vote or further discussion on the motion until it is placed on an agenda for a later meeting; (b) proceed to next business	Motion (as amended up to that time) put immediately without further amendment or debate
7.	Proceed to next business	That the meeting proceed to the next business Note: This Motion: (a) may not be amended (b) may not be debated; (c) must be put to the vote as soon as seconded	A Councillor who has spoken to the motion or any amendment of it	Any matter except: (a) election of a Chairperson; (b) a matter in respect of which a call of the Council has been made for that meeting	(a) During the election of a Chairperson; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the Council has been made;	If carried in respect of: (a) an amendment, Council considers the motion without reference to the amendment; (b) a motion – no vote or further discussion on the motion until it is placed on an agenda for a later meeting.	Debate continues unaffected

4.12 Cases in which Councillor must rise when speaking

- (a) A Councillor may remain seated when speaking at a Council meeting. The Chairperson may remain seated when speaking at a Council meeting.
- (b) The Chairperson may request that a Councillor, Officer or Visitor rise to address the meeting but must not do so where the person through disability or other reasonable cause cannot do so.

4.13 Interruptions, interjections and relevance

- (a) A Councillor must not be interrupted except by the Chairperson or upon a point of order or personal explanation.
- (b) If a Councillor is interrupted by the Chairperson or upon a point of order or personal explanation, he or she must remain silent until the Chairperson has ceased speaking, the point of order has been determined or the personal explanation has been given.
- (c) A Councillor must not digress from the subject-matter of the motion or business under discussion.
 - (i). If a Councillor does digress, the Chairperson may request the speaker to confine the discussion to the subject business or motion,
 - (ii). If after being requested to confine discussion to the subject business or motion before the Chairperson and the speaker continues to discuss irrelevant matters, the Chairperson may require the speaker to be seated and not speak further in respect of the matter before the Chairperson.
- (d) The mover of a motion must not introduce fresh matter when exercising any right of reply.

4.14 Priority of address

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

4.15 Councillors not to speak twice to same motion or amendment

No Councillor may speak more than once to the same motion or amendment unless given leave to do so by the Chairperson.

4.16 Resumption of adjourned debate

If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless he or she has already spoken to the motion or amendment.

4.17 Time limits

- (a) A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:
 - (i) the mover of a motion or an amendment: 5 minutes;
 - (ii) any other member: 3 minutes;
 - (iii) the mover of a motion exercising a right of reply: 2 minutes; and
 - (iv) a Council delegate reporting to the Council 3 minutes.

4.18 Points of order

- (a) A point of order must be taken by the Councillor raising their hand and stating:
 - (i) the matter complained of; and
 - (ii) if a provision of this Local Law founds the point of order, the relevant provision.
- (b) A Councillor may take a point of order by drawing the attention of the Chairperson to:
 - (i) the fact that a Councillor or member is out of order; or
 - (ii) an act of disorder; despite the fact that the Chairperson or a Councillor is speaking at the time.
- (c) When called to order, a Councillor must remain quiet until the point of order is decided unless he or she is requested by the Chairperson to provide an explanation.
- (d) The Chairperson may take a point of order without it having been taken by a Councillor.

4.19 Chairperson to decide point of order

- (a) The Chairperson may adjourn the meeting to consider a point of order but must otherwise rule upon it as soon as it is taken.
- (b) The Chairperson must, when ruling on a point of order, state the provision of this Local Law or the rule, custom or practice which is relied on in support of the ruling.

4.20 Disagreeing with Chairperson's Ruling

- (a) A Councillor may move that the meeting disagree with the Chairperson's ruling.
- (b) When a motion in accordance with this Clause is moved and seconded:-
 - (i) the Chairperson must leave the Chair and a temporary Chairperson must take his or her place;
 - (ii) the temporary Chairperson must invite the mover to state the reasons for his or her dissent and the Chairperson may then reply;
 - (iii) the temporary Chairperson then puts the motion in the following form: "That the Chairperson's ruling be upheld";
 - (iv) if the vote is in the affirmative, the Chairperson resumes the Chair and the meeting proceeds; and
 - (v) if the vote is in the negative, the Chairperson resumes the Chair, reverses his or her previous ruling and then proceeds.
- (c) The defeat of the Chairperson's ruling is in no way a motion of censure or no-confidence, and should not so be regarded by the meeting.

4.21 Chairperson may speak

The Chairperson may address a meeting upon any matter under discussion, and is not deemed to have left the Chair on such occasions provided that the Chairperson may, if he

or she so wishes, vacate the Chair for the duration of any item under discussion whereupon the temporary Chairperson elected by the meeting shall take the Chair until such item has been disposed of.

