

CITY OF GREATER BENDIGO

PROCESS OF MUNICIPAL GOVERNMENT LOCAL LAW
LOCAL LAW NO.8

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CITY OF GREATER BENDIGO PROCESS OF MUNICIPAL GOVERNMENT
LOCAL LAW

LOCAL LAW NO.8

1. Title

This is the City of Greater Bendigo Local Law No. 8- "Process of Municipal Government".

2. Objectives of this Local Law

The objectives of this Local Law are:

- (a) To regulate the use of the common seal of the municipality and to regulate the proceeding for election of Mayor and Deputy Mayor.
- (b) To regulate and control proceedings at meetings of the Council and Special Committees of the Council.
- (c) To promote and encourage good governance.

3. Power to make this Local Law

The Council's authority to make this Local Law is contained in Section 111 of the Local Government Act 1989.

4. Operational Date of this Local Law.

The Local Law on 1 January, 2010.

5. Revocation of Local Law

On the commencement of this Local Law, Local Law Process of Municipal Government Local Law No. 8 January 2000 is revoked.

6. Date this Local Law Ceases Operation

The Local Law ceases operation on 31 December, 2019 unless otherwise revoked.

7. Scope of this Local Law

This Local Law will apply to all meetings of the Council.

8. Words used in this Local Law

- "Act"** means the Local Government Act 1989;
- "Assembly of Councillors"** as detailed by the Local Government Act.
- "Chairperson"** means the Chairperson of a meeting and includes an acting, a temporary and a substitute Chairperson;
- "Chief Executive Officer"** means the Chief Executive Officer of Council, and includes a person acting as Chief Executive Officer;
- "common seal"** means the common seal of Council;
- "Council"** means the Greater Bendigo City Council;
- "Council Meeting"** includes a meeting at which the Mayor is elected, an Ordinary meeting and a Special meeting of Council;
- "Formal Motion"** means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure
- "Mayor-Elect"** means a Councillor elected to be the next Mayor as part of an informal process and who is expected to be elected as Mayor at a formal meeting of the Council;
- "Mayor"** means the Mayor of Council and any person acting as Mayor;
- "minute book"** means the collective record of proceedings of Council;
- "notice of motion"** means a notice setting out the text of a motion, which is proposed to be moved at the next relevant meeting;
- "notice of motion rescission"**
means a notice of motion to rescind a resolution made by Council;
- "offence"** means an act or default contrary to this Local Law;
- "Ordinary meeting"** means an Ordinary meeting of Council;

"penalty units"	means penalty units as prescribed in the Sentencing Act 1992;
"Special meeting"	means a Special meeting of Council.
"written"	includes photocopied, printed and typed.
"penalty unit"	one penalty unit is currently - \$117 as at November 2009. It increases annually in accordance with the Consumer Price Index.

PART TWO

THE COUNCIL'S COMMON SEAL

9. Use of the common Seal

- (1) The Council's common seal must only be used on the authority of the Council and every document to which the seal is affixed must be signed by the Chief Executive Officer or his/her delegate.
- (2) The CEO must ensure the security of the Council's common seal at all times.
- (3) Any person who uses the Council's common seal without authority is guilty of an offence.

PART THREE

ELECTION OF MAYOR

10. When Required

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

- (1) as soon as possible after the declaration of the result of the election;
- (2) where the position of Mayor becomes extraordinarily vacant as soon as practicable after the vacancy has occurred.

11. Setting Meeting Time for Election of Mayor

The CEO will determine the most appropriate time and date for the election of Mayor, subject to the provisions of the Local Government Act 1989.

12. Election of Mayor Following Extraordinary Vacancy

A Mayor elected following an extraordinary vacancy will serve out the term of the previous Mayor.

13. CEO to Preside

The CEO will preside at the election of the Mayor.

