

Maribyrnong City Council Meeting Procedure 2017

Incorporated by reference in the Maribyrnong City Council Governance Local Law 2011

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Part 1 - Introduction

Purpose

The purpose of this Meeting Procedure is to prescribe the way Council and Special Committee meetings are conducted to ensure orderly and efficient meetings and, as a document incorporated in the Council's Governance Local Law 2011, to support the Council in achieving the objectives in that Local Law.

1. Definitions

1.1. In this Meeting Procedure –

- 1.1.1. **Act** means the *Local Government Act 1989 (the Act)*.
- 1.1.2. **Agenda** means a document containing the date, time, and place venue of a meeting and a list of business items to be transacted at the meeting.
- 1.1.3. **Business day** means a day which is not a Saturday, Sunday or a gazetted public holiday.
- 1.1.4. **Advisory Committee** means any committee established by the Council which is not a Special Committee under Section 86 of *the Act*.
- 1.1.5. **Authorised Officer** means an authorised officer appointed pursuant to Section 224 of *the Act*.
- 1.1.6. **Chair** means the person chairing a meeting of Council or of a Special Committee and includes an acting, temporary or substitute Chair.
- 1.1.7. **Chief Executive Officer** means the appointed by Council under Section 94(1) of *the Act* or any person acting in that position.
- 1.1.8. **Council** means the Maribyrnong City Council.
- 1.1.9. **Council Meeting** includes a Statutory Meeting at which the Mayor is elected, an Ordinary Meeting or a Special Meeting of the Council.
- 1.1.10. **Delegate** means a Councillor or member of Council staff who, by virtue of a resolution, is Council's delegate, nominee or appointee to an external body, association, group or working party.
- 1.1.11. **Deputy Mayor** means the Councillor elected to the position of Deputy Mayor.
- 1.1.12. **Division** means a formal count of those for and those against a motion, generally conducted to remove any doubt as to whether the motion is supported or opposed.
- 1.1.13. **Infringement Notice** means a notice served on any person, whether issued on the spot, delivered by hand or post, who has committed an offence against the Local Law.
- 1.1.14. **Joint letter** means any document which is in the form of a letter and bears the signature of two or more people.
- 1.1.15. **Local paper** means a newspaper generally circulating in the Council's municipal district.

- 1.1.16. **Mayor** means the Councillor elected to the role of Mayor, and any person acting as Mayor.
- 1.1.17. **Member** refers to Councillors in the case of Council or all members appointed to Special Committees by Council under Section 86 of *the Act*.
- 1.1.18. **Minister** means the Minister for Local Government.
- 1.1.19. **Notice of Motion** means a notice setting out the text of a motion which a Councillor proposes to move at an Ordinary Council Meeting.
- 1.1.20. **Officer** means an employee of the Council.
- 1.1.21. **Ordinary Meeting of Council** means any meeting of the Council which is not a Special Meeting.
- 1.1.22. **Penalty unit** means a penalty units as prescribed in the *Sentencing Act 1991*.
- 1.1.23. **Petition** means a document signed by a group of people requesting the Council take some action within its powers in relation to a particular issue, and contains the names, addresses and is signed personally by the petitioners and contains the petition text on each page of the document and which is presented at an Ordinary Council Meeting.
- 1.1.24. **Petition text** means the description of the matter provided by the signatories to a petition (and included on each page of the petition) that articulates the request or issue that is the subject of the petition.
- 1.1.25. **Procedural Motion** means a formal motion which relates to the process of running a meeting.
- 1.1.26. **Public Notice** means a notice published in a newspaper generally circulating in the municipal district of the Council, in addition to the notice being published on Council's Website.
- 1.1.27. **Quorum** means the minimum number of members of the Council or Special Committee required by *the Act* to be present in order to constitute a valid meeting of the Council or a Special Committee of the Council.
- 1.1.28. **Special Committee** means a special committee established by Council under Section 86(1) of *the Act*.
- 1.1.29. **Special Committee Meeting** means a meeting of a special committee established by Council under Section 86(1) of *the Act*.
- 1.1.30. **Special Meeting of Council** means a Special meeting of Council convened and held in accordance with Section 84, 84A or 85 of *the Act*.
- 1.1.31. **Suspension of standing orders** means the suspension of the provision in this document to facilitate any presentation or full discussion on an issue without formal constraints.
- 1.1.32. **Urgent Business** means business of an urgent nature which has arisen since the distribution of the agenda, or which cannot be reasonably listed in the agenda of the next meeting.

Part 2 – Notice of Meetings and Delivery of Agenda

2. Fixing Meeting Dates

- 2.1. Council must fix the date, time and place of all Ordinary Meetings and Special Committee Meetings in accordance with the Act.
- 2.2. Council may change the date, time and place of any Ordinary Council Meeting, Special Council Meeting or Special Committee or Advisory Committee Meeting which have been fixed and must provide reasonable notice of the change to the public in accordance with the Act by resolution, unless exceptional circumstances apply.

