

**Wangaratta Rural City Council**  
**Governance and Meeting Conduct Local**  
**Law**

**No. 2 of 2016**

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**Wangaratta Rural City Council**  
**Governance and Meeting Conduct Local**  
**Law**

**No. 2 of 2016**

**PART 1 – INTRODUCTION**

Introduction: This part outlines the title, purpose, authority and the application of the Local Law. It also defines key terms used throughout the Local Law.

**1 Title**

This Local Law will be known as the "Governance and Meeting Conduct Local Law".

**2 Objectives**

The purpose of this Local Law is to—

- (a) Provide for the election of the Mayor;
- (b) Regulate the use of the common seal;
- (c) Provide for the procedures governing the conduct of meetings;
- (d) Establish the rules of behaviour for those participating in or present at meetings;
- (e) Provide for the appointment of Councillors as members of committees established by the Council or as Council representatives to external committees and organisations; and
- (f) Regulate the use of Council's name and nomenclature.

**3 Authorising Provision**

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

**4 Commencement and End Dates**

This Local Law—

- (a) Commences on the day following the fourth Saturday in October 2016; and
- (b) Ends on the 10th anniversary of the day on which it commenced operation.

**5 Revocation of Local Law No. 3 of 2014**

On the commencement of this Local Law, Council's Meeting Procedure (Administrators) Local Law No. 3 of 2014 is revoked.

**6 Revocation of Council Policies**

On the commencement of this Local Law, the following Major Council Policies are revoked—

- (a) Annual Meeting of Council Policy;
- (b) Appointment of Acting Mayor Policy;
- (c) Use of Council's Name and Nomenclature Policy; and
- (d) Use of Mayoral Pendant Policy;

**7 Definitions and Notes**

- (1) In this Local Law, unless the context or subject-matter indicates otherwise—

*"Act"* means the *Local Government Act 1989*;

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PART 1 – INTRODUCTION

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*“Authorised Officer”* means a member of Council staff who is authorised to carry out specific functions under this Local Law;

*“Business day”* means a day which is not a Saturday, Sunday or public holiday applicable to the municipal district under the *Public Holidays Act 1993*;

*“Chair”* means the Chairperson of a meeting and includes an acting, a temporary, and a substitute Chairperson;

*“Chamber”* means the room in which a Council Meeting or a Special Committee meeting is taking place, and includes any gallery or other area in view or hearing of the room;

*“Chief Executive Officer”* means the Chief Executive Officer of Council or anyone appointed to act in that position;

*“Common seal”* means the common seal of Council;

*“Council”* means Wangaratta Rural City Council;

*“Council Meeting”* includes an Ordinary Meeting and a Special Meeting;

*“Councillor”* means a person who has been elected to be a Councillor of the Wangaratta Rural City Council who has taken the Oath of Office and completed a Councillor Code of Conduct declaration in accordance with section 63 of the Act;

*“Councillor Code of Conduct”* means the code of conduct developed by Council under section 76C of the Act;

PART 1 – INTRODUCTION

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*“Commencement speech”* means a speech made by the Mayor at the Council Meeting held to elect the Mayor outlining a vision for the Mayoral term;

*“Deputy Mayor”* means the Councillor elected to hold the position of Deputy Mayor, if the Council has resolved to establish the position;

*“Leave of absence”* means formal leave taken by a Councillor who is not available, or unable to perform their duties for a specified period of time;

*“Majority of the votes”* means the votes cast by a majority of the Councillors or members of a Special Committee present at a meeting at the time the vote is taken;

*“Mayor”* means the Mayor of Council;

*“Minute book”* means the collective record of proceedings of Council;

*“Municipal district”* means the municipal district of Council;

*“Notice of motion”* means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

*“Notice of rescission”* means a notice of motion to rescind a resolution made by Council;

*“Offence”* means an act or default contrary to this Local Law;

*“Operational service request process”* means lodgement of a request for action through the electronic customer service request system in use by the Council;

PART 1 – INTRODUCTION

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*“Ordinary Meeting”* means any meeting of Council which is not a Special Meeting;

*“Penalty units”* mean penalty units as prescribed in the *Sentencing Act 1991* and describe the amount of a fine or financial penalty applicable to an offence;

*“Petition”* means a formal written request, typically one signed by many people, appealing to Council in respect of a particular cause and includes joint letters;

*“Public notice”* has the same meaning as in section 3(1) of the Act;

*“Schedule”* means a schedule to this Local Law;

*“Special Committee”* means a Special Committee established by Council under section 86(1) of the Act;

*“Special Meeting”* means a Special Meeting of Council convened and held in accordance with section 84, 84A or 85 of the Act;

*“Visitor”* means any person other than a Councillor, member of a Special Committee, or member of Council staff who is in attendance at a Council Meeting or a Special Committee Meeting;

*“Website”* means the official website of the Council maintained in accordance with section 82A of the Act; and

*“Written”* includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form.

- (2) Introductions to Parts, headings and notes are explanatory notes and do not form part of this
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PART 2 – ELECTION OF MAYOR

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Local Law. They are provided to assist understanding.

**PART 2 – ELECTION OF MAYOR**

Introduction: This Part is concerned with the election of the Mayor and the use of the Mayoral Pendant. It describes how the Mayor and a temporary Chair are to be elected. It also provides for the establishment of the role of a Deputy Mayor and any election for that role. The appointment of Councillors as members of committees established by the Council, and as Council representatives or delegates on external committees and organisations is also included in this Part.

**8 Election of the Mayor**

- (1) A Council Meeting to elect the Mayor must be called by the Chief Executive Officer and held—
  - (a) As soon as practicable after the declaration of the results of a general election of Councillors;
  - (b) As soon as practicable after the fourth Saturday in October in years between general elections of Councillors; and
  - (c) As soon as practicable, but within 30 days, after the office of Mayor otherwise becomes vacant.
- (2) The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act, this Local Law and the Councillor Code of Conduct.
- (3) Persons elected to be Councillors will not be capable of acting as Councillors, including voting

PART 2 – ELECTION OF MAYOR

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on any business at the Council Meeting to elect the Mayor, until those persons have taken the Oath of Office and completed a Councillor Code of Conduct declaration in accordance with section 63 of the Act and Schedules 1 and 2 of this Local Law.

- (4) A quorum for an item of business requiring a resolution of Council at the Council Meeting to elect the Mayor is the presence of a majority of the persons elected to be Councillors provided that the majority are all able to act as Councillors.
  - (5) Subject to clause 8(6), the order of business at the Council Meeting to elect the Mayor is to be determined by the Chief Executive Officer.
  - (6) At the first Council Meeting to elect the Mayor following the commencement of this Local Law, the order of business will be —
    - (a) Opening including Acknowledgement of Country;
    - (b) Opening Prayer;
    - (c) Apologies;
    - (d) Councillor Code of Conduct Declaration (as required by the Act and in accordance with SCHEDULE 1 – COUNCILLOR CODE OF CONDUCT DECLARATION of this Local Law);
    - (e) Oath of office (as required by the Act and in accordance with SCHEDULE 2 – OATH OF OFFICE of this Local Law);
    - (f) Term of Mayor;
    - (g) Election of Mayor;
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PART 2 – ELECTION OF MAYOR

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- (h) Commencement speech by incoming Mayor;
  - (i) Determination of position of Deputy Mayor;
  - (j) Election of Deputy Mayor if the position is established;
  - (k) Appointment of Councillors to committees.
- (7) The Councillor elected to the position of Mayor may make a commencement speech for up to 10 minutes outlining their vision for the Mayoral term.
- (8) A commencement speech may not address matters outside the powers of the Council, be derogatory, or be prejudicial to any person or the Council.

**9 Method of Voting**

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

**10 Determining the Election of the Mayor**

- (1) The Chief Executive Officer must open the meeting at which the Mayor is to be elected.
- (2) Before nominations for the office of Mayor are invited by the Chief Executive Officer, the Council must resolve if the term of the Mayor is to be for one or two years.
- (3) Any nominations for the office of Mayor must be made verbally by a Councillor at the meeting to elect the Mayor.

PART 2 – ELECTION OF MAYOR

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- (4) A nomination for Mayor does not require a seconder.
- (5) Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor—
  - (a) If there is only one nomination, the candidate nominated is deemed to be elected;
  - (b) If there is more than one nomination, a vote must be taken to elect one of the candidates;
  - (c) In the event of a candidate receiving a majority of the votes, that candidate is declared to have been elected;
  - (d) In the event that no candidate receives a majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate and a further vote will be taken for the remaining candidates;
  - (e) If one of the remaining candidates receives a majority of the votes, the candidate is duly elected. If none of the remaining candidates receives a majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives a majority of the votes. That candidate must then be declared to have been duly elected;

PART 2 – ELECTION OF MAYOR

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- (f) In the event of two or more candidates having an equality of votes and one having to be declared—
- (i) A defeated candidate where there are three or more candidates with equal votes; or
  - (ii) A duly elected candidate where there are two candidates with equal votes,
- the declaration will be determined by lot;
- (g) If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply—
- (i) Each candidate will draw one lot;
  - (ii) The order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillor surnames are identical, the order will be determined by the alphabetical order of the Councillor's first names; and
  - (iii) As many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle;
  - (iv) If the lot is being conducted to determine who is a defeated



PART 2 – ELECTION OF MAYOR

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candidate, the word “Defeated” shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word “Defeated” written on it must be declared the defeated candidate in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared been elected; and

- (v) If the lot is being conducted to determine who is duly elected, the word “Elected” shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word “Elected” on it must be declared to be duly elected.

**11 Role of Deputy Mayor**

- (1) At the meeting at which the Mayor is to be elected, the Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- (2) If Council resolves to elect a Councillor to the position of Deputy Mayor, Council must also resolve to appoint the person holding the position of Deputy Mayor as Acting Mayor, if there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act.

PART 2 – ELECTION OF MAYOR

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- (3) The Mayor is considered to be absent, incapable of acting or refusing to act, if the Mayor is on a leave of absence.
- (4) If the Mayor is not in attendance at a Council Meeting the Deputy Mayor must take the Chair in accordance with clause 18, but is not considered to be the Acting Mayor.
- (5) The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council in accordance with clause 10(2).
- (6) If the Council has not resolved to establish the position of Deputy Mayor, other than clause 11(1), any provisions in this Local Law relating to the Deputy Mayor have no effect.