14. Method of Voting for Mayor-Elect and Mayor

- (1) Voting is by an informal process involving a secret ballot at a Councillors Forum (Assembly of Councillors) to determine the Mayor-Elect. The CEO or a member of Council staff will act as a Returning Officer and Councillors not standing for election may act as scrutineers. If all Councillors stand for election, Councillors will nominate their own scrutineers.
- (2) All Councillors present are required to vote.
- (3) If a candidate receives an absolute majority of total number of votes he or she is declared Mayor-Elect.
- (4) If a candidate fails to receive an absolute majority of votes, there are further rounds of voting and each time the candidate with the least amount of votes is eliminated.
- (5) If at any stage there are an equal number of votes, Councillors vote to eliminate a candidate. If there is an even number of votes Councillors will pause for further discussion and vote again. If there is still an even amount of votes a candidate will have to be eliminated by lot.
- (6) If there is an even number of Councillors present and at the end of the process there is still an equal number of votes Councillors will pause for further discussion and vote again, if there is still an equal number of votes for the two (2) remaining candidates the Mayor-Elect will have to be drawn by lot.
- (7) At the ordinary meeting of Council the Mayor-Elect is nominated for the position of the Mayor and the Mayor is elected by a show of hands at the Council meeting (by convention it is expected that the Mayor-Elect will be elected to be the Mayor).
- (8) If there is more than one nomination at the Council meeting, the election of the Mayor will follow the same process as for the Mayor-Elect.

15. Election of Deputy Mayor

- (1) If the Council resolves to elect a Deputy Mayor the provisions contained in this part for the election of the Mayor will apply to the election of Deputy Mayor.
- (2) If the Council do not elect a Deputy Mayor the last serving Mayor will act as Chairperson if the Mayor is absent. If no past Mayor is a Councillor the Council will elect a Chairperson

PART FOUR

COUNCIL MEETINGS

16. Chairpersons Duties and Responsibilities

- (1) To formally declare the meeting open, after ascertaining that a quorum is present and to welcome other visitors.
- (2) To preside over and control the meeting, conduct it impartially and according to this Local Law and established protocols in order to ensure the smooth passage of the business.
- (3) To sign minutes of meetings as correct when they have been confirmed.
- (4) To ensure that debates are conducted in the correct manner.
- (5) To declare the results of all votes.
- (6) To give rulings on points of order and other questions of procedure.
- (7) To preserve order, and, if necessary, "name" offending members.
- (8) To adjourn (when required) or formally declare the meeting closed when all business has been concluded.

17. Notices and Agendas

- (1) The date, time and place of all Council meetings are to be fixed by the Council from time to time and at least seven days notice must be provided to the public.
- (2) The Council may change the date, time and place of any Council meeting which has been fixed and must provide at least seven days notice of the changes to the public.

- (3) The notice necessary to call a Special Meeting in accordance with the Act must be delivered to the CEO in sufficient time to enable seven days notice to be given to Councillors.
- (4) A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be delivered to every Councillor;
 - (a) for an ordinary meeting at least 2 clear days before the meeting;
 - (b) for a special meeting at least 2 clear days before the meeting; and for a committee meeting at least 2 clear days before the meeting.
- (5) Agendas will be available to the public on the website at least two clear days before the meeting.
- (6) It will not be necessary for a notice of meeting or agenda to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the CEO in writing to continue to be given notice of any meeting to be held during the period of his or her absence.
- (7) In the case of an emergency, the CEO or, in the absence of the CEO, a delegate of the CEO may call or postpone a meeting of the Council.

18. Absence or Apologies

- (1) If a Councillor has a planned period of leave or absence, a leave of absence should be sought from the Council at the meeting prior to the absence.
- (2) If a Councillor will be absent unexpectedly due to illness or other circumstances an apology for the meeting can be communicated by email or telephone.
- (3) In the absence of the Mayor for conflict of interest or any other purpose, the Chairperson will be the Councillor who has last served as the Mayor of the City of Greater Bendigo, or, any other Councillor who is elected at that meeting as Chairperson. (Amendment September 29, 2010)

19. Quorums

- (1) The quorum required for Ordinary Council Meetings will be not less than half the total number of elected Councillors.
- (2) The quorum required for Special Council Meetings will be not less than half the total number of elected Councillors.

- (3) The quorum for Special Committee Meetings will be determined by the Committee but in the absence of the Committee determination, the quorum required will be not less than half of the total number of persons elected to the Committee.
- (4) In the case of an emergency where the CEO or, in the absence of the CEO, a delegate of the CEO, has called a meeting, the quorum for a Special (Emergency) Meeting will be not less than half of the total number of elected Councillors.
- (5) If after thirty (30) minutes of the scheduled starting time of any meeting or adjournment a quorum cannot be obtained, those Councillors present or if there are no Councillors present, the CEO or, in the absence of the CEO a delegate of the CEO, may adjourn the meeting for a period not exceeding ten (10) days from the date of the adjournment.
- (6) If during any meeting or any adjournment of the meeting a quorum cannot be achieved and maintained, those Councillors present or if there are no Councillors present, the CEO or, in the absence of the CEO a delegate of the CEO, may adjourn the meeting for a period not exceeding ten (10) days from the date of the adjournment.
- (7) If during any meeting or adjournment a quorum cannot be achieved or maintained due to the declaration of conflict of interest by the majority of Councillors, the CEO, or in the absence of the CEO, a delegate of the CEO, may adjourn the meeting for a length of time sufficient to enable special dispensation for the affected Councillors to be obtained from the Minister.
- (8) The CEO may provide written notice of an adjourned meeting but where that is not practicable because time does not permit that to occur then provided a reasonable attempt is made to contact each member, notice by telephone, email, in person or by some other measure will be sufficient.