3. Special Meetings of Council

- 3.1. In accordance with section 84 of *the Act*:
 - 3.1.1. The Mayor or three Councillors may by a written notice call a Special Meeting.
 - 3.1.2. The notice must:
 - 3.1.2.1. specify the date, time and location of the Special Meeting and the business to be transacted; and
 - 3.1.2.2. be delivered or sent electronically to the Chief Executive Officer in sufficient time to enable reasonable notice of the Special Meeting to be given to all Councillors.
- 3.2. Council by resolution may call a Special Meeting and the resolution must specify the date and time of the special meeting and the business to be transacted.
- 3.3. The Chief Executive Officer must convene the Special Meeting as specified in the notice or resolution.
- 3.4. Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice is to be transacted.
- 3.5. Subject to any resolution providing otherwise, the order of business of any Special Meeting must be the order in which such business stands in the agenda for the meeting.

4. Notice of Meeting

- 4.1. A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered or sent electronically to every Councillor for all Ordinary Council Meetings, Special Council Meetings and Special Committee Meetings at least 48 hours before the meeting.
- 4.2. A period less than 48 hours notice may in exceptional circumstances exist (subject to the approval of the Chief Executive Officer).

- 4.3. A notice of meeting 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 give notice of any meeting during the period of leave of absence.
- 4.4. Notice of no less than seven (7) days in accordance with the Act of each Council Meeting or Special Committee Meeting must be provided to the public. Council may do this by preparing an annual schedule of meetings and arranging publication of that schedule in a local paper and/or at various times throughout the year or prior to each meeting and by publishing the schedule (or notice) on the Council's website.
- 4.5. Copies of the agenda and any related material for Council Meetings, and Special Committee meetings must be made available to members of the public on Council's website not less than 48 hours prior to the meeting unless the exceptional circumstances referred to in 4.2 make it impractical to do so.

Part 3 – Conduct of Meetings

5. Time Limits for Meetings

- 5.1. Unless the Council or Special Committee Meeting otherwise resolves:
 - 5.1.1. The Council or Special Committee Meeting must conclude by 10.30pm unless a majority of Councillors present vote in favour of its continuance; and
 - 5.1.2. Council or the Special Committee must vote for an extension of the Council or Special Committee Meeting in 30 minute blocks.

6. Quorum

- 6.1. The quorum for Council or Special Committee Meetings is the presence of a majority of the members of the Council or Special Committee.
- 6.2. Inability to obtain a Quorum:

If, after 30 minutes from the scheduled starting time of any Council Meeting or Special Committee Meeting, a quorum cannot be obtained

 - 6.2.1. the meeting will be deemed to have lapsed;
 - 6.2.2. the Mayor or Chair must convene another Council Meeting or Special Committee Meeting, the Agenda for which will be identical to the Agenda for the lapsed meeting; and
 - 6.2.3. the Chief Executive Officer must give all Councillors notice of the meeting convened by the Mayor.

- 6.3. If a quorum cannot be achieved or maintained due to the disclosure of Conflicts of Interest by one or more Councillors or members of a Special Committee, the Chair must:
 - 6.3.1. defer the item of business in respect of which there is or is likely to be a disclosure of a Conflict of Interest by one or more Councillors or members of a Special Committee, and direct the Chief Executive Officer to include that item of business on an Agenda for a future meeting of Council or the Special Committee; or
 - 6.3.2. adjourn the meeting for a length of time sufficient to enable the Chief Executive Officer to seek exemption from the Minister administering *the Act* under section 80 of *the Act*.

7. Mayor to take Precedence as Chair

- 7.1. If the Mayor is absent from a Council meeting, the Deputy Mayor must take the Chair.
- 7.2. If the Mayor and Deputy Mayor are absent from a Council meeting, the Council must elect one of the Councillors as temporary Chair.
- 7.3. If the Chair of a Special Committee is absent, the Mayor may take the Chair or determine that the meeting must elect one of the members as temporary Chair.

8. Chair's Ruling

- 8.1. Where this Meeting Procedure does not provide a procedure for a Meeting, the Chair must decide the procedure to be followed.
- 8.2. When the Chair makes a ruling on a procedural motion during a Meeting, any motion dissenting from the Chair's ruling must be moved immediately.
- 8.3. The Chair is not required to stand down during the debate and voting on a dissent motion.
- 8.4. The Chair is bound by the result of the motion of dissent. If the vote is in the affirmative, the Chair must reverse or vary the previous ruling.
- 8.5. The defeat of the Chair's ruling is not a vote of no-confidence in the Chair.

9. Suspension of Standing Orders

- 9.1. To facilitate presentations or full discussion on an issue, Council may suspend standing orders by resolution of the Council or Special Committee.
- 9.2. Any provision of this Meeting Procedure except that relating to a quorum may by resolution be suspended for any part of a Meeting.
- 9.3. No motion, except one which proposes the resumption of standing orders, may be accepted by the Chair during such suspension.
- 9.4. Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary and must be done by resolution of the Council or Special Committee.