**12 Election of Deputy Mayor and Temporary Chair**

Any election for any office of Deputy Mayor; or temporary Chair, in cases where the Mayor and any Deputy Mayor are absent from a Council Meeting will be regulated by clauses 8-10 (inclusive), as if the reference to the—

- (a) Chief Executive Officer is a reference to the Mayor in the case of any election for Deputy Mayor; and
- (b) Mayor is a reference to the Deputy Mayor or the temporary Chair as the case may be.

**13 Role of Acting Mayor**

- (1) If there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, and there is no Deputy mayor, the Council

PART 2 – ELECTION OF MAYOR

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must appoint one of the Councillors to be the Acting Mayor subject to the following provisions—

- (a) The Mayor will be deemed to be absent if the Mayor is, or will be, away from the municipality or uncontactable whilst within the municipality and therefore unable to fulfil the role of Mayor for a period of seven or more consecutive days;
  - (b) The Mayor will be deemed to be incapable of acting if the Mayor declares to the Council that he or she is incapable of fulfilling the role of Mayor; and
  - (c) The Mayor will be deemed to be refusing to act if, after being requested by Council resolution to fulfil the role of Mayor, in the opinion as expressed in a subsequent resolution of the Council, the Mayor continues to refuse to act.
- (2) An Acting Mayor may perform any function or exercise any power conferred on the Mayor.
- (3) No additional allowance will be paid to a Councillor appointed to the role of Acting Mayor unless the appointment is for a period longer than four consecutive weeks. In this instance, the Acting Mayor will be paid the Mayoral allowance applicable at the time on a pro-rata basis. The payment of the Mayoral allowance will be a substitute for the normal Councillors allowance and will not be paid in addition to the Councillors allowance.

**14 Election of Acting Mayor**

Any election for any office of Acting Mayor will be regulated by clauses 8-10 (inclusive), as if the reference to the Chief Executive Officer is a reference to the Mayor.

**15 Council Representatives and Delegates**

At a Council Meeting held as soon as practicable after the meeting at which the Mayor is elected, and as soon as practicable after a new representative opportunity arises, Council must resolve to appoint Councillors for the ensuing Council year as—

- (a) Members of, or representatives on, committees established by the Council; and
- (b) Delegates to external committees and organisations.

**16 Use of Mayoral Pendant**

- (1) The Council's Mayoral pendant may only be used by the Mayor whilst performing official Council duties.
- (2) For the purposes of clause 16(1), official Council duties include—
  - (a) Ordinary and Special Council Meetings of the Council;
  - (b) Civic Receptions conducted by the Council;
  - (c) Official occasions where Council is acting as a host to guests; or

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PART 3 - COMMON SEAL

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- (d) Other appropriate official occasions at the Mayor's discretion.
- (3) The Chief Executive Officer is responsible for ensuring that the Mayoral pendant is kept safe and secure.

**PART 3 - COMMON SEAL**

Introduction: The common seal is a device which formally and solemnly records the collective will of Council. The provisions in this Part are designed to protect the integrity of the common seal, and describe when it may be affixed to a document. As many of the powers, duties and functions of a Council are these days formally delegated to the Chief Executive Officer and other members of Council staff, the common seal of Council is only used on legal documents such as local laws, contracts, agreements, transfers of land and other documents where required by legislation or where outside the authority of the instruments of delegation.

**17 Council's Common Seal**

- (1) The Chief Executive Officer must ensure the security of Council's common seal at all times.
- (2) The common seal must only be affixed to a document for the purpose of giving effect to a decision which has been made by resolution of Council.
- (3) The affixing of Council's common seal to any document must be attested to by the signatures of both—
  - (a) A Councillor; and

PART 4 – CONDUCT OF MEETINGS

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- (b) The Chief Executive Officer or, in the absence of the Chief Executive Officer, a member of Council staff delegated this function by Council.
- (4) Where Council authorises the common seal to be affixed to any document, the Chief Executive Officer must cause the sealed document to be allocated a seal register number.
- (5) Where the common seal is affixed to a document on the authority of Council, the sealing clause must contain the following words—

“The Common Seal of WANGARATTA RURAL CITY COUNCIL was hereunto affixed in the presence of:

..... Mayor/Councillor

..... Chief Executive Officer

Date: .....”
- (6) A person must not use the common seal or any device resembling the common seal without the authority of Council.

**PART 4 – CONDUCT OF MEETINGS**

Introduction: This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting and the particular circumstances of Special Committee and Advisory Committee meetings.

In any provision of the Local Law where Council has discretion to decide something (for example to grant consent, agree or admit business), a resolution is required.

## **DIVISION 1 - ROLE OF CHAIR**

Introduction: The Mayor must take the Chair at all Council Meetings at which the Mayor is present. If the Mayor is absent, the Deputy Mayor, if any, must take the Chair and if both are absent, Council must elect one of the Councillors as temporary Chair.

The way in which Council and committee meetings are conducted makes a significant contribution to good governance. The Chair plays a crucial role in facilitating an orderly, respectful, transparent and constructive meeting by ensuring all Councillors, Special Committees and advisory committees have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed appropriately and statutory requirements are adhered to.

The Chair is an independent leader of meetings and generally does not participate in debate or move or second motions.

Specific duties and discretions of the Chair are outlined throughout this Local Law.

### **18 Mayor to take Chair**

- (1) The Mayor must take the Chair at all Council Meetings at which the Mayor is present.
- (2) If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor, if applicable, must take the Chair.
- (3) If the Mayor and any Deputy Mayor are not in attendance at a Council Meeting, Council must elect one of the Councillors present as temporary Chair.

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DIVISION 2 - NOTICE OF ORDINARY MEETINGS

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**19 The Chair's Duties and Discretions**

In addition to the specific duties and discretions provided in this Local Law—

- (a) The Chair must not accept any motion, question or statement which is derogatory or defamatory of any Councillor, member of Council staff, or member of the community; and
- (b) If the behaviour of a person is disruptive and interferes with the conduct of the business of Council, the Chair must call that person to order.

**DIVISION 2 - NOTICE OF ORDINARY MEETINGS**

Introduction: Ordinary Council Meetings are held regularly to conduct the ongoing business of the Council and Special Council meetings are held from time to time for specific purposes. An agenda must be provided to Councillors in advance so that they can prepare adequately for the meeting.

**20 Dates and Times of Ordinary Meetings**

At a Council Meeting held as soon as practicable after the meeting at which the Mayor is elected, but not later than the last Council Meeting of the calendar year, Council must fix the date, time and place of all Ordinary Meetings for the following calendar year.

**21 Council May Alter Ordinary Meeting Dates**

Council may change the date, time and place of any Ordinary Meeting which has been fixed and must provide public notice of the change in accordance with section 89(4) and section 89(4A) of the Act.

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DIVISION 2 - NOTICE OF ORDINARY MEETINGS

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**22 Notice of Ordinary Meetings to Councillors**

- (1) An agenda must be sent electronically to every Councillor for all Ordinary Meetings at least 48 hours before the meeting.
- (2) Notwithstanding clause 22(1), an agenda need not 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 send an agenda during the period of his or her absence.

**23 Public Notice of Ordinary Meetings**

- (1) Public notice of an Ordinary Meeting, other than a meeting which considers the annual report, must be provided at least seven days prior to the Ordinary Meeting.
- (2) Public notice of an Ordinary Meeting that considers the annual report must be given at least 14 days before the meeting is held as required by section 134(2)(b) of the Act.
- (3) Public notice of an Ordinary meeting must be given
  - (a) By publishing such notice in a newspaper generally circulating in the municipal district of Council; and
  - (b) By publishing such notice on Council's website.
- (4) Public notice of an Ordinary Meeting may also be given by giving notice—
  - (a) In each of Council's Customer Service Centres; and

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DIVISION 3 – NOTICE OF SPECIAL MEETINGS

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- (b) In each of Council's libraries.
- (5) Public notice of an Ordinary Meeting may also be given by preparing a schedule of meetings annually, twice yearly, or from time to time, and arranging publication of such schedule at various times throughout the year.
- (6) If urgent or extraordinary circumstances prevent the giving of notice in accordance with clauses 23(1) to 23(3), as the case may be, Council must—
  - (a) Give such public notice of the meeting as is practicable on its website or by using such other means as determined by the Chief Executive Officer; and
  - (b) Specify the urgent or extraordinary circumstances which prevented the Council from complying with clauses 23(1) to 23(3), as the case may be, in the minutes.
- (7) An agenda for an Ordinary Meeting of Council must be made available to the public on Council's website and in hard copy from the Wangaratta Government Centre as soon as practicable after being provided to Councillors under Clause 22.

**DIVISION 3 – NOTICE OF SPECIAL MEETINGS**

Introduction: Special Council meetings are held from time to time for specific purposes. Public notice of Special Meeting details is required to allow for attendance by members of the community. An agenda must be provided to Councillors in advance so that they can prepare adequately for the meeting.

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**24 Dates and Times of Special Meetings**

- (1) The Mayor or at least three Councillors may by a written notice call a Special Meeting.
- (2) The notice must specify the date and time of the Special Meeting and the business to be transacted.
- (3) The notice must be delivered to the Chief Executive Officer in sufficient time to provide public notice of the Special Meeting.
- (4) The Council may by resolution call a Special Meeting.
- (5) The resolution must specify the date and time of the Special Meeting and the business to be transacted. The date and time of the Special Meeting must not be prior to 6pm on the day following the Council Meeting at which the resolution has been made.
- (6) The Chief Executive Officer must convene the Special Meeting as specified in the notice or resolution.
- (7) Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice or resolution is to be transacted.
- (8) 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.

**25 Notice of Special Meetings to Councillors**

- (1) An agenda must be sent electronically to every Councillor for any Special Meeting within a reasonable time of the Special Meeting being called. Generally, this means that a notice of meeting must be sent electronically to every Councillor at least 48 hours before the meeting. A period less than 48 hours may, however, be justified if exceptional circumstances exist.
- (2) Notwithstanding clause 25(1), an agenda need not be sent to any Councillor who has been granted leave of absence unless the Councillor has requested the Chief Executive Officer in writing to continue to send an agenda during the period of his or her absence.