4.22 Personal Explanation

- (a) A Councillor may, at a time convenient to Council, make a brief personal explanation in respect of any statement (whether made at a Council meeting or not) affecting him or her as a Councillor.
- (b) A personal explanation arising out of a statement at a Council meeting must be made as soon as possible.
- (c) A personal explanation must not be debated except upon a motion to censure the Councillor who has made it.

4.23 Criticism of members of Council Staff

- (a) A member of Council staff may make a brief statement at a Council or committee meeting in respect of any statement (whether made at a Council meeting or not) affecting him or her as a member of Council staff or any member of Council staff under his or her control.
- (b) A statement under this Clause:
 - (i) in respect of a statement made at that Council or committee meeting - must be made immediately the Councillor or member concerned has made the statement; and
 - (ii) in respect of a statement made during a previous Council or committee meeting, or made other than at a Council or committee meeting - must be made at such time during the meeting at which the officer desires to bring it forward and as the Chairperson thinks appropriate.

4.24 Ordering withdrawal of remark

- (a) The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature.
- (b) A Councillor required to withdraw a remark must do so immediately without qualification or explanation.

4.25 Gallery to be silent

- (a) Visitors must not interject or take part in the debate.
- (b) Silence must be preserved in the gallery at all times.

4.26 Ejection of disorderly visitors

- (a) If any visitor is called to order by the Chairperson and thereafter again acts in breach of this Local Law, the Chairperson may order him or her to be removed from the gallery.
- (b) If the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper. A

Chairperson may request an authorised officer or a member of the Victorian Police Force to remove a visitor from the meeting room if that person has refused the Chairperson's request to leave the meeting room.

4.27 Repeating motion

- (a) Before any matter is put to the vote, a Councillor may require that the question, motion or amendment be read again; and
- (b) The Chairperson without being so requested may direct the Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) to read the question, motion or amendment to the meeting before the vote is taken.

4.28 Vote to be taken in silence

- (a) Except that a Councillor may demand a division, Councillors must remain seated in silence while a vote is being taken; and
- (b) Unless Council otherwise determines, voting must be by a show of hands.

4.29 Recount of vote

The Chairperson may direct that the vote be re-counted as often as may be necessary for him or her to satisfy himself or herself of the result.

4.30 Record of Votes

- (a) Immediately after any vote is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.
- (b) When a division is called for, the vote already taken must be treated as a nullity and the division shall decide the question, motion or amendment.
- (c) When a division is called for, the Chairperson must:
 - (i) first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of his or her hands. The Chairman must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record the names of those Councillors voting in the affirmative; and
 - (ii) then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of his or her hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record, the names of those Councillors voting in the negative.
- (d) If there is an equal division of votes in any matter other than the election of a Mayor or Chairperson of any meeting, the Chairperson at such meeting in addition to a vote as a Councillor, shall have a second or casting vote.

All votes are to be recorded clearly showing which Councillors voted for and against a particular motion. That if all Councillors vote the same, either for or against a motion, then an indication of this is sufficient in lieu of recording individual names.

4.31 Resolution not to be discussed after it is carried

Except in the case of a motion of rescission or alteration, no resolution may be discussed after the vote upon it has been declared.

4.32 Conduct of Public Meeting

- (i) The provisions of this Local Law applicable to Ordinary meetings applies to meetings of ratepayers and other public meetings called by the Mayor or Council, with appropriate modifications; and
- (ii) This Clause does not prevent any person from addressing a meeting if permitted to do so by the Chairperson.

4.33 Production of documents

- (a) A Councillor may demand at a Council meeting the production of any documents in Council's keeping and relevant to the business being considered.
- (b) Upon any demand being made the Chief Executive Officer must use his or her best endeavours to produce the documents within 48 hours.
- (c) Documents may be subject to confidentiality and therefore Council may deal with the issue as "Confidential Business."

4.34 Recording proceedings

- (a) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may record on suitable electronic medium all the proceedings of a Council or Special Committee meeting. Recordings must be retained for a period of three months from the date of the meeting;
- (b) Media representatives may, with the consent of Council or the Special Committee (as the case may be), be permitted to record on suitable electronic medium any part of the proceedings of a Council or Special Committee Meetings. The consent of Council or the Special Committee must not be unreasonably withheld, but may be revoked at any time during the course of the relevant meeting; and
- (c) Subject to sub-clauses (a) and (b), a person must not operate any recording equipment at any Council or Special Committee meeting without the prior written consent of Council. Such consent may be given only after receipt of a written application and may at any time during the course of such meeting be revoked by Council or the Special Committee (as the case may be).

4.35 Procedure not provided in Local Law

In all cases not specifically provided for by this Local Law, resort must be had to the rules, forms and usages of the Victorian Parliament (so far as the same are capable of being applied to Council or Special, Advisory or other committee proceedings).