20. Minutes

- (1) In keeping the minutes of any Ordinary or Special meeting, the Chief Executive Officer must arrange the recording of minutes so as to show:
 - (a) The names of Councillors and whether they are PRESENT, and APOLOGY, on LEAVE OR ABSENCE, etc; and
 - (b) The names of officers present;
 - (c) The arrival and departure of Councillors during the course of the meeting (including any temporary departures or arrivals);
 - (d) The outcome of every motion and amendment, that is,
 - Whether it was put to the vote:
 - If it was put to the vote, the result of the vote (namely CARRIED, LOST, WITHDRAWN OR LAPSED)
 - (e) Procedural motions (which might be highlighted);

- (f) Where a valid division is called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST;
 - (g) Details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
 - (h) The time and reason for any adjournment of the meeting or suspension of standing orders; and
 - (i) Disclosure of any conflict of interest and the reason for the conflict of interest prior to the report being considered.
- (2) Confidential items considered under Section 89 of the Act are maintained in a separate Minute book.
- (3) In addition the minutes should:
- (a) bear the date and time the meeting was commenced, adjourned, resumed and concluded;
 - (b) be consecutively page numbered;
 - (c) contain consecutive item numbers which are clearly headed with subject titles and, where appropriate, sub-titles; and
 - (d) be indexed and be supplemented by an annual cumulative index.
- (4) The CEO is responsible for the keeping of minutes on behalf of the Council.
- (5) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- (6) If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:
- (a) State the item or items with which they are dissatisfied; and
 - (b) Propose a motion clearly outlining the alternative wording to amend the minutes.
- (7) The Council may defer the confirmation of minutes until later in the meeting or until the next meeting as appropriate.

21. Business of the Meetings

- (1) The order of business will be determined by the CEO to facilitate and maintain open, efficient and effective processes of government.
- (2) Once an agenda has been sent to Councillors the order of business for that meeting may only be altered by resolution of the Council.
- (3) Notwithstanding Clause 18(1), the CEO may include any matter on an agenda which he or she thinks should be considered by the meeting.

- (4) No business may be conducted at an Ordinary Meeting of Council unless it is business:
 - (a) notice of which has been given either by inclusion in the agenda or any report accompanying the agenda or
 - (b) in a Notice of Motion or
 - (c) the Council agrees to consider as an item of urgent business.

22. Voting

- (1) To determine a motion before a meeting, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will declare the result of the motion.
- (2) Unless the Council resolves otherwise voting on any matter will be by show of hands.
- (3) Once a vote on a motion has been taken no further discussions relating to the motion will be allowed unless the discussion is: -
 - (a) For a Councillor to request that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
 - (b) Where Notice of Motion is given to rescind.

23. Casting Vote

In the event of a tied vote, the Chairperson must exercise the casting vote in accordance with the Act.

24. Procedures for a Division

- (1) A division may be requested by any Councillor on any matter.
- (2) The request for a division must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.
- (3) Once a division has been requested, the Chairperson will call for those Councillors voting for the motion to raise their hand and then those Councillors opposed to the motion, to raise their hand.
- (4) The vote taken during this division is a final vote for the purpose of Sub-Clause (5).
- (5) The CEO must record in the Minutes the names of Councillors and whether they voted for or against the motion.

25. Interruption For a Point of Order

A Councillor who is speaking must not be interrupted unless called to order, and remain silent until the Councillor raising the point of order has been heard and the point of order determined.

26. Addressing the Meeting

- (1) Except for the Chairperson, any Councillor or person who addresses the meeting must stand and direct all remarks through the Chair with all Councillors and Officers being addressed in the form of their official title.
- (2) A Councillor who has the floor must not be interrupted unless called to order when he or she must sit down and remain silent until the Councillor raising the points of order has been heard and the question disposed of.