**26 Public Notice of Special Meetings**

- (1) Public notice of a Special Meeting, other than a meeting which considers the annual report, must be provided at least seven days prior to the Special Meeting.
- (2) Public notice of a Special Meeting that considers the annual report must be given at least 14 days before the meeting is held as required by section 134(2)(b) of the Act.
- (3) Public notice of a Special meeting must be given
  - (a) By publishing such notice in a newspaper generally circulating in the municipal district of Council; and
  - (b) By publishing such notice on Council's website.

DIVISION 4 – QUORUM

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- (4) Public notice of a Special Meeting may also be given by giving notice—
  - (a) In each of Council’s Customer Service Centres; and
  - (b) In each of Council’s libraries.
- (5) If urgent or extraordinary circumstances prevent the giving of notice in accordance with clauses 26(1) to 26(3), as the case may be, Council must—
  - (a) Give such public notice of the meeting as is practicable on its website or by using such other means as determined by the Chief Executive Officer; and
  - (b) Specify the urgent or extraordinary circumstances which prevented the Council from complying with clauses 26(1) to 26(3), as the case may be, in the minutes.
- (6) An agenda for a Special Meeting of Council must be made available to the public on Council’s website and in hard copy from the Wangaratta Government Centre as soon as practicable after being provided to Councillors under Clause 25.

**DIVISION 4 – QUORUM**

Introduction: No business can be transacted at a Council Meeting unless a quorum, that is a majority of the Councillors, is present. If there is no quorum at the commencement of a meeting or if a quorum cannot be maintained during a meeting, the meeting is to be adjourned to another date and/or time. Council Meetings must commence within 30 minutes of the scheduled starting time and must not continue beyond three hours duration unless a majority of Councillors agree.

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**27 Council Meetings**

The quorum for Council Meetings is the presence of a majority of the Councillors.

**28 Special Committee Meetings**

The quorum for Special Committee meetings is the presence of a majority of the members of the Special Committee.

**29 Leave of Absence**

- (1) A Councillor or a member of a Special Committee intending, or likely, not to be in attendance at a Council Meeting or Special Committee meeting may—
  - (a) Submit an apology by advising the Mayor or Chair of the meeting; or
  - (b) Apply for leave of absence by advising the Chief Executive Officer in writing of the period of the proposed leave of absence.
- (2) Where the leave of absence is sought by a Councillor, the Chief Executive Officer must submit the request for leave of absence to the next Ordinary Meeting and the Council must not unreasonably refuse to grant the request for leave of absence.
- (3) Where leave of absence has been granted to a Councillor or a member of a Special Committee, the Chief Executive Officer must record the leave of absence in the minutes of a Council Meeting and relevant Special Committee meeting held during the period of leave of absence.

- (4) Leave of absence cannot be granted in respect of a past meeting.

**30 Inability to Obtain a Quorum**

If, after 30 minutes from the scheduled starting time of any Ordinary Meeting or Special Meeting, a quorum cannot be obtained, those Councillors present or, if no Councillors are present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a member of Council staff authorised by the Chief Executive Officer, may adjourn the meeting to a date and/or time to be determined. If the meeting is not adjourned, the meeting will be deemed to have lapsed.

**31 Inability to Maintain a Quorum**

If, during any Ordinary Meeting or Special Meeting or any adjournment of the meeting, a quorum cannot be maintained, those Councillors present or, if no Councillors are present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a member of Council staff authorised by the Chief Executive Officer, may adjourn so much of the meeting as remains to a date and/or time to be determined.

**32 Inability to Achieve or Maintain a Quorum Due to Conflicts of Interest of Councillors**

If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by one or more Councillors, the Chair may defer the item of business in respect of which there is or is likely to be a disclosure of interest by one or more Councillors, and direct the Chief Executive Officer to include that item of business on an agenda for a future Council Meeting.

**33 Adjournments by Council**

Council may adjourn any meeting to another date or time but cannot adjourn a meeting in session to another place.

**34 Adjourned Meetings**

- (1) The Chief Executive Officer or a member of Council staff authorised by the Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- (2) If it is impracticable for the notice given under clause 34(1) to be in writing, the Chief Executive Officer must make reasonable endeavours to give notice to each Councillor using all practical means.

**35 Time Limits for Meetings**

- (1) A Council Meeting must not continue for a duration exceeding three hours unless a majority of the Councillors present vote in favour of its continuance for up to 30 minutes.
- (2) A meeting may only be continued for a maximum of two 30 minute periods.
- (3) In the absence of such continuance as provided for in clauses 35(1) and 35(2), the meeting must stand adjourned to a time, date and place announced by the Chair immediately prior to the meeting standing adjourned. In that event, the provisions of clause 34 apply.



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DIVISION 5 – BUSINESS OF MEETINGS

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**36 Cancellation or Postponement of a Council Meeting**

- (1) The Chief Executive Officer may, in the case of an emergency necessitating the cancellation or postponement of a Council Meeting, cancel or postpone an Ordinary Meeting or a Special Meeting.
- (2) The Chief Executive Officer must present to Council a written report on any exercise of the power conferred by clause 36(1) at the next Ordinary Meeting following the exercise of that power.

**DIVISION 5 – BUSINESS OF MEETINGS**

Introduction: The business to be transacted at a Council Meeting is contained in the agenda provided to Councillors and available to the public on Council's website. The Chief Executive Officer oversees preparation of the agenda and determines the order of business to facilitate open, efficient and effective processes of government. Council can admit an item of urgent business if it has arisen after distribution of the agenda and cannot be reasonably deferred to the next meeting.

**37 Agenda Items**

- (1) No business can be dealt with at an Ordinary Meeting unless—
    - (a) It is contained in the agenda; or
    - (b) It is admitted as urgent business under clause 43.
  - (2) The Chief Executive Officer may include any matter on the agenda for an Ordinary Meeting which the Chief Executive Officer thinks should
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be considered at the meeting to which the agenda relates.

**38 Accessibility**

- (1) Council will conduct Council Meetings in a venue that is accessible for the purposes of the *Disability Discrimination Act 1992*.
- (2) A Councillor or a member of the public may, at least two business days prior to a Council Meeting, request that the Chief Executive Officer provide language or communication support at the meeting.
- (3) The Chief Executive Officer will determine the level of language or communication support to be provided, including the use of interpreters or other technologies, to assist a person in accessing the Council Meeting.

**39 Order of Business**

The order of business is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government. At the commencement of this Local Law it will, for Ordinary Meetings, be—

- (a) Opening and Acknowledgement of Country;
  - (b) Opening Prayer;
  - (c) Present;
  - (d) Absent;
  - (e) Acceptance of Apologies
  - (f) Granting of Leave of Absence;
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DIVISION 5 – BUSINESS OF MEETINGS

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- (g) Citizen ceremony;
- (h) Confirmation of Minutes of Previous Meetings;
- (i) Disclosure of Conflicts of Interest;
- (j) Designation of Items as Confidential;
- (k) Condolences;
- (l) Congratulations;
- (m) Reception of Petitions;
- (n) Hearing of Deputations;
- (o) Councillor Reports;
- (p) Officer Reports;
- (q) Minutes/Reports of Special Committees;
- (r) Minutes/Reports of Advisory Committees;
- (s) Records of Assemblies of Councillors;
- (t) Notices of Motion;
- (u) Rescission Motions;
- (v) Urgent Business;
- (w) Public Question Time;
- (x) Confidential Business; and
- (y) Closure of Meeting.

**40 Change to Order of Business**

Once an agenda has been sent to Councillors, the order of business for that Council Meeting may be altered with the consent of Council.

**41 Conflicts of Interest**

- (1) A Councillor must disclose any conflict of interest which that Councillor has in an item of business at the time specified in the agenda.
- (2) Nothing in clause 41(1) takes away from a Councillor's duty under the Act to disclose the existence, nature and class of any conflict of interest which that Councillor has in an item of business immediately before the consideration or discussion of that item of business.
- (3) A member of Council staff in attendance at a Council Meeting will disclose any conflict of interest that Officer has in an item of business listed on an agenda to be considered by the Council at a Council Meeting, in addition to any other disclosures of the conflict of interest, already made in accordance with Council policy and the Act.

**42 Reports of Council Representatives and Delegates**

- (1) A Councillor who is—
    - (a) The Chair of an Advisory Committee or a Special Committee established by the Council;
    - (b) Appointed by Council as a member of a community consultative or reference committee; or
    - (c) A delegate, nominee or appointee to an external committee, body, association, group or working party,shall, subject to clause 42(2), present to Council a written account on the most recent
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DIVISION 5 – BUSINESS OF MEETINGS

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deliberations of the committee, body, association, group or working party at the next practicable Council Meeting.

- (2) A written report should be made when—
- (a) Minutes of the most recent deliberations of the committee, body, association, group or working party attended will not be provided separately to the Council; are considered to be inadequate; require additional explanation; or will not be made available to Council within an acceptable period of time; or
  - (b) A policy decision is required by Council in relation to matters arising from the delegate's representation of Council. Operational matters should be referred to the Chief Executive Officer; or
  - (c) In the view of Council's representative matters of specific interest to Council arising from the most recent deliberations of the committee, body, association, group or working party should be brought to Council's attention.

**43 Urgent Business**

- (1) Business can only be admitted as urgent business by resolution of Council, and only then if it—
- (a) Relates to or arises out of a matter which has arisen since distribution of the agenda; and
  - (b) Cannot be deferred until the next Ordinary Meeting without having a
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DIVISION 6 - MOTIONS AND DEBATE

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- negative impact on the Council, the municipality or the local community; and
- (c) Cannot be addressed through the operational service request process.
- (2) A Councillor proposing that a matter be admitted as urgent business must lodge it in writing with the Chief Executive Officer by 4pm on the day of the meeting.
- (3) The Chief Executive Officer will advise the Mayor of any matter that the Chief Executive Officer determines appropriate for Council to consider admitting as urgent business.

**DIVISION 6 - MOTIONS AND DEBATE**

Introduction: This Division describes the procedure for introducing a motion or amendment, the rules of debate, foreshadowing a motion or amendment and the duty of the Chair in relation to accepting motions and amendments. It also describes the process for a Councillor lodging a notice of motion for consideration.