10. Conduct at Meetings

- 10.1. Councillors will have regard to the Councillor Code of Conduct in their participation in any meeting of the Council and must not make any defamatory, indecent, abusive, offensive or disorderly statement or comment.
- 10.2. If a statement or comment is made by a Councillor contrary to 10.1, the Chair may require the Councillor to withdraw it and the Councillor concerned must immediately and unreservedly do so.
- 10.3. Members of the public only have a right to address Council during public question time or with the consent of Council or Special Committee at any other time.
- 10.4. Orderly and legal civil protest may take place provided it does not affect the conduct of the business of the meeting.
- 10.5. Any member of the public addressing Council or a Special Committee must extend 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.
- 10.6. Members of the public present at a Council or Special Committee meeting must not interject during the proceedings of the meeting
- 10.7. The Chair may order and cause the removal of any person, including a Councillor who disrupts any meeting or otherwise affects the business of the meeting, or fails to comply with a direction, by firstly counselling the parties to take a brief absence from the meeting.
- 10.8. The Chair may adjourn a disorderly Meeting partly to allow for a cooling off period of up to 30 minutes, or may adjourn the entire meeting to another time, date and location.
- 10.9. Should disorder escalate, the Chair may ask any Authorised Officer, police officer to remove any person from a room in which a meeting of Council or Special Committee is being held, if the Chair determines that the person is behaving in an improper or disorderly manner and so interrupting the orderly and lawful process of the meeting.
- 10.10. The Chair may order and cause the removal of any object or material that is deemed by the Chair as being hazardous or defamatory or which is interfering with the conduct of the meeting.
- 10.11. Councillors and staff will exercise due caution and implement Occupational Health and Safety procedures to leave the Chamber if required.

Part 4 - Business of Meetings

11. Order of Business at Meetings

11.1. Unless Council resolves otherwise at a meeting, the order of business at an Ordinary Council Meeting will be:

- 11.1.1. Welcome
- 11.1.2. Apologies
- 11.1.3. Leave of Absence
- 11.1.4. Conflicts of Interest
- 11.1.5. Public Question Time
- 11.1.6. Confirmation of Minutes of the Previous Meeting
- 11.1.7. Reports from Committees
- 11.1.8. Petitions
- 11.1.9. Officer Reports
- 11.1.10. Notice Of Motion
- 11.1.11. Urgent Business
- 11.1.12. Confidential Business
- 11.1.13. Meeting Closure.

11.2. Unless Council or a Special Committee comprising solely of Councillors resolves otherwise at a meeting, the order of business at a Special Committee Meeting will be:

- 11.2.1. Welcome
- 11.2.2. Apologies
- 11.2.3. Conflicts of Interest
- 11.2.4. Public Question Time
- 11.2.5. Confirmation of Minutes of the Previous Meeting
- 11.2.6. Officer Reports
- 11.2.7. Urgent Business
- 11.2.8. Confidential Business
- 11.2.9. Meeting Closure.

11.3. Unless Council or a Special Committee resolves otherwise at a meeting, the order of business at a Special Committee Meeting (not comprising solely of Councillors) will be:

- 11.3.1. Welcome
- 11.3.2. Apologies
- 11.3.3. Conflicts of Interest
- 11.3.4. Officer Reports
- 11.3.5. Confidential Business
- 11.3.6. Special Meeting Closure.

12. Leave of Absence and Apologies

12.1. Any Councillor intending or likely to be absent for reasons of ill health or other circumstance from a Council or Special Committee Meeting must submit:

- 12.1.1. for leave of absence from the Council by advising the Chief Executive Officer, or
- 12.1.2. an apology by advising the Mayor or the Chair of the Special Committee Meeting that they will be absent from.

12.2. Any Councillor intending or likely to be absent for reasons of ill health or other circumstance from more than four consecutive Ordinary Meetings must submit for leave of absence from the Council by advising the Chief Executive Officer.

12.3. The Chief Executive Officer must submit the request for leave of absence to the next available Ordinary Council Meeting and the Council must not unreasonably refuse to grant the request for leave of absence.

13. Confirmation of the Minutes of a Meeting

13.1. No discussion is permitted on the minutes except as to their accuracy as a record of the proceedings of the meeting to which they relate.

13.2. If no Councillor indicates opposition, the Chair must ask for a resolution for the minutes to be confirmed.

13.3. If any Councillor indicates opposition, he or she must specify the particular item or items in the minutes concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the minutes.

13.4. Once the minutes are confirmed they must be signed by the Chair and are considered to be the official record of proceedings of the meeting.

14. Petitions and Joint Letters

14.1. An original petition or joint letter must be lodged no less than 7 days before the Council Meeting at which it is to be tabled.