27. Motions

- (1) Any motion or amendment which -
 - (a) Is defamatory; or
 - (b) Is objectionable in language or nature; or
 - (c) Is outside the powers of the Council; or
 - (d) Is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or
 - (e) Is intended to be an amendment but is not,must not be accepted by the Chairperson.
- (2) The procedure for any motion is -
 - (a) The mover must state the motion without speaking to it;
 - (b) If a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
 - (c) "If the motion is seconded, the Chairperson must ask:
 - (i) If the Mover wishes to address the Council on the motion;
 - (ii) The Secunder to address the Council on the motion (who may, without speaking on the motion, reserve his or her address until later in debate);
 - (iii) Any Councillor opposed to debate the motion; and
 - (iv) Any other Councillors for and against the motion to debate in turn."

- (3) The mover of a motion shall have a right of reply, after which the motion shall be immediately put. No right of reply is available where an amendment is before the Council.
- (4) An amendment may be proposed or seconded by a Councillor, except the mover or seconder of the original motion. An amendment shall not be a direct negative of the motion.
- (5) If the mover and seconder for the original motion accept an amendment, the amendment does not have to be put to a vote.
- (6) 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.
- (7) 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.
- (8) If the amended motion is carried, it then becomes the final motion before the Chair.
- (9) At any time during debate a Councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (10) Before any motion is put to the vote it may be withdrawn with leave of the mover and seconder.
- (11) The Chairperson may require any complicated or lengthy motion to be submitted in writing.
- (12) Debate must always be relevant to the question before the Chair and, if not, the Chairperson will request the speaker to confine debate to the subject motion.
- (13) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.
- (14) Unless a motion for an extension of time has been carried, the maximum speaking times will be:
 - (a) The mover of a motion - 5 minutes;

- (b) The mover of a motion when exercising their right of reply - 2 minutes
 - (c) Any other Councillor - 3 minutes
- (15) Any one or more of the subclauses contained in this Clause may be suspended for a particular purpose by resolution of the Council.
- (16) No motion may be accepted by the Chairperson or be lawfully dealt with during any suspension of standing orders.

28. Formal Motions

- (1) A formal motion may be moved and seconded at any time and must be dealt with immediately by the Chairperson.
- (2) The mover of a formal motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it
- (3) A formal motion cannot be moved by the Chairperson.
- (4) Debate on a formal motion is not permitted and the mover does not have a right of reply.
- (5) A formal motion cannot be amended.
- (6) A motion "That the (motion, report etc.) be deferred" is a formal motion which if carried, has the effect of deferring any further debate on the matter until such time (if any) as the Council."
- (7) A motion "That the motion be now put" -
 - (a) Is a formal motion which if carried in respect to an original motion, that original motion must be put to the vote immediately without any further debate, discussion or amendment
 - (b) The Chairperson has the discretion to reject the motion upon which it is proposed has not been sufficiently debated.
- (8) A motion "That the motion and amendments now before the meeting be deferred until....."
 - (a) Is a formal motion which cannot be moved while any person is speaking or during the election of a Chairperson; and
 - (b) Is a motion on which debate is permitted, but may only be amended in relation to the time, date and place of proposed adjournment

29. Separation of Motions

- (1) Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.
- (2) The Chairperson may decide to put any motion to the vote in several parts.

30. Points of Order

- (1) A point of order may be raised in relation to:
 - (a) A procedural matter;
 - (b) A Councillor who is or appears to be out of order; or
 - (c) Any act of disorder.
 - (d) An error in fact
 - (e) Objectionable/offensive language
 - (f) Lack of relevance to the motion before the Council
- (2) The Chairperson will decide all points without entering into any discussions or comment.
- (3) The Chairperson may adjourn the meeting to consider a point of order otherwise he or she must rule on it as soon as it is raised.
- (4) All other matters before the Council will be suspended until the point of order is decided.
- (5) A Councillor raising a point of order must state -
 - (a) The point of order; and
 - (b) The reason for the point of order.
- (6) Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order

31. Adjournment of Meeting

The Chairperson or the Council may adjourn any meeting until a time and place to be determined.

32. Suspension of Standing Orders

- (1) To expedite the business of a meeting, the Chairperson may indicate an intention to suspend standing orders and may proceed on that intention with the support of the meeting.
- (2) The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure. (Public question time and recognition of achievements of staff and residents is conducted during the suspension of standing orders).
- (3) Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

- (4) It should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be:

"That standing order be suspended to enable discussion on....."

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

"That standing orders be resumed."