**44 Notice of Motion**

- (1) A notice of motion cannot be accepted by the Chair unless it has been listed on the agenda for the meeting at which it is proposed to be moved.
- (2) Councillors may ensure that an issue is listed on an agenda by lodging a notice of motion.
- (3) A notice of motion must be in writing signed by a Councillor, and be lodged with the Chief Executive Officer at least five business days before the Council Meeting to allow sufficient time to include the notice of motion in the agenda

DIVISION 6 - MOTIONS AND DEBATE

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to be provided to each Councillor in accordance with clauses 22 and 25.

- (4) The Councillor proposing a notice of motion must circulate the draft notice of motion to all Councillors for information either before lodging it with the Chief Executive Officer or at the same time as lodging it with the Chief Executive Officer.
  - (5) Evidence that a draft notice of motion has been circulated to all Councillors either prior to being lodged with the Chief Executive Officer or at the same time as being lodged with the Chief Executive Officer, must be provided to the Chief Executive Officer at the time of lodging the notice of motion.
  - (6) The Chief Executive Officer must reject any notice of motion which—
    - (a) Is too vague;
    - (b) Is identical or substantially similar to a notice of motion or other motion that has been considered by Council in the preceding six months;
    - (c) Is defamatory;
    - (d) May be prejudicial to any person or Council;
    - (e) Is objectionable in language or nature;
    - (f) Is outside the powers of Council; or
    - (g) Has not been demonstrated by a Councillor to have been circulated to all Councillors in accordance with clause 44(4).
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DIVISION 6 - MOTIONS AND DEBATE

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- (7) The Chief Executive Officer may reject any notice of motion that relates to a matter that can be addressed through the operational service request process.
- (8) If rejecting a notice of motion, the Chief Executive Officer must—
  - (a) Give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
  - (b) If the notice of motion cannot be amended to the satisfaction of the Chief Executive Officer, notify, in writing, the Councillor who lodged it of the rejection and the reasons for the rejection.
- (9) The Chief Executive Officer may designate a notice of motion to be confidential in accordance with the Act, in which case the notice of motion will be considered in a session of a Council Meeting that is closed to members of the public.
- (10) If a notice of motion satisfies the requirements of clause 44(3) and has not been rejected under clause 44(6) or (7) (or has been rejected but has been amended to the satisfaction of the Chief Executive Officer under clause 44(8)), the Chief Executive Officer must list the notice of motion (and, if more than one, in the order in which the notices of motion were received) on the next appropriate meeting agenda consistent with the notice of meeting provisions of this Local Law or, if the notice of motion specifies a particular meeting date, on the meeting agenda relevant to that particular meeting.



DIVISION 6 - MOTIONS AND DEBATE

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- (11) The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda unless the notice of motion has been designated confidential under clause 44(9) in which case the agenda will record that the notice of motion number and that it is designated confidential specifying the relevant ground or grounds applying under section 89(2) of the Act.
- (12) The Chief Executive Officer may arrange for comments of members of Council staff to be provided to Councillors prior to the notice of motion being published in the agenda for the relevant Council Meeting.
- (13) The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- (14) Except by leave of Council, notices of motion before any meeting must be considered in the order in which they were entered in the notice of motion register.
- (15) If a Councillor who has lodged a notice of motion is absent from the Council Meeting at which the notice of motion is to be considered, or fails to move the motion when called upon to do so by the Chair, any other Councillor may move the notice of motion.
- (16) A notice of motion listed on a meeting agenda, except where the notice of motion is to confirm a previous resolution of the Council, may be amended.
- (17) If a notice of motion is not moved at the Council Meeting at which it is listed, it lapses.

DIVISION 6 - MOTIONS AND DEBATE

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- (18) If a notice of motion to confirm a previous resolution of the Council cannot be carried in its original form, it is lost.
- (19) The Chair, having lodged a notice of motion in accordance with clauses 44(3) and 44(4), must vacate the Chair of the Council Meeting to move the notice of motion and—
- (a) The Deputy Mayor will assume the Chair; or
  - (b) If the Deputy Mayor is not in attendance or there is no Deputy Mayor, Council must appoint a temporary Chair for the consideration of that item.

**45 Chair's Duty**

A motion must not be accepted by the Chair where it is determined by the Chair to be—

- (a) Defamatory;
- (b) Objectionable in language or nature;
- (c) Vague or unclear in intention;
- (d) Outside the powers of Council; or
- (e) Irrelevant to the item of business on the agenda and has not been admitted as urgent, or purports to be an amendment but is not.

**46 Introducing a Report**

Before a written report is considered by Council and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in brief—

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DIVISION 6 - MOTIONS AND DEBATE

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- (a) Its background; or
- (b) The reasons for any recommendation which appears.

**47 Moving a Motion**

The procedure for moving any motion is—

- (a) The mover must state the motion without speaking to it;
- (b) The motion must be seconded by a Councillor other than the mover.
- (c) If a motion is not seconded, the motion lapses for want of a seconder;
- (d) If a motion is moved and seconded the Chair must ask whether the motion is opposed and whether any Councillor desires to speak to the motion;
- (e) If no Councillor indicates opposition or a desire to speak to the motion, the Chair may declare the motion carried without discussion or voting;
- (f) If a Councillor indicates opposition or a desire to speak to the motion, then the Chair must call on the mover to address the meeting;
- (g) After the mover has addressed the meeting, the seconder may address the meeting or reserve his or her right to address the meeting;
- (h) After the seconder has addressed the meeting, or after the mover has addressed the meeting if the seconder

DIVISION 6 - MOTIONS AND DEBATE

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does not address the meeting, the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;

- (i) After any Councillors, other than the mover and seconder, have spoken to or against the meeting the Chair will invite the mover to close the debate; and
- (j) The Chair will put the motion to the vote.

**48 Right of Reply**

- (1) If there has been any opposition to a motion, the mover of the motion has a right of reply to matters raised during debate on that motion.
- (2) After the right of reply has been taken, but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.
- (3) No right of reply is available where an amendment is before the Council.

**49 Moving an Amendment**

- (1) Subject to clauses 49(2) and 49(3) a motion which has been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant and complementary to the subject of the motion.

DIVISION 6 - MOTIONS AND DEBATE

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- (2) A motion to confirm a previous resolution of Council cannot be amended.
- (3) An amendment must not be the negative of, or substantially contrary to, the motion.
- (4) An amendment to a motion may be proposed or seconded by any Councillor, other than the mover or seconder of the original motion except that any one Councillor cannot move more than two amendments in succession.
- (5) 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.
- (6) 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.
- (7) If the amendment is carried, the motion as amended then becomes the substantive motion before the Council Meeting and can be further amended.
- (8) The mover of the original motion retains the right of reply to the substantive motion.

**50 Foreshadowing Motions**

- (1) At any time during debate a Councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in the Council Meeting, but this does not

DIVISION 6 - MOTIONS AND DEBATE

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extend any special right to the foreshadowed motion.

- (2) A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) The person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- (4) A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a Council Meeting.

**51 Withdrawal of Motions**

- (1) Once a motion or amendment is seconded it cannot be withdrawn, except with the leave of the Chair and the consent of both the mover and seconder.
- (2) If the majority of Councillors object to the withdrawal of the motion, it may not be withdrawn.

**52 Separation or Consolidation of Motions**

- (1) Where a motion contains more than one part, a Councillor may request the Chair to put the motion to the vote in separate parts.
  - (2) The Chair may decide to put any motion to the vote in several parts.
  - (3) The Chair may allow or request Councillors to move "like items" in a block.
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**53 Priority of Address**

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

**54 Motions in Writing**

- (1) The Chair may require that a lengthy, complex, unclear or detailed motion be put in writing.
- (2) The Chair may adjourn the meeting while the motion is being written.
- (3) The Chair may defer the matter in the order of business until the motion has been written.

**55 Repeating the Motion and/or Amendment**

The Chair may request the person taking the minutes of the Council Meeting to read the motion or amendment to the Council Meeting before the vote is taken.

**56 Debate must be Relevant to the Motion**

- (1) Debate must always be relevant to the motion before the Chair, and, if not, the Chair must request the speaker to confine debate to the motion.
- (2) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may direct the speaker to be seated and not speak further in respect of the motion then before the Chair.
- (3) A speaker to whom a direction has been given under clause 56(2) must comply with that direction.

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DIVISION 7 – PROCEDURAL MOTIONS

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**57 Speaking Times**

- (1) A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair—
  - (a) The mover of a motion or an amendment: five minutes;
  - (b) Any other Councillor: three minutes; and
  - (c) The mover of a motion exercising a right of reply: two minutes.
- (2) Only one extension is permitted for each speaker.
- (3) Any extended speaking time must not exceed two minutes.

**58 Right to Ask Questions**

- (1) A Councillor may, when no other Councillor is speaking, ask through the Chair any question concerning or arising out of the motion or amendment before the Chair.
- (2) The Chair has the right to limit questions and direct that debate be commenced or resumed.

**DIVISION 7 – PROCEDURAL MOTIONS**

Introduction: A procedural motion is a motion which deals with conduct of the meeting itself. The procedural motions contained in this Local Law seek to manage the business before the Chair and must be dealt with immediately by the Chair.



**59 Procedural Motions**

- (1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.
- (2) Procedural motions require a seconder.
- (3) Notwithstanding any other provision in this Local Law, procedural motions will be regulated by clauses 59 to 69 inclusive.

**60 Adjournment of Debate to Later Time and/or Date**

A motion to adjourn debate to a later time and/or date is a Procedural Motion and shall be dealt with according to the following procedure—

- (a) It must be moved in the form of the following words  
*“That this matter be adjourned to [insert time] and/or [insert date]”;*
  - (b) The mover may be any Councillor who has not moved or seconded or otherwise spoken to the original motion;
  - (c) The seconder may be any Councillor who has not moved or seconded or otherwise spoken to the original motion or otherwise spoken to the original motion;
  - (d) This motion is prohibited—
    - (i) During the election of a Chair; and
    - (ii) When another Councillor is speaking;
  - (e) Debate is permitted on this motion;
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DIVISION 7 – PROCEDURAL MOTIONS

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- (f) If the motion is carried it will have the effect of postponing the motion and amendment to the stated time and/or date;
- (g) If the motion is lost debate on the original motion and amendment continues unaffected.