- 14.2. A petition or joint letter must:
 - 14.2.1. Be in legible and permanent writing
 - 14.2.2. Not be defamatory or contain indecent, abusive or objectionable language
 - 14.2.3. Not relate to matters beyond the powers of Council
 - 14.2.4. Include the whole of the petition text at the top of each page (petitions only)
 - 14.2.5. Contain the names, addresses and handwritten, original signatures
- 14.3. The petition or joint letter will be distributed with the agenda papers, however all personal information will be redacted and not released publicly for the purposes of Council receiving the petition.
- 14.4. When tabling a petition, a Councillor may read the petition text but may not speak to the petition.
- 14.5. The tabling of petitions is considered procedural and do not warrant deliberations at the time of tabling, as they are referred to the Chief Executive Officer to consider and determine the most appropriate response.
- 14.6. The only motions that may be moved when tabling a petition or joint letter are:
 - 14.6.1. That the petition or joint letter be received
 - 14.6.2. That the petition or joint letter be referred to the Chief Executive Officer for consideration and response.
 - 14.6.3. That the petition be referred to the Chief Executive Officer for consideration and a report to a future meeting.
- 14.7. When a petition or joint letter relates to an item already on the agenda at the meeting at which the petition is tabled, the matter may be dealt with at that meeting.
- 14.8. Petitions or joint letters submitted electronically must comply with sub-clauses as stated above (this functions as the 'signature' of a petitioner).
- 14.9. Online petitions will not be received at a Meeting-
- 14.10. Under the Planning and Environment Act 1987 (s.57) any person who may be affected by the grant of a planning permit, has the right to make submission (or objection). As such any Petition or Joint Letter relating to a planning application will be treated in accordance with the Planning and Environment Act, and need not be tabled at a meeting.

15. Urgent Business

- 15.1. An item proposed as urgent business must not be submitted to the meeting other than by resolution of the Council and only if it relates to or arises out of a

matter which has arisen since distribution of the Agenda or which cannot be reasonably deferred for inclusion in the agenda of the next meeting.

- 15.2. The nature of the urgency must be stated by the Councillor and outlined in the minutes of the meeting.

16. Business Recorded in Minutes

- 16.1. The Chief Executive Officer (or person authorised by the Chief Executive Officer) must record the minutes of each meeting and those minutes will include:
 - 16.1.1. The date, time, venue and type of meeting.
 - 16.1.2. The acknowledgement of country made by the Chair.
 - 16.1.3. The names of the Councillors and whether they are present, an apology or on leave of absence.
 - 16.1.4. The names of senior Council Officers in attendance and the person authorised by the Chief Executive Officer to record the minutes.
 - 16.1.5. Details (type and nature) of any disclosure of interest made by a Councillor and the time the Councillor left and returned to the meeting.
 - 16.1.6. Details of any items raised during public question time including the name, the questioner's suburb, question/s asked and a brief summary of responses.
 - 16.1.7. Names of Councillors that arrive after the commencement of the meeting and any Councillors that leave/return during proceedings, and time of leaving/returning.
 - 16.1.8. The title of any report considered and a summary of the relevant reports considered in the decision making process.
 - 16.1.9. The mover and seconder of each motion or amendment.
 - 16.1.10. Each motion whether carried (resolution) or lost.
 - 16.1.11. Where a division is called for the names of every Councillor and the way their vote was cast (including abstaining).
 - 16.1.12. The time of any adjournment of the meeting or suspension of standing orders and resumption of the meeting or standing orders.
 - 16.1.13. Details of failure to achieve or maintain a quorum.
 - 16.1.14. Details of any urgent business items accepted for consideration
 - 16.1.15. Where applicable, the reason(s) for Council/Special Committee moving into closed session including the relevant parts of *the Act* and the time the meeting was closed to the public.

- 16.1.16. Where applicable, the time the meeting reopened to the public.
 - 16.1.17. The time the meeting concluded.
 - 16.1.18. Any other matter that the Chief Executive Officer determines should be recorded to clarify the intention of the meeting or reading of the minutes.
- 16.2. The minutes of a Council meeting or Special Committee meeting must be submitted to the next meeting of Council or the Special Committee for confirmation.
- 16.3. The Chair must sign the minutes to certify that they have been confirmed.

Part 5 – Motions and Debate

17. Notices of Motion

- 17.1. A Councillor must notify the Chief Executive Officer or the relevant Director of a proposed notice of motion.
- 17.2. A notice of motion must be in writing and lodged with the Chief Executive Officer no later than 5pm six business days before the meeting at which it is intended to be considered, unless public holidays fall within that six day period.
- 17.3. The Councillor proposing the notice of motion must circulate the draft notice of motion to Councillors.
- 17.4. The full text of any notice of motion submitted by a Councillor must be included in the Agenda.
- 17.5. If requested by the Chief Executive Officer, officer comment will be provided to Councillors prior to a Notice of Motion being published in the Agenda for the relevant Council Meeting.
- 17.6. The Chief Executive Officer must ensure that all notices of motion are numbered, signed by the Councillor proposing the notice of motion, are dated and entered in the notice of motion register in the order in which they were received.
- 17.7. Except by leave of Council, each notice of motion before any meeting must be considered in the order in which it was received by the Chief Executive Officer.
- 17.8. If a Councillor who has given a notice of motion is absent from the meeting or fails to move the motion when called upon by the Chair the motion lapses.
- 17.9. If a notice of motion is not moved at the meeting at which it is listed, it lapses.
- 17.10. If a notice of motion is moved but not seconded, it lapses.