33. Notice of Motion

- (1) Notices of Motion are submitted in time for the meeting of Councillors convened to consider the draft agenda.
- (2) The following items cannot be considered in a notice of motion:-
- (a) the sale or lease of any asset;
 - (b) the declaration of any rate or charge
 - (c) the creation, alteration or abolition of any strategy or policy;
 - (d) any direction without a researched report for an investigation which will unreasonably or substantially divert staff resources;
 - (e) the commitment of funds, or in kind contributions, for any purpose exceeding \$5,000
- (3) The CEO:
- (a) May reject any Notice of Motion that is too vague against public order or safety or may have an adverse impact on the community and give the Councillor delivering the notice an opportunity to amend it prior to its rejection; and
 - (b) Must notify the relevant Councillor of any Notice of Motion which has been rejected and give the reasons for its rejection and discuss the matter with the Mayor and Councillors at the earliest opportunity.
- (4) A Notice of Motion listed on a meeting agenda may be moved by any Councillor present and may be amended, except if the Notice of Motion is to confirm a previous resolution of the Council.
- (5) If a recorded Notice of Motion is not moved or postponed it will be struck out.
- (6) If a Notice of Motion is lost, a similar motion cannot again be put before the Council unless there is new information.

- (7) 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 Chairperson, any other Councillor may himself or herself move the motion.
- (8) The Notice of Motion may be accompanied by supporting information.
- (9) An officer comment may be provided for the business papers to provide comments on the Notice of Motion submitted.

34. Notice of Rescission Motion

- (1) A Councillor may propose a motion to rescind a decision of the Council provided the previous Motion has not been acted upon.
- (2) A resolution is acted upon when the CEO or other officer initiate action or cause action to be initiated on any Council resolution at any time after the close of the meeting at which it was carried.
- (3) Once a Notice of Rescission Motion has been given, either in writing or by a Councillor verbally, no further action is to be taken on the resolution. (Amendment September 29, 2010)
- (4) Any Councillor providing a Notice of Rescission Motion, is required to provide written justification that must include one or more of the following:
 - (a) the vote may not have accurately reflected the opinion held by the meeting due to the misunderstanding of the motion or for some other reason, or,
 - (b) new information to hand, or,
 - (c) some vital information has been overlooked.
- (5) A Notice of Rescission Motion must include the written endorsement of one other Councillor.
- (6) The CEO must inform the Councillor whether or not the motion has been accepted or not, and any grounds for refusal and discuss the matter with the Mayor and Councillors at the earliest opportunity.
- (7) A Notice of Rescission Motion is to be submitted by 12 noon on the day agendas are circulated to Councillors and must include:-
 - (a) The decision to be amended or rescinded; and
 - (b) The meeting and date when the decision was made.
- (8) For a decision of the Council to be rescinded, the motion for rescission must be carried by a majority of the whole Council (which may include the casting vote of the Chairperson).

- (9) If a motion for rescission is lost, a similar motion may not be put before Council unless there is new information.
- (10) If a motion for rescission is not moved at the meeting for which it is listed, it lapses.
- (11) A motion for rescission listed on an agenda may be moved by any Councillor present but may not be amended.

35. Petitions and Joint Letters

Petitions and joint letters with more than 10 signatures are presented at the Council meeting and a report is to be provided within two meetings, unless otherwise resolved. Petitions or joint letters relating to planning issues are considered as part of the planning process.

36. Recording Proceedings

The Chief Executive Officer (or other person authorised by the Chief Executive Officer), may record on suitable audio recording equipment all the proceedings of a Council Meeting. The recording is for internal use only. The CEO may release all or part of a recording to respond to issues that may arise from time to time.

A person must not operate audio tape or other recording equipment at any Council meeting without first obtaining the consent of the Chairperson. Opportunity will be provided at the commencement of the meeting for any person to indicate whether they intend to record the meeting. Consent to record the meeting may at any time during the course of such meeting be revoked by the Chairperson.

37. Maintenance of Order

- (1) In addition to the duties and discretions provided in this Local Law the Chairperson -
 - (a) Must not accept any motion, question or statement which is derogatory or defamatory to any Councillor, member of staff, ratepayer or member of the public.
 - (b) Must call to order any person who is disruptive or unruly during any meeting.

- (2) It is an offence of any person to fail to obey a direction of the Chairperson in relation to the conduct of the meeting and the maintenance of order.

PENALTY: Two Penalty Units.

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

PENALTY: Two Penalty Units

38. Suspension

Where any Councillor or other person refuses to obey a ruling of the Chairperson, the Council in its discretion may suspend the Councillor or other person for the balance of the meeting or for any other lesser period.