## **61 The Closure**

A motion to close debate and put a motion immediately is a Procedural Motion and shall be dealt with according to the following procedure—

- (a) It must be moved in the form of the following words  
*“That the motion be now put”;*
- (b) The mover may be any Councillor who has not moved or seconded or otherwise spoken to the original motion;
- (c) The seconder may be any Councillor who has not moved or seconded or otherwise spoken to the original motion or otherwise spoken to the original motion;
- (d) This motion is prohibited during nominations for Chair;
- (e) Debate is not permitted on this motion;
- (f) If the motion is carried it will have the effect of causing the motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor

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DIVISION 7 – PROCEDURAL MOTIONS

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exercising his or her right to ask any question concerning or arising out of the motion;

- (g) If the motion is lost debate on the original motion and amendment continues unaffected.

## **62 Laying the Question on the Table**

A motion to prevent debate on the matter currently before the Council proceeding until a motion to take the question from the table is passed is a Procedural Motion and shall be dealt with according to the following procedure—

- (a) It must be moved in the form of the following words  
*“That the [insert question, letter, document, report etc.] lay on the table”;*
- (b) The mover may be any Councillor who has not moved or seconded or otherwise spoken to the original motion;
- (c) The seconder may be any Councillor who has not moved or seconded or otherwise spoken to the original motion or otherwise spoken to the original motion;
- (d) Debate is permitted on this motion;
- (e) If the motion is carried it will have 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;

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DIVISION 7 – PROCEDURAL MOTIONS

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- (f) If the motion is carried in respect to an amendment, it will have the effect that both the original motion and the amendment will be adjourned;
- (g) If the motion is lost the matter currently before the Council will continue to be debated and voted upon.

**63 Proceeding to the Next Business**

A motion to proceed to the next business is a Procedural Motion and shall be dealt with according to the following procedure—

- (a) It must be moved in the form of the following words  
*“That the meeting proceed to the next business”*;
- (b) The mover may be any Councillor who has not moved or seconded or otherwise spoken to the original motion;
- (c) The seconder may be any Councillor who has not moved or seconded or otherwise spoken to the original motion or otherwise spoken to the original motion;
- (d) This motion is prohibited during the election of the Chair;
- (e) Debate is not permitted on this motion;
- (f) If the motion is in respect of a procedural motion and is carried it will have the effect of disposing of the procedural motion immediately and permits debate upon the original motion to proceed;

DIVISION 7 – PROCEDURAL MOTIONS

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- (g) If the motion is in respect to an amendment and is carried it will have the effect of disposing 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;
- (h) If the motion is lost debate on the original motion and amendment continues unaffected.

**64 The Previous Question**

A motion to prevent the original motion to which it relates being dealt with at that meeting or any adjournment of it is a Procedural Motion and shall be dealt with according to the following procedure—

- (a) It must be moved in the form of the following words  
*“That the question be not now put”;*
  - (b) The mover may be any Councillor who has not moved or seconded or otherwise spoken to the original motion;
  - (c) The seconder may be any Councillor who has not moved or seconded or otherwise spoken to the original motion;
  - (d) This motion is prohibited while there is an amendment before the Chair or during the election of a Chairperson;
  - (e) The Chair may reject this motion if the matter is contentious by nature or has not been adequately debated. Adequate debate arises when every Councillor who
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DIVISION 7 – PROCEDURAL MOTIONS

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wishes to put a view has had an opportunity to do so;

- (f) Debate is not permitted on this motion;
- (g) If the motion is carried it will have the effect of preventing the original motion to which it relates being dealt with at that meeting or any adjournment of it;
- (h) If the motion is lost it has the effect of requiring that the original or substantive motion to which it relates be put to the vote immediately without any further debate or amendment.

**65 Alter the Order of Business**

A motion to alter the order of business is a Procedural Motion and shall be dealt with according to the following procedure—

- (a) It must be moved in the form of the following words  
*“That the item listed as [insert description of item to be moved] on the agenda be considered before/after the item listed as item [insert description of the item before or after the moved item]”;*
  - (b) The mover may be any Councillor, including the Mayor or Chair;
  - (c) The seconder may be any Councillor, including the Mayor or Chair;
  - (d) This motion is prohibited during any debate;
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DIVISION 7 – PROCEDURAL MOTIONS

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- (e) Debate is not permitted on this motion;
- (f) If the motion is carried it will have the effect of altering the order of business for the meeting to that stated in the motion;
- (g) If the motion is lost the order of business in the agenda continues to apply.

**66 Suspension of Standing Orders**

A motion to suspend standing orders is a Procedural Motion and shall be dealt with according to the following procedure—

- (a) It must be moved in the form of the following words  
*“That Standing Orders be suspended to [insert the reason for suspending Standing Orders]”;*
- (b) The mover may be any Councillor, including the Mayor or Chair;
- (c) The seconder may be any Councillor, including the Mayor or Chair;
- (d) This motion is prohibited during any debate;
- (e) Debate is not permitted on this motion nor is a decision on any other matter permitted. A resolution to resume Standing Orders is the only decision permissible;
- (f) If the motion is carried the rules of the meeting are temporarily suspended for the specific reason given in the motion;

DIVISION 7 – PROCEDURAL MOTIONS

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- (g) If the motion is lost the meeting continues unaffected.

**67 Resumption of Standing Orders**

A motion to resume standing orders is a Procedural Motion and shall be dealt with according to the following procedure—

- (a) It must be moved in the form of the following words  
*“That Standing Orders be resumed”;*
- (b) The mover may be any Councillor, including the Mayor or Chair;
- (c) The seconder may be any Councillor, including the Mayor or Chair;
- (d) This motion is prohibited when Standing Orders have not been suspended;
- (e) Debate is not permitted on this motion;
- (f) If the motion is carried the temporary suspension of the rules of the meeting is removed;
- (g) If the motion is lost the rules of the meeting continue to be suspended.

**68 Consideration of Confidential Matters**

A motion to consider confidential matters is a Procedural Motion and shall be dealt with according to the following procedure—

- (a) It must be moved in the form of the following words



DIVISION 7 – PROCEDURAL MOTIONS

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*“That, in accordance with sections 89(2) and 77(2) of the Local Government Act 1989, the meeting be closed to members of the public for the consideration of item [insert the description of the item that is the subject of this motion] which has been designated confidential on the grounds that it contains or relates to [insert the confidentiality grounds from section 77(2) of the Act]”;*

- (b) The mover may be any Councillor;
- (c) The seconder may be any Councillor;
- (d) Debate is permitted on this motion;
- (e) If the motion is carried the meeting is closed to members of the public;
- (f) If the motion is lost the meeting continues to be open to the public;

**69 Reopen the meeting**

A motion to reopen a meeting to members of the public is a Procedural Motion and shall be dealt with according to the following procedure—

- (a) It must be moved in the form of the following words  
*“That the meeting be reopened to members of the public”;*
- (b) The mover may be any Councillor;
- (c) The seconder may be any Councillor;
- (d) Debate is not permitted on this motion;

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DIVISION 8 – RESCISSION MOTIONS

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- (e) If the motion is carried the meeting is reopened to members of the public;
- (f) If the motion is lost the meeting remains closed to members of the public;

**DIVISION 8 – RESCISSION MOTIONS**

Introduction: This Division describes the circumstances and procedures under which a Council decision can be rescinded or altered. It also prescribes a procedure under which a Council policy can be altered or varied. A notice of rescission is a form of notice of motion. Accordingly, all provisions in this Local Law regulating notices of motion equally apply to notices of rescission.

**70 Notice of Rescission**

- (1) Motions to revoke, rescind or alter a previous resolution can be made in the following ways—
    - (a) By notice of rescission delivered by a Councillor in accordance with clause 70(4)(d); or
    - (b) By recommendation contained in an officer’s report, included in the agenda, that a previous decision be altered or revoked.
  - (2) A motion for rescission is not required where Council wishes to change policy.
  - (3) A policy designated by the Council as a Major Council Policy may only be amended, modified or revoked in accordance with the Major Council Policy Consultation Local Law No. 4 of 2015.
  - (4) A Councillor may propose a notice of rescission provided—
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DIVISION 8 – RESCISSION MOTIONS

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- (a) It has been signed and dated;
  - (b) The resolution proposed to be rescinded has not been acted on;
  - (c) The effect of rescinding the resolution will not place the Council at significant legal, financial or other risk, including non-compliance with statutory obligations; and
  - (d) The notice of rescission is delivered or sent electronically to the Chief Executive Officer setting out—
    - (i) The resolution to be rescinded; and
    - (ii) The meeting and date at which the resolution was made.
- (5) Unless the notice specifies a particular meeting date, 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.
- (6) The Chief Executive Officer must cause every notice of amendment or rescission received to be sequentially numbered and maintained in a register.
- (7) A resolution will be deemed to have been acted on if—
- (a) Its content or substance has been formally communicated in writing by the Chief Executive Officer or a member of Council staff authorised by the Chief

DIVISION 8 – RESCISSION MOTIONS

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- Executive Officer to a person whose interests are materially affected by it, including by the publishing of the unconfirmed minutes of a Council Meeting on the website; or
- (b) A statutory process has been commenced so as to vest enforceable rights in or obligations on Council or any other person.
- (8) The Chief Executive Officer must defer implementing a resolution which—
- (a) Has not been acted on; and
- (b) Is the subject of a notice of rescission which has been delivered or sent to the Chief Executive Officer in accordance with clause 70(4)(d) unless deferring implementation of the resolution would have the effect of—
- (i) Depriving the resolution of its usefulness; or
- (ii) Placing the Council at significant legal, financial or other risk.
- (9) If a motion to rescind or alter a previous resolution is lost, an identical or similar motion may not be put before Council for at least six months from the date it was last lost, unless Council resolves that the notice of rescission be re-listed at a future meeting.
- (10) If a motion for rescission is not moved at the meeting at which it is listed, it lapses.

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DIVISION 9 – POINTS OF ORDER

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- (11) A motion for rescission listed on an agenda may be moved by any Councillor present but may not be amended.

**DIVISION 9 – POINTS OF ORDER**

Introduction: A point of order is taken when a Councillor draws the attention of the Chair to an alleged irregularity in the proceedings. This Division describes valid points of order, the process for raising and ruling on a point of order, and the procedure if there is dissent on the Chair's ruling.