- 17.11. Except where the notice of motion is to confirm a previous resolution of Council, the notice of motion may be amended by the Councillor who has submitted it by seeking leave of Council prior to it being seconded.
- 17.12. Once a notice of motion has been moved and seconded, the mover cannot amend it.
- 17.13. Notwithstanding clause 17.12 another Councillor may move an amendment to the notice of motion.
- 17.14. Once a notice of motion, whether or not amended, has been voted on or lapsed it cannot be resubmitted in materially the same form until a period of three months has elapsed after the date of the meeting at which it was last considered.

18. Rejection of Notice of Motion

- 18.1. The Chief Executive Officer may reject a notice of motion if he or she is of the opinion that it is:
 - 18.1.1. Defamatory
 - 18.1.2. Objectionable in language or nature
 - 18.1.3. Vague or unclear in intention; or
 - 18.1.4. Outside the powers of Council.
- 18.2. If the Chief Executive Officer rejects a Notice of Motion under 18.1, he or she will inform the Councillor who lodged it of the reasons for rejection and provide 24 hours to lodge a revised Notice of Motion.

19. Form of Motions

- 19.1. A motion or amendment to a motion, which is proposed by a Councillor at a Meeting, must be:
 - 19.1.1. Clearly expressed and unambiguous;
 - 19.1.2. Not be defamatory or objectionable in nature;
 - 19.1.3. Related to the powers or functions of Council; and
 - 19.1.4. Relevant to an item on the agenda (unless it relates to an item which has been agreed by the Meeting to be treated as urgent business).
- 19.2. Any motion or amendment which does not comply with clause 19.1 may be rejected by the Chair.
- 19.3. Any motion or amendment, which differs in wording from a recommendation or notice of motion, which is on the agenda, must, if requested by the Chair, be written out by the proposer and provided to the minute taker to ensure the accuracy of the motion in the minutes.

20. Procedure for Motions and Procedure for Amendments

- 20.1. A Councillor who is proposing a motion or amendment may first state briefly the nature of the motion or amendment and then move it without speaking to it.
- 20.2. The Chair must then call for the motion or amendment to be seconded and after it is seconded (by any Councillor other than the mover), the mover may then speak to it, or may with the consent of the Chair, defer speaking on it until later in the debate (reserving the right of reply).
- 20.3. Any motion or amendment which is not seconded lapses.
- 20.4. A Councillor may only speak once on the motion and once on any amendment of a motion.
- 20.5. The mover of a motion has the right of reply (in accordance with 20.1) with respect to the debate on any motion immediately before the vote is taken, but that right of reply is lost if an amendment to the motion is carried. When a right of reply is exercised, the Chair must accept no further debate and put the motion to a vote.
- 20.6. The seconder of a motion has no right of reply.
- 20.7. The mover of an amendment has no right of reply.
- 20.8. Any Councillor, may move or second any amendment or any further amendment.
- 20.9. When any amendment is put to the vote and is declared carried by the Chair it thereupon becomes the substantive motion and can be further amended.
- 20.10. Only one amendment can be before the meeting at a time and until it is put to the vote no further amendment can be proposed, but with the leave of the Chair another amendment or a new motion can be foreshadowed by any Councillor stating in brief terms the nature of it.
- 20.11. A Councillor may request at any time before a vote is taken on a motion or amendment, which is in two or more parts, that each part be put to the vote separately. The Chair may agree with or refuse such a request.
- 20.12. A Councillor calling a point of order or foreshadowing a new motion or further amendment or making a request is not deemed to be speaking on the motion or amendment before the Meeting.
- 20.13. Once a motion or amendment is seconded it cannot be withdrawn or amended, except with the leave of the Chair.
- 20.14. If the mover or seconder of a motion or of an amendment indicates that he or she wishes to withdraw from moving or seconding the motion or amendment, the Chair may seek another mover or seconder (as the case requires), but if no Councillor indicates a willingness to be the substitute mover or seconder, the motion lapses.
- 20.15. The Chair must not move or second a motion but may speak to a motion when all Councillors who wish to speak to it have done so, and just before closure of

debate by the mover of the motion in exercising the right of reply (in accordance with 20.2).

- 20.16. If the Chair wishes to move, or second a motion then the Mayor or Deputy Mayor must take the Chair or, if there is no Mayor or Deputy Mayor the meeting must elect a temporary Chair where upon the Chair must vacate the Chair and not return to it until the motion has been resolved upon.
- 20.17. Despite any other provisions of this procedure, before putting a motion or amendment to the vote, the Chair may have the text of the motion or amendment read to the Meeting.

21. Rescission Motions

- 21.1. Motions to revoke, rescind or alter a previous resolution can be made in the following ways:
 - 21.1.1. by notice of motion; or
 - 21.1.2. by recommendation contained in an officer's report included in the Agenda.
- 21.2. Any motion that proposes the revocation, rescinding or alteration of a previous resolution of the Council must be included on the Agenda for the meeting at which it is to be considered and cannot be proposed as an item of urgent business.
- 21.3. A resolution of the Council can only be revoked or rescinded if it has not been acted upon.
- 21.4. A resolution will be deemed to have been acted upon if:
 - 21.4.1. its contents have or substance has been formally communicated to a person whose interests are materially affected by it; or
 - 21.4.2. a statutory process has been commenced so as to vest enforceable rights in or obligations on Council or any other person.