39. Removal from Chambers

- (1) The Chairperson or the Council in the case of a suspension, may ask any authorised officer or member of the police force to remove from the Chamber any person who has committed an offence against this Local Law.
- (2) It is an offence for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave when requested by the Chairperson to do so.

PENALTY: Two Penalty Units

- (3) It is an offence for a Councillor to refuse to leave the chamber on suspension.

PENALTY: Five penalty units

40. Infringement Notice

An Authorised Officer of the Council may serve a Local Law Infringement Notice on any person whom the Authorised Officer believes has contravened or failed to comply with the provisions of this Local Law.

MEETING PROCEDURES FOR SECTION 86 SPECIAL COMMITTEES

1. Notices and Agendas

- (a) The date, time and place of all committee meetings are to be fixed by the committee and at least seven (7) days notice must be provided to the public.
- (b) The committee may change the date, time and place of any committee meeting which has been fixed and must provide at least seven (7) days notice of the changes to the members.
- (c) The agenda for meeting will be set by the Secretary, in consultation with the Chair.

2. Quorums

- (a) The quorum required for committee meetings will be not less than half the total number of elected Committee members.
- (b) If after thirty (30) minutes of the scheduled starting time of any meeting or adjournment a quorum cannot be obtained, those committee members present may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.

3. Minutes

- (a) The Secretary is responsible for the keeping of minutes on behalf of the committee.
- (b) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- (c) If a committee member is dissatisfied with the accuracy of the minutes, then he or she must:
 - i. State the item or items with which they are dissatisfied; and
 - ii. Propose a motion clearly outlining the alternative wording to amend the minutes.

4. Business of the Meetings

- (a) The order of business will be determined by the Secretary to facilitate and maintain open, efficient and effective processes of governance and must included the opportunity for members to declare any conflict of interest on

items on the agenda.

- (b) Once an agenda has been sent to committee members the order of business for that meeting may only be altered by resolution of the committee.

5. Voting

- (a) To determine a matter before a meeting, the Chair will first call for those in favour of the motion and then those opposed to the motion and will declare the result of the motion.
- (b) Unless the committee resolves otherwise voting on any matter will be by show of hands.

NOTE: If there is an equality of votes, the Chair has a second vote.

6. Addressing the Meeting

- (a) Except for the Chair, any committee member or person who addresses the meeting must direct all remarks through the Chair.
- (b) A committee member who is speaking must not be interrupted unless called to order when he or she must sit down and remain silent until the committee member raising the points of order has been heard and the Chairperson has ruled on the point of order.

7. Motions

- (a) Any motion or amendment which -

- i. Is defamatory; or
- ii. Is objectionable in language or nature; or
- iii. Is outside the powers of the committee; or
- iv. Stated to be an amendment but is not,

must not be accepted by the Chairman.

- (b) The procedure for any motion is -

- i. The mover must state the motion without speaking to it;
- ii. It must be seconded by a committee member other than the mover;
- iii. If a motion is not seconded, the motion will lapse for want of a seconder;
- iv. "If the motion is seconded, the Chair must ask:
If the Mover wishes to address the Committee on the motion;
The Secunder to address the Committee on the motion (who may, without speaking on the motion, reserve his or her address until later in debate);

- Any Committee member opposed to debate the motion; and
Any other Committee members for and against the motion to
debate in turn.”
- (c) The mover of a motion shall have a right of reply, after which the motion shall be immediately put. No right of reply is available where an amendment is before the Committee.
- (d) An amendment may be proposed or seconded by a Committee member, except the mover or seconder of the original motion. An amendment shall not be a direct negative of the motion.
- (d) A Committee member 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
- (e) 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.
- (f) If the amended motion is carried, it then becomes the final motion before the Chair.
- (g) At any time during debate a Committee member may foreshadow a motion to inform the Committee of his or her intention to move a motion at a later stage in the meeting.
- (h) Before any motion is put to the vote it may be withdrawn with leave of the mover and seconder.
- (i) The Chairman may require any complicated or lengthy motion to be submitted in writing.
- (j) Debate must always be relevant to the question before the Chair and, if not, the Chairman will request the speaker to confine debate to the subject motion.
- (k) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters the Chairman may require the speaker to be seated and not speak further in respect of the matter then before the Chair.
- (l) Unless a motion for an extension of time has been carried, the maximum speaking times will be:
 - i. The mover of a motion - 5 minutes;

- ii. The mover of a motion when exercising their right of reply - 2 minutes
- iii. Any other Committee member - 3 minutes

8. Other