**71 Valid Points of Order**

- (1) A point of order may be raised in relation to anything which—
- (a) Is contrary to this Local Law;
  - (b) Is irrelevant to the matter under consideration;
  - (c) Is outside the powers of Council;
  - (d) Constitutes improper behaviour;
  - (e) Is offensive;
  - (f) Constitutes a tedious repetition of something already said;
  - (g) Is an act of disorder;
  - (h) Is prejudicial to any person or the Council; or
  - (i) Is a matter that should be considered in a session of a meeting closed to public and, in accordance with the Act.
- (2) A mere difference of opinion or contradicting a speaker will not be treated as a point of order.
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**72 Raising a Point of Order**

A Councillor raising a point of order must state the nature of the point of order before resuming his or her seat.

**73 Chair to Decide**

The Chair must decide all points of order by stating the provision, rule, practice or precedent considered applicable without entering into any discussion or comment, other than to confer with the Chief Executive Officer, or a member of Council staff authorised by the Chief Executive Officer for that purpose.

**74 Chair may adjourn to Consider**

- (1) The Chair may adjourn the Council Meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- (2) Before adjourning the Council Meeting, the Chair will indicate the duration of the adjournment and the time at which the Council Meeting will resume.
- (3) All other questions before Council are suspended until the point of order is decided.

**75 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 unless the majority of the Councillors present move a motion of dissent.

**76 Dissent from Chair’s Ruling**

- (1) A Councillor may move that the Council disagree with the Chair’s ruling on a point of order, by moving a motion of dissent.
- (2) The Chair must invite the mover to state the reasons for his or her dissent and the Chair may then reply.
- (3) A motion of dissent on a point of order must contain the rule, provision, practice or precedent in substitution for the Chair’s ruling.
- (4) A motion of dissent in relation to a point of order is not a motion of dissent in the Chair and the Chair must at all times remain in the chair and he or she will maintain his or her right to a casting vote.
- (5) A motion of dissent on a point of order will take precedence over all other business.
- (6) The Chair must put the motion of dissent.
- (7) If the vote is in the negative, the Council Meeting proceeds.
- (8) If the vote is in the affirmative, the Chair must then reverse or vary, as the case may be, his or her previous ruling and proceed.
- (9) The defeat of the Chair’s ruling is in no way a motion of censure or no-confidence in the Chair.

**DIVISION 10 – PUBLIC QUESTION TIME**

Introduction: At each Ordinary Meeting there is an opportunity for members of the public to submit questions to Council. This Division sets out the procedures to be followed to submit a question, the circumstances under which a question may be

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disallowed and the process for addressing and responding to the question at or after the meeting.

**77 Question Time**

- (1) There must be a public question time at every Ordinary Meeting to enable members of the public to submit questions to Council.
- (2) Public question time will not apply during any period when a meeting is closed to members of the public in accordance with section 89(2) of the Act.
- (3) Public question time will not exceed 30 minutes in duration, unless by resolution of Council, in which case public question may be extended for a further period of 15 minutes.
- (4) Public question time may only be extended for a maximum of one 15 minute period.
- (5) Public question time questions must be—
  - (a) Submitted in writing, stating the name and address of the person submitting the question and generally be in a form approved by the Chief Executive Officer; and
  - (b) Lodged at the Council office or submitted electronically at the designated email address prior to 10am on the day of the Ordinary Meeting.
- (6) The Chief Executive Officer will cause a question submitted in a language other than English to be translated to English.
- (7) A question that cannot be translated prior to the commencement of the next Ordinary Meeting will



DIVISION 10 – PUBLIC QUESTION TIME

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be translated prior to the Ordinary Meeting scheduled after it and the submitter will be notified.

- (8) A question submitted prior to the meeting in accordance with clause 77(5) and related to a Council report on the agenda will be heard and responded to prior to the consideration of that Council report.
- (9) Questions related to a Council report on the agenda will be invited from the gallery and heard and responded to prior to the consideration of that Council report.
- (10) Notwithstanding clause 77(5), any question from a member of the gallery may be considered at the discretion of the Chair.
- (11) No person may submit more than two questions at any one meeting.
- (12) If a person has submitted two questions to a meeting, the second question—
  - (a) May, at the discretion of the Chair, be deferred until all other persons who have asked a question have had their questions asked and answered; or
  - (b) May not be asked if the time allotted for public question time has expired.
- (13) The Chair or the Chief Executive Officer or a member of Council staff nominated by the Chief Executive Officer must read to those present at the Ordinary Meeting a question which has been submitted in writing prior to the meeting in accordance with clause 77(5).

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DIVISION 10 – PUBLIC QUESTION TIME

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- (14) Notwithstanding clause 77(13), the Chair may determine that a question not be read, if the person who submitted the question is not present in the gallery at the time when the question is due to be read, and that the question be put on notice and a written response be provided to the submitter within five business days.
- (15) A question may be disallowed by the Chair if the Chair determines that it—
- (a) Relates to a matter outside the duties, functions and powers of Council;
  - (b) Relates to personnel matters;
  - (c) Relates to industrial matters;
  - (d) Relates to contractual matters;
  - (e) Relates to proposed developments;
  - (f) Relates to legal advice;
  - (g) Relates to the personal hardship of any resident or ratepayer;
  - (h) Is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - (i) May lead to a breach of Council's obligation to comply with information privacy principles or any other Act;
  - (j) Is aimed at embarrassing a Councillor or a member of Council staff;
  - (k) Deals with a subject matter already answered;
  - (l) Relates to matters affecting the security of Council property;

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DIVISION 10 – PUBLIC QUESTION TIME

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- (m) Is a matter that may be deemed to be confidential in accordance with the Act; or
  - (n) Relates to any other matter which Council considers would prejudice Council or any person.
- (16) Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.
  - (17) All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.
  - (18) Like questions may be grouped together and a single answer provided.
  - (19) The Chair may nominate a Councillor, the Chief Executive Officer or another member of Council staff to respond to a question.
  - (20) The Chair or the Chief Executive Officer may require a question to be put on notice. If a question is put on notice, a written response will be sent within five business days to the person who asked the question and the question and the corresponding answer will be published in the minutes of the next Ordinary Meeting of Council.
  - (21) The Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Chief Executive Officer, as the case may be, must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

## **DIVISION 11 – PETITIONS**

Introduction: Petitioning is a long-established process for members of the community to make a request or present their views on a matter directly to Council. In order to ensure that a petition is valid for presentation to Council, the procedures set out in this Division must be followed.

### **78 Petitions**

- (1) Every petition submitted to Council must—
  - (a) Be in legible and permanent writing;
  - (b) Not be defamatory or objectionable in language or nature;
  - (c) Not relate to matters outside the powers of Council;
  - (d) Include the whole request of the petitioners or signatories on each page; and
  - (e) Contain the names, addresses and handwritten original signatures of at least 12 people.
- (2) A petition received by a Councillor must be lodged with the Chief Executive Officer at least five business days before the Council Meeting to allow sufficient time to include the petition in the agenda to be provided to each Councillor in accordance with clause 22.
- (3) The Chief Executive Officer must arrange for a petition to be submitted to the next practicable Ordinary Meeting following receipt.
- (4) Only the petition text, the number of signatories and a brief introduction providing some context

DIVISION 11 – PETITIONS

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for the petition will be included in the agenda for the Council Meeting.

- (5) If a petition is addressed to an individual Councillor, and listed in the agenda, that Councillor may read the petition out at the Council Meeting without speaking to it. Other petitions will be read by the Chief Executive Officer or other member of Council staff nominated by the Chief Executive Officer.
- (6) Any Councillor presenting a petition 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 is not defamatory or objectionable in language or nature.
- (7) Unless clause 78(8) applies, the only motions that may be considered on any petition are—
  - (a) That the petition be received;
  - (b) That the petition be referred to the Chief Executive Officer for consideration and response; or
  - (c) That the petition be referred to the Chief Executive Officer for report to a future Council Meeting.
- (8) If a petition relates to an item already on the agenda of the meeting at which the petition is submitted, the matter may be dealt with in conjunction with that agenda item.
- (9) If a petition relates to an operational matter, Council must refer it to the Chief Executive Officer for consideration.

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DIVISION 12 – SUBMISSIONS AND PRESENTATIONS

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- (10) If a petition relates to a ‘planning matter’ which is the subject of a public notification process under the *Planning and Environment Act 1987* the petition will be treated as a joint submission in relation to the ‘planning matter’.
- (11) If a petition relates to a ‘statutory matter’ which is the subject of a public submissions process under section 223 of the Act the petition will be treated as a joint submission in relation to the ‘statutory matter’.
- (12) Nothing in this clause prevents—
  - (a) The Chief Executive Officer determining that an electronic or online petition will be submitted to a Council Meeting; or
  - (b) Council resolving to consider a petition as urgent business under clause 43.

## **79 Signing Petitions**

A person may not inscribe upon a petition a name or signature purporting to be the name or signature of another person.

## **DIVISION 12 – SUBMISSIONS AND PRESENTATIONS**

Introduction: There are a number of statutory powers conferred on Council which require a public submissions process under section 223 of the Act - these include adoption of key Council documents such as the Council Plan, sale of land, closure of roads and making of local laws. The public submissions process requires Council to give public notice of the proposal and to consider, and hear if requested, submissions received before making a final decision on the matter.

DIVISION 13 – VOTING

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Apart from this public submissions process, members of the public do not have a right to address Council or committees established by Council and may only do so by prior arrangement. This Division describes a process under which arrangements may be made for members of the public to address Council or a committee established by Council.

**80 Public Submissions and Presentations**

- (1) Members of the public do not have a right to address a Council Meeting and may only do so with the consent of the Chair or by prior arrangement.
- (2) A member or members of the public or an organisation wishing to address Council may make a written request to the Chief Executive Officer.
- (3) The Chief Executive Officer, in consultation with the Mayor, may arrange for a member or members of the public or representatives of an organisation to address Council, a Special Committee or an Advisory Committee or to meet with Councillors and/or members of Council staff.
- (4) Council, a Special Committee or an Advisory Committee, including a committee established to hear and/or consider submissions received under section 223 of the Act or under the *Planning and Environment Act 1987*, may regulate its own procedure for hearing from members of the public.