22. Procedural (Formal) Motions

- 22.1. A procedural motion must be dealt with immediately by the Chair.
- 22.2. Procedural motions are not required to be seconded.
- 22.3. The mover of a formal motion must not have moved or spoken to the motion before the meeting or any amendment of it.
- 22.4. Notwithstanding any other provision in this Meeting Procedure, procedural motions must be dealt with in accordance with the following table:
 - 22.4.1. 'Closure of Debate' - A motion "that the motion be now put" is a procedural motion intended to close debate which -

- i) if carried in respect to a motion, that motion must be put to the vote immediately without any further debate, discussion or amendment and the mover does not have a right of reply.
- ii) if carried in respect to an amendment, that amendment must be put to the vote immediately without any further debate or discussion and debate on the substantive motion may continue unaffected; and
- iii) if lost, debate may continue unaffected.

The Chairperson has discretion to reject such a formal motion if he or she believes that the motion on which it is proposed has not been sufficiently debated.

22.4.2. 'Adjourning the Debate' – A motion "that the debate be adjourned until _____ OR indefinitely" is a procedural motion -

- i) which may not be moved while any person is speaking or during the election of a Chairperson; and
- ii) on which debate is permitted but, which may only be amended in relation to the time, date and place of the proposed adjournment.
- iii) The mover does not have a right of reply.

22.5. The Chairperson must deal with a procedural motion immediately.

22.6. Procedural motions are not required to be seconded.

22.7. The Chairperson may not move a procedural motion.

23. Points of Order

23.1. The Chair is the final arbiter of all points of order.

23.2. A Councillor may raise a point of order by stating briefly the matter which is the subject of the point of order and if it is related to this Meeting Procedure by stating the subject clause or clauses.

23.3. When a point of order is raised, the Councillor speaking at the time must stop and be seated (unless asked by the Chair for an explanation), until the Chair rules upon it.

23.4. A point of order may be raised on the grounds that the matter is:

23.4.1. Contrary to the Local Law or this Meeting Procedure;

23.4.2. Defamatory;

23.4.3. Irrelevant;

23.4.4. Outside the Council's or Committee's power; or

23.4.5. Improper.

- 23.5. The Chair must, when ruling upon a point of order, state the grounds on which the ruling is based.
- 23.6. The Chair may adjourn the Meeting to consider a point of order which has been taken and must rule upon it as soon as possible and before the business of the Meeting proceeds.

24. Time Limits for Debate

- 24.1. A Councillor must not speak on any one motion or amendment or other matter before a Meeting for a time longer than that stated below unless granted an extension by the Chair:
 - 24.1.1. The mover of a motion or an amendment - 5 minutes
 - 24.1.2. Any other Councillor - 3 minutes
 - 24.1.3. The mover of a motion exercising a right of reply - 2 minutes.
- 24.2. The Chair will be responsible for ensuring that the timelines are adhered to.

25. Mode of Address

- 25.1. A Councillor or any other person who addresses a meeting must do so in a courteous manner, using the titles Mayor, Chair or Councillor as appropriate.
- 25.2. Except for the Chair, any Councillor who addresses the meeting at an Council meeting or Special Committee meeting must stand unless they are excused by the Chair and direct all remarks through the Chair.

26. Rules of Debate

- 26.1. The Chair must decide the order in which Councillors may speak at a meeting.
- 26.2. If a debate is adjourned by motion, then the Councillor who moved the adjournment has the right to speak first when the debate is resumed.
- 26.3. A Councillor must not be interrupted except by the Chair or upon a point of order being raised.
- 26.4. No resolution may be further discussed after it is dealt with, unless the Chair allows it.

Part 6 - Voting

27. Voting Procedures

- 27.1. Members of the Council or Committee must vote by a show of hands.
- 27.2. In accordance with Section 90(1)(d) of the Act, a motion is determined in the affirmative by a majority of the Councillors or members of the Special Committee present at a meeting at the time the vote is taken voting in favour.
- 27.3. Subject to Section 90 of the Act, if there is an equality of votes, the Chair has a casting vote with the exception of the election of the Mayor and Deputy Mayor and Chairs or members of Special Committees, where there is no provision for casting votes.
- 27.4. The Chair does not have a casting vote when there is an equality of votes due to a Councillor, or Councillors, abstaining from voting.
- 27.5. A Councillor who has declared a conflict of interest and has left the meeting prior to consideration and voting on a matter is taken not to be present at the meeting for the purpose of determining whether the motion on that matter passes.