4.36 Suspensions

Council may suspend from a meeting, and for the balance of the meeting, any Councillor whose actions have disrupted the business of Council, or have impeded its orderly conduct.

4.37 Removal from Chamber

The Chairperson, or Council in the case of a suspension, may ask any Authorised Officer or member of the Police Force to remove from the chamber any person who acts in breach of this Local Law or whom the Chairperson has ordered to be removed from the gallery under Clause 48 of this Local Law.

4.38 Offences

It is an offence:

- (i) for a Councillor to not withdraw an expression which is considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable, and to not satisfactorily apologise when called upon twice by the Chairperson to do so;
- (ii) for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so;
- (iii) for any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order;
- (iv) for a Councillor to refuse to leave the chamber on suspension.

The maximum penalty for all of these offences is 20 penalty units.

4.39 Enforcement

(a) Delegation

In accordance with Section 114 of the Act the Council may delegate to an authorised officer the power to sign, issue or cancel an infringement notice under this local law arising from an offence under clause 4.40 of this local law.

(b) Infringement notices

- (i) Where an authorised officer believes that a person is guilty of an offence or offences against this Local Law, the authorised officer may serve on that person an infringement notice.
- (ii) An infringement notice must contain those matters specified in section 117 (3) of the Local Government Act 1989.

(c) Payment of penalty

- (i) A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer Indigo Shire Council, PO Box 28, Beechworth, Vic, 3747.
- (ii) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (iii) A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

5.0 DIVISION 5 - ADVISORY AND SPECIAL COMMITTEES

5.1 Advisory and Special Committees

- (a) Council may from time to time establish one or more Advisory Committees comprising the following:
 - (i) Councillors;
 - (ii) Council staff; other persons; or
 - (iii) any combination of persons referred to in paragraphs (i) and (ii) to advise it on any of the purposes, functions or powers of Council.
- (b) Council may from time to time establish one or more Special Committees comprising the following:
 - (i) Councillors;
 - (ii) Council staff;
 - (iii) other persons; or
 - (iv) any combination of persons referred to in paragraphs (i), (ii) and (iii).
- (c) The Chairperson of a Special Committee or Advisory Committee may be elected by the members of the committee unless otherwise determined by Council, and such committee may from time to time replace its Chairperson or appoint an acting Chairperson in the manner in which the Chairperson is ordinarily elected or appointed.
- (d) The Chairperson or any three (3) members of a Special or Advisory Committee may at any time call a meeting of the committee by giving a notice of business to the Chief Executive Officer in sufficient time to give him or her two business days notice of the date and time of the proposed meeting. The Chief Executive Officer must call the meeting as specified in the notice.
- (e) Minutes of meetings of Special Committees shall be taken and provided to Councillors at the earliest possible opportunity. If the minutes of any meeting of a Special Committee disclose a recommendation to Council, the Chief Executive Officer must ensure that such recommendation is reported to the next convenient meeting of Council.
- (f) The Council must review any delegations to a Special Committee within the period of 12 months after a general election.
- (g) A Committee that exercises a power or performs a duty or function of the Council that has been delegated to that Committee under any Act is a Special Committee.

5.2 Application to Committees

This Local Law applies to Special Committee meetings, Advisory Committee meetings, and other meetings where Council has resolved that the provisions of this Local Law must apply, with any necessary modifications.

5.3 Special Committee Meetings

- (a) The Council must keep a register of delegations to Special Committees.
- (b) The Council may appoint a Chairperson for a Special Committee.
- (c) If the Council has not appointed a Chairperson, the members of the Special Committee must appoint a Chairperson.
- (d) If the Chairperson is not present at a meeting of a Special Committee the members must appoint a Chairperson for that meeting.
- (e) A meeting of a Special Committee must be held at a time and place determined by the Special Committee.
- (f) If the Special Committee has not appointed a time and place for a meeting the Chairperson, or if the Chairperson is incapable of doing so, the Council, must fix the time and place of the next meeting.
- (g) Until approved by the Council a decision of a Special Committee which does not relate to a matter delegated to the Special Committee cannot be given effect to.
- (h) A Council may specify in the instrument of delegation that a member of a Special Committee who is a member of the public or of Council staff does not have voting rights on the Special Committee.

**LOCAL LAW 3 OF 2009
MEETING PROCEDURE**



Resolution for making this Local Law was agreed to by the Indigo Shire Council on 8th of September 2009.

THE COMMON SEAL of **INDIGO SHIRE COUNCIL** was affixed in the presence of:

))
)



Mayor

Councillor

* Chief Executive Officer

[Handwritten signature]
Alexander Todd
[Handwritten signature]