**DIVISION 13 – VOTING**

Introduction: At the conclusion of debate on a matter before the meeting, the Chair must put the question, motion or amendment

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DIVISION 13 – VOTING

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to the vote. Each Councillor is entitled to one vote and voting must be by show of hands. The vote is determined by a majority of the Councillors present at the meeting at the time the vote is taken voting in favour of the motion. If a vote is tied, the Chair generally has a casting vote. It is intended in this Local Law that a casting vote is used as a deliberate vote for the Mayor to make a decision in the best interest of the community.

This Division also describes the procedure when a Councillor calls for a division on a vote.

**81 Determining a Motion**

- (1) Voting on any matter is by show of hands.
- (2) A Councillor must be seated at the meeting table to cast a vote.
- (3) To determine a motion before a meeting, the Chair must first call for those in favour of the motion, and then those opposed to the motion, and must then declare the result to the meeting.
- (4) Voting must take place in silence.

**82 Recount**

The Chair may direct that a vote be recounted to be satisfied of the result.

**83 Casting Vote**

In the event that the number of votes in favour of the matter is equal to the number of votes against the matter, the Chair must exercise the casting vote in accordance with the Act.



**84 Procedure for a Division**

- (1) Immediately after any motion is put to a Council Meeting and before the next item of business has commenced, a Councillor may call for a division.
- (2) When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.
- (3) When a division is called for, the Chair must—
  - (a) 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 Chair must then state, and the Chief Executive Officer or person taking the minutes of the Council Meeting must record, the names of those Councillors voting in the affirmative;
  - (b) 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 Chair must then state, and the person taking the minutes of the Council Meeting must record, the names of those Councillors voting in the negative;
  - (c) Next ask each Councillor abstaining from voting to raise a hand and, upon such request being made, each Councillor abstaining from voting must raise one of

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DIVISION 14 – MINUTES

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his or her hands. The Chair must then state, and the person taking the minutes of the Council Meeting must record, the names of those Councillors abstaining from voting; and

- (d) Finally declare the result of the division.

**85 No Discussion Once Declared**

Once a vote on a motion has been taken, no further discussion relating to the motion is allowed unless the discussion involves a Councillor—

- (a) Requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes of the Council Meeting; or
- (b) Calling for a division in accordance with Clause 84; or
- (c) Foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

**DIVISION 14 – MINUTES**

Introduction: The Chief Executive Officer is required to arrange for minutes of a Council Meeting to be kept in accordance with section 93 of the Act. The minutes must contain details of the proceedings and resolutions made, be clearly expressed, be self-explanatory and incorporate relevant reports or a summary of the relevant reports considered in the decision making process. The minutes of a Council Meeting must be submitted to the next appropriate Council Meeting for confirmation.

**86 Keeping of Minutes**

A member of Council staff authorised by the Chief Executive Officer to attend the Council Meeting and to take the minutes of such meeting, must keep minutes of the Council Meeting, and those minutes must record—

- (a) The date, place, time and nature of the Council Meeting;
- (b) The names of the Councillors present and the names of any Councillors on leave of absence or who apologised in advance for their non-attendance;
- (c) The titles of the members of Council staff present who are not part of the gallery;
- (d) Any disclosure of a conflict of interest made by a Councillor;
- (e) Arrivals and departures, including temporary departures, of Councillors during the course of the Council Meeting;
- (f) Each motion and amendment moved including motions and amendments that lapse for the want of a seconder;
- (g) The vote cast by or abstention from voting of each Councillor upon a division;
- (h) The vote cast by or abstention from voting of any Councillor who has requested that his or her opposition to a resolution be recorded in the minutes;
- (i) Questions read and responses provided as part of public question time;
- (j) The failure of a quorum;

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DIVISION 14 – MINUTES

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- (k) Any adjournment of the Council Meeting and the reasons for that adjournment;
- (l) The time at which standing orders were suspended and resumed; and
- (m) The time the Council Meeting was opened and closed, including any part of the Council Meeting that was closed to members of the public.

**87 Availability of Minutes**

The minutes of a Council Meeting, will be made available as the unconfirmed minutes—

- (a) To Councillors within five business days of the meeting date of that meeting; and
- (b) To members of the public, by publishing on the website within five business days of the meeting date of that meeting, except for minutes recording matters that have been designated confidential.

**88 Confirmation of Minutes**

At every Council Meeting the minutes of the preceding Council Meeting or Council Meetings must be dealt with as follows—

- (a) A copy of the minutes must be delivered or sent electronically to each Councillor no later than 48 hours before the next Council Meeting;
- (b) No debate or discussion is permitted on the confirmation of minutes except as to their accuracy as a record of the

DIVISION 15 – CONDUCT AND BEHAVIOUR

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- proceedings of the Council Meeting to which they relate;
- (c) If no Councillor indicates opposition, the Chair must ask for a motion for the minutes to be declared to be confirmed;
  - (d) If a Councillor indicates opposition to the minutes, the Councillor must specify the particular item or items in the minutes concerned and, after asking any questions to clarify the matter, can only move a motion to rectify the alleged error, or errors, in the minutes;
  - (e) Once the minutes are confirmed in their original or amended form the minutes must, if practicable, be signed by the Chair of the meeting at which they have been confirmed; and
  - (f) The minutes must be entered in the minute book and each item in the minute book must be entered consecutively.

**DIVISION 15 – CONDUCT AND BEHAVIOUR**

Introduction: This Division describes the expected conduct and behaviour of members of the public or visitors at a Council Meeting or Special Committee meeting, the related powers of the Chair and offences against this Local Law.

Conduct and behaviour, such as directly addressing Councillors, interjecting or other unruly behaviour, are inappropriate. Members of the public or visitors at a Council Meeting or Special Committee meeting must ensure that their conduct or behaviour does not interfere with the business of Council.

**89 Addressing the Council Meeting**

- (1) If the Chair so determines any person addressing the Chair must refer to the Chair as—
  - (a) Madam Mayor; or
  - (b) Mr Mayor; or
  - (c) Madam Chair; or
  - (d) Mr Chair; or
  - (e) Mayor; or
  - (f) Chair,as the case may be;
- (2) All Councillors, other than the Mayor, must be addressed as '*Councillor (Family name)*'
- (3) All members of Council staff must be addressed as '*Mr or Ms (Family name)*' as appropriate or by their official title.
- (4) Except for the Chair, any Councillor or person who addresses a Council Meeting must direct all remarks through the Chair unless granted an exemption by the Chair.
- (5) Members of the public may only address Council in accordance with clauses 77 and 80;
- (6) Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.

**90 Conduct at Meetings**

- (1) The conduct of Councillors at Council Meetings is governed by the Act, this Local Law and the Councillor Code of Conduct.
- (2) By the reference to the Councillor Code of Conduct in clause 90(1), Part 2 “Conduct”, and Part 4 “Conduct Management” of the Councillor Code of Conduct approved by Council in accordance with section 76C of the Act, as the document exists from time to time, is incorporated into and must be read as part of this Local Law.
- (3) Members of the public present at a Council Meeting must not interject during the Council Meeting.
- (4) Members of the public present at a Council Meeting must not take part in any debate during the Council Meeting.
- (5) Silence must be preserved in the gallery at all times during a Council meeting.

**91 Recording of Meetings**

- (1) A member of Council staff or a Council contractor may operate a recording device—
    - (a) For the purpose of preparing draft minutes of the Council Meeting, in which case the recording will be destroyed as soon as its original purpose is served; or
    - (b) For the purpose of providing access to the meeting to members of the public who are unable to attend the meeting, in which case the recording will be published and
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retained by Council in accordance with Council's legal obligations.

- (2) Recording devices other than those operated in accordance with clause 91(1)(a) must not be used during any period when a meeting is closed to members of the public in accordance with section 89(2) of the Act.
- (3) If the meeting is being recorded in accordance with clause 91(1)(a) the Chair will read the following statement—

*“This public meeting is being recorded for the purpose of preparing draft minutes of the meeting. The recording will be destroyed as soon as its original purpose is served. As a visitor in the public gallery, your presence may be recorded.”*
- (4) If the meeting is being recorded in accordance with clause 91(1)(b) the Chair will read the following statement—

*“This public meeting is being recorded to improve access to the meeting for our community. The recording will be published and will be retained by Council in accordance with Council's legal obligations. As a visitor in the public gallery, your presence may be recorded.”*
- (5) Where other parties are recording a Council Meeting that is open to members of the public the following provisions apply—
  - (a) There will be no adjustments to lighting, seating or any other modifications to facilitate recording, in the room where the Council Meeting is being held;



- (b) Recording devices must not be used in a manner which disrupts the meeting by causing anyone present not to be able to see and hear the proceedings of the meeting.

**92 Chair May Remove**

- (1) The Chair may order and cause the removal of any person, not being a Councillor, who disrupts any meeting or fails to comply with a direction.
- (2) A person removed from a meeting must leave the premises or move to a public area of the premises where they can no longer disrupt the meeting.

**93 Removal from Chamber**

The Chair may ask the Chief Executive Officer or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Local Law and whom the Chair has ordered to be removed from the meeting under clause 92.

**94 Chair may Adjourn Disorderly Meeting**

If the Chair is of the opinion that disorder at a Council Meeting makes it desirable to adjourn the Council Meeting, the Chair may adjourn the Council Meeting to a later time on the same day or to some later day as the Chair thinks proper. In that event, the provisions of clauses 33 and 34 apply.

**95 Offences**

- (1) It is an offence for a person to use the common seal or any device resembling the common seal without the authority of Council.

**Penalty: 10 penalty units**

- (2) It is an offence for a person to inscribe upon a petition a name or signature purporting to be the name or signature of another person.

**Penalty: 5 penalty units**

- (3) It is an offence for a Councillor to not withdraw an expression considered by the Chair to be offensive or disorderly, and apologise when called on twice by the Chair to do so.

**Penalty: 5 penalty units**

- (4) It is an offence for any person, not being a Councillor, who is guilty of any improper or disorderly conduct, to not leave the Chamber when requested by the Chair to do so.

**Penalty: 5 penalty units**

- (5) It is an offence for any person to fail to comply with a direction of the Chair in relation to the conduct of the meeting and the maintenance of order.

**Penalty: 5 penalty units**

- (6) It is an offence for any person to obstruct the entrance to the Council Chamber or the premises in which a Council meeting is being held.