28. Divisions

- 28.1. At any Meeting a division may be called by a Councillor immediately after the Chair has put any motion or amendment to the vote and has announced the result of that vote.
- 28.2. The calling of a division sets aside the result of the vote taken and announced by the Chair.
- 28.3. When a division has been called, the Chair must:
 - 28.3.1. Ask Councillors voting in the affirmative to hold up their hands, and announce the names of those Councillors; and
 - 28.3.2. Ask for those voting in the negative to hold up their hands, and announce the names of those Councillors.
- 28.4. The names of Councillors voting in the affirmative and in the negative and those that abstain, must be recorded in the minutes of the Meeting.
- 28.5. No Councillor is prevented from changing their original vote on the division at the meeting, and the voting by division will determine whether the motion or amendment is carried or is lost.
- 28.6. The Chair must announce the result of the vote immediately after the division is taken.

29. Recording of a Vote

- 29.1. At any Meeting a Councillor may ask that his or her vote be recorded in the minutes, immediately after the Chair has put any motion or amendment to the vote and has announced the result of that vote.

Part 7 - Community Participation

30. Public Question Time

- 30.1. Public Question Time will take place at Ordinary Meetings of the Council and Special Committees.
- 30.2. Any question submitted during this part of a meeting may be disallowed if the Chair determines that it:
 - 30.2.1. Relates to a matter outside the duties, functions and powers of Council;
 - 30.2.2. Is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - 30.2.3. Deals with a subject matter already answered;
 - 30.2.4. Is aimed at embarrassing a Councillor or a member of Council staff;
 - 30.2.5. Relates to personnel matters;
 - 30.2.6. Relates to the personal hardship of any resident or ratepayer;
 - 30.2.7. Relates to industrial matters;
 - 30.2.8. Relates to contractual matters;
 - 30.2.9. Relates to proposed developments
 - 30.2.10. Relates to an item on that meeting's agenda;
 - 30.2.11. Relates to legal advice;
 - 30.2.12. Relates to matters affecting the security of Council property; or
 - 30.2.13. Relates to any other matter which Council considers would prejudice Council or any person.
- 30.3. The Chair may allow up to 15 minutes for public question time and may extend public question time if required or close question time and begin the Council meeting if there are no further questions.
- 30.4. No resolution is required to extend Public Question Time.
- 30.5. Question time will take place during the Meeting as provided for in the Agenda.

- 30.6. The Chair may permit up to three questions from a person.
- 30.7. Persons submitting questions must be present in the public gallery and must identify themselves by stating their name and address.
- 30.8. A person asking questions should submit the questions in writing to an officer in attendance prior to the commencement of the meeting.
- 30.9. The Chair in consultation with the CEO must decide who will answer each question.

31. Community Participation

- 31.1. Members of the public will be afforded the opportunity to present their views on items listed on an agenda for consideration at Special Committee meetings. A maximum of three minutes per speaker will be allocated prior to the Committee's consideration of items. Where more than 10 requests to present to Special Committees are received, a spokesperson will be appointed by the group, and allocated a maximum of five minutes.
- 31.2. Where it is requested at least 24 hours in advance of a meeting, interpreting or other communication support will be provided to enable any member of the public to participate in Council or Special Committee Meetings.
- 31.3. In addition to public question time and the opportunity to address Special Committee Meetings, Council will provide opportunities for public participation in processes that inform and assist the Council's decision making processes by establishing forums or committees where:
 - 31.3.1. The interaction enables open discussion between members of the community and Councillors; and
 - 31.3.2. Assists better understanding of issues between the Council and the community.
- 31.4. The ability for questions or representations to be made to these meetings is not a substitute for appeal and review systems, informal business procedures, formal public question time, formal Council decisions and other legal processes required for the proper transaction of business by the Council.

32. Recording of Meetings

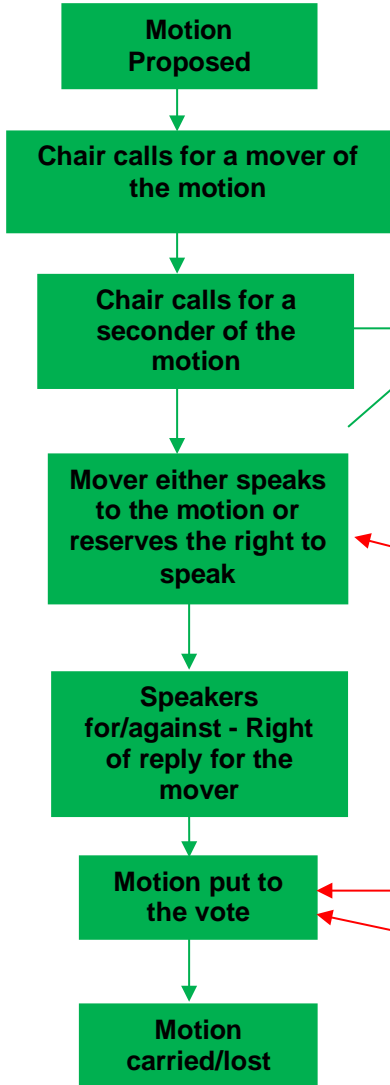
- 32.1. Council or Special Committee meetings may not be recorded by any electronic means, whether by use of a tape recorder, video camera, mobile phone, dictaphone or otherwise as determined by a resolution of Council.
- 32.2. This clause does not apply to any member of Council staff operating any recording device for the purpose of:
 - 32.2.1. Preparing draft minutes of the meeting or,
 - 32.2.2. Online transmission of meetings to the community.
- 32.3. This clause does not apply to any security camera installed by Council in any place in which a Council or Special Committee Meeting is held.

- 32.4. The procedures and operation of the recording of Council Meetings will be in accordance with a policy as resolved by Council.
- 32.5. In exceptional circumstances, consideration will be given to a request submitted to the Chief Executive Officer prior to the commencement of the meeting, to photograph or record via electronic means, the proceedings of a Council meeting. Where consent is granted, it may be revoked at any time during the meeting. The Chair will advise the meeting of any consent that has been granted.

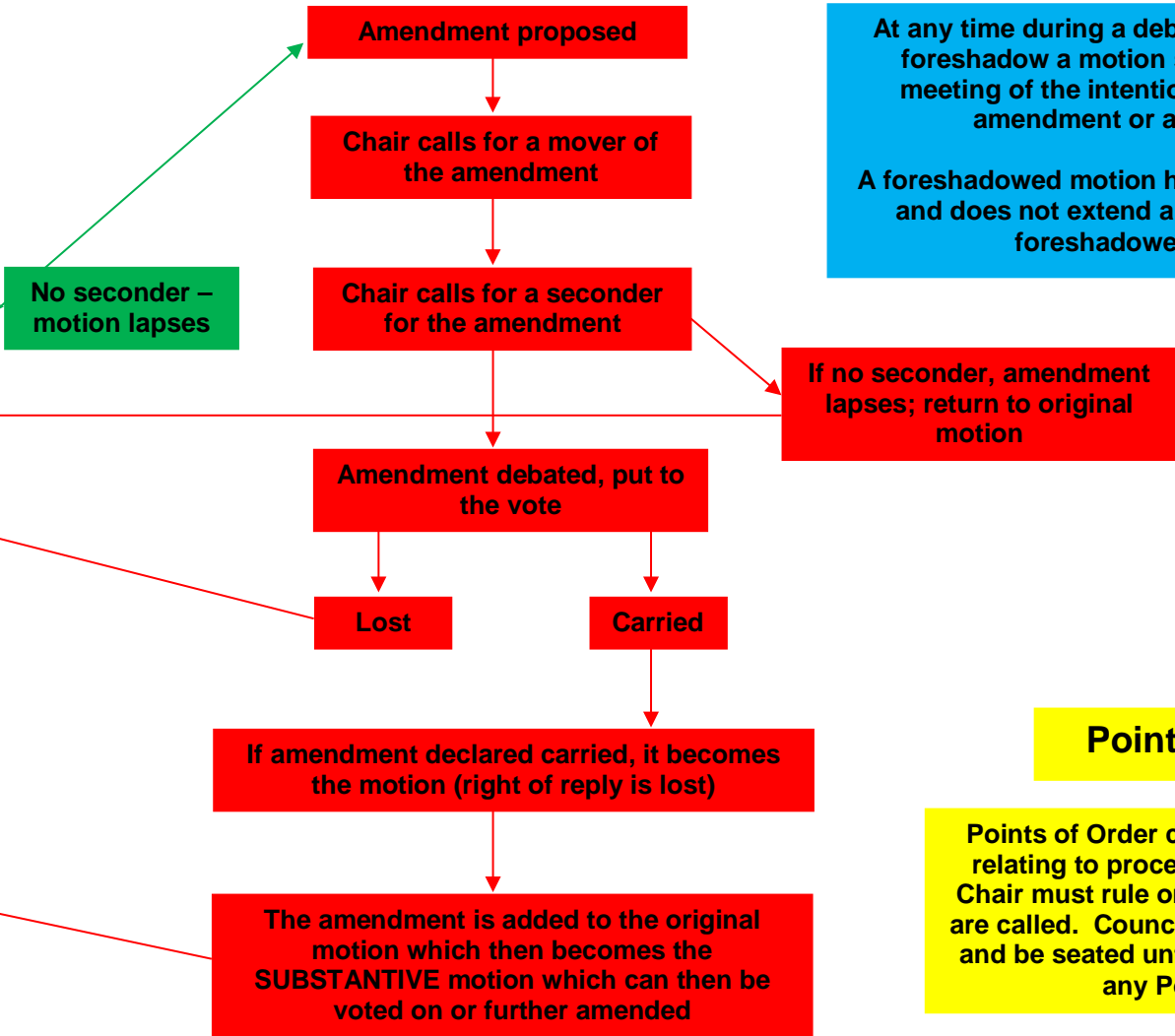
Appendix

Meeting Motions Flowchart

Original Motion



Amendment



No seconder – motion lapses

Foreshadowed Motions

At any time during a debate a Councillor may foreshadow a motion so as to inform the meeting of the intention to move another amendment or a new motion.

A foreshadowed motion has no formal standing and does not extend a special right to the foreshadowed motion.

Points of Order

Points of Order can be called at any time relating to procedure, disorder etc. The Chair must rule on Points of Order as they are called. Councillors speaking must stop and be seated until the Chair has ruled on any Point of Order.