**Penalty: 5 penalty units**

**96 Penalties**

The penalties set out in clause 95 represent the maximum amount which a Court can order a person to pay upon a prosecution being brought against a person in the Magistrates Court.

**97 Infringements**

- (1) An authorised officer may, as an alternative to prosecution, issue an infringement notice in accordance with the *Infringements Act 2006* and associated regulations to any person who has committed an offence against this Local Law.
- (2) The fixed penalty in respect of an infringement notice served on a person is two penalty units.
- (3) Any infringement notice issued to a person under this Local Law may be served on or given to the person by—
  - (a) Delivering the notice to the person;
  - (b) Leaving the notice at his or her usual or last known place of residence or business with a person apparently over the age of 16 years and apparently residing or employed at that place; or
  - (c) Sending the notice by registered post addressed to the person at his or her last known place of residence or business.
- (4) The relevant authorised officer may withdraw the infringement notice within 28 days after its date by sending a notice to the person on whom the infringement notice was served.

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DIVISION 16 – SUSPENSION OF STANDING ORDERS

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- (5) If the person pays the penalty before the infringement notice is withdrawn, the person is entitled to a refund of the penalty.
- (6) If the person pays the penalty within the time specified in the notice or, if the relevant authorised officer allows, before a summons is served on the person in respect of the infringement, the following provisions apply—
  - (a) Further proceedings for an offence are not to be taken against the person; and
  - (b) There is to be no conviction recorded against the person for the infringement.
- (7) A penalty paid under this clause must be applied as if the person who paid it was convicted of the infringement in a Magistrates' Court on the information of a person authorised by Council to bring proceedings on its behalf.
- (8) If a person served with an infringement notice has not paid the penalty within the time specified in the notice or any extension of that time or if an infringement notice is not withdrawn proceedings may still be taken or continued to prosecute the alleged.
- (9) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (10) A person issued with an infringement notice is entitled defend any prosecution in court.

**DIVISION 16 – SUSPENSION OF STANDING ORDERS**

Introduction: Standing Orders are the rules made to govern the procedure at Council Meetings and Special Committee

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DIVISION 16 – SUSPENSION OF STANDING ORDERS

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meetings contained in this Local Law. The Standing Orders cover a range of matters including the order of business, rules of debate, procedural motions and election procedures. Standing Orders can be suspended to facilitate the business of a meeting but should not be used purely to dispense with the processes and protocol of the government of Council.

**98 Suspension of Standing Orders**

- (1) To facilitate the business of a Council Meeting, Council may, by resolution, suspend standing orders.
- (2) The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- (3) The suspension of standing orders should not be used purely to dispense with the processes and protocols of the government of Council.
- (4) No motion to suspend standing orders can be accepted by the Chair during a second continuance of a meeting beyond 10pm agreed in accordance with clause 35.
- (5) No motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders, except a motion to resume Standing Orders.
- (6) Once the discussion has taken place and before any motions can be put, the resumption of the Standing Orders will be necessary.

## **DIVISION 17 – MISCELLANEOUS**

Introduction: This Division provides for policies, guidelines and procedures to support the operation of this Local Law.

### **99 Procedure Not Provided in Local Law**

In all cases not specifically provided for by this Local Law, Council may determine the procedure to apply by resolution.

### **100 Policies and Guidelines**

Council may adopt any policies or guidelines from time to time for the purpose of exercising any discretions conferred by this Local Law.

## **PART 5 - SPECIAL AND ADVISORY COMMITTEES**

Introduction: Council may establish Special Committees and Advisory Committees as part of its governance framework. Special Committees can comprise Councillors, members of Council staff and others. As Council may delegate specific powers, duties and functions to Special Committees, their meeting procedures need to be formal. Meeting procedures for most Advisory Committees however are typically less formal. This Part describes how the Local Law applies to meetings and proceedings of Special Committees and Advisory Committees.

### **101 Application to Special Committees**

- (1) If Council establishes a Special Committee composed solely of Councillors, all of the provisions of Divisions 1-17 (inclusive) apply to meetings of the Special Committee.
  - (2) For the purposes of clause 101(1), a reference in Divisions 1-17m, inclusive, to—
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PART 5 - SPECIAL AND ADVISORY COMMITTEES

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- (a) A Council Meeting is to be read as a reference to a meeting of the Special Committee;
  - (b) A Councillor is to be read as a reference to a member of the Special Committee; and
  - (c) The Mayor is to be read as a reference to the Chair of the Special Committee.
- (3) Notwithstanding clauses 101(1) and 101(2), if Council establishes a Special Committee not composed solely of Councillors—
- (a) Council may; or
  - (b) The Special Committee may, with the approval of Council,  
  
resolve that any provision or any provisions of Divisions 1-17 (inclusive) is, or are, not to apply, whereupon that provision, or those provisions, will not apply until Council resolves, or the Special Committee with the approval of Council, resolves otherwise.
- (4) The Chair of a Special Committee not composed solely of Councillors must provide reasonable notice to the public of meetings of the Special Committee by placing such notice on Council's website.

**102 Application to Advisory Committees**

- (1) If Council establishes an advisory committee—
  - (a) Council may resolve that any provision or any provisions of Divisions 1-17 (inclusive) is, or are, to apply; or

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PART 5 - SPECIAL AND ADVISORY COMMITTEES

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- (b) The advisory committee may, with the approval of Council, resolve that any provision or any provisions of Divisions 1-17 (inclusive) is, or are, to apply

whereupon that provision, or those provisions, will apply until Council resolves, or the advisory committee with the approval of Council resolves, otherwise.

- (2) For the purposes of clause 102(1), a reference in Divisions 1-17 (inclusive) to—
- (a) A Council Meeting is to be read as a reference to a meeting of the Advisory Committee;
- (b) A Councillor is to be read as a reference to a member of the Advisory Committee; and
- (c) The Mayor is to be read as a reference to the Chair of the Advisory Committee.

**103 Election of Chairs of Special Committees**

Any election for—

- (a) A Chair of a Special Committee in accordance with section 87(3) of the Act; or
- (b) A temporary Chair of a Special Committee in accordance with section 87(4) of the Act

will be regulated by clauses 8-10 (inclusive) of this Local Law as if the reference to the Mayor is a reference to the Chair of the Special



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PART 6 - COUNCIL'S NAME AND NOMENCLATURE

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Committee or temporary Chair as the case may be.

**104 Adoption of Recommendation**

If a recommendation of an Advisory Committee or a Special Committee is adopted by Council, what has been recommended becomes a resolution of Council.

**PART 6 - COUNCIL'S NAME AND NOMENCLATURE**

Introduction: This part provides guidelines for the appropriate use of Council's name being 'Wangaratta Rural City Council' and nomenclature being 'Rural City of Wangaratta'.

**105 Council's Name**

- (1) Council's legal name as provided for under section 5A of the Act is the Wangaratta Rural City Council.
  - (2) The term 'Wangaratta Rural City Council' must be used for all official transactions involving the Council as a body corporate, including but not limited to—
    - (a) Contractual agreements;
    - (b) Common seal;
    - (c) Land titles;
    - (d) Local laws;
    - (e) Infringement notices;
    - (f) Statutory certificates;
    - (g) Advertising statutory notices;
    - (h) Council minutes;
    - (i) Rate notices;
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PART 6 - COUNCIL'S NAME AND NOMENCLATURE

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- (j) Permits;
- (k) Bank accounts;
- (l) Invoices;
- (m) Letterhead for any legal proceedings;
- (n) Payment summaries;
- (o) Statement of accounts; and
- (p) Electoral matters.

**106 Council's Nomenclature**

- (1) Council's nomenclature designates Council as the "Rural City of Wangaratta".
- (2) The nomenclature term 'Rural City of Wangaratta' can be applied by Council in local usage, including but not limited to —
  - (a) Locality and direction signs around the municipality;
  - (b) Signs on municipal plant and equipment;
  - (c) General publicity;
  - (d) Media releases;
  - (e) Advertising in general;
  - (f) Business cards;
  - (g) Envelopes;
  - (h) Animal registration tags;
  - (i) Purchase orders;
  - (j) Employee pay advices;
  - (k) General publications such as the annual report; and

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PART 6 - COUNCIL'S NAME AND NOMENCLATURE

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(l) Cheques.

**107 Use by Others**

Council's name and/or nomenclature must only be used, attached or associated with a body, organisation, group, use or activity that is owned and/or effectively controlled by Council.

CERTIFICATION

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**CERTIFICATION**

The Common Seal of Wangaratta Rural City Council was affixed to this Local Law by the Chair of the Panel of Administrators, Ms Ailsa Fox, and the Chief Executive Officer, Mr Brendan McGrath.

The Local Law was gazetted on [insert date gazetted in the format Dddd dd Mmmm yyyy], and became operational on [insert the date this Local Law becomes operational in the format Dddd dd Mmmm yyyy].

The Common Seal of )  
WANGARATTA RURAL CITY )  
COUNCIL was hereunto )  
affixed in the presence of: )

.....Administrator

.....Chief Executive Officer

SCHEDULE 1 – COUNCILLOR CODE OF CONDUCT DECLARATION

**SCHEDULE 1 – COUNCILLOR CODE OF CONDUCT  
DECLARATION**

**WANGARATTA RURAL CITY COUNCIL**

**Councillor Code of Conduct Declaration**

I, [insert full name of person elected as Councillor], have read the [insert full title of the current Wangaratta Rural City Council Councillor Code of Conduct] and declare that I will abide by the [insert full title of the current Wangaratta Rural City Council Councillor Code of Conduct].

..... [Signature of Councillor]

Declared before me at Wangaratta on [insert date in the form d  
Mmmm yyyy]

..... [Signature of Chief Executive Officer]

[Insert name of Chief Executive Officer]

**CHIEF EXECUTIVE OFFICER**

**SCHEDULE 2 – OATH OF OFFICE**

**WANGARATTA RURAL CITY COUNCIL**

**Oath of Office**

I, [insert full name of person elected as Councillor], will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of the Wangaratta Rural City Council and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment.

..... [Signature of Councillor]

Taken and declared before me at Wangaratta on [insert date in the form d Mmmm yyyy]

..... [Signature of Chief Executive Officer]

[Insert name of Chief Executive Officer]

**CHIEF EXECUTIVE OFFICER**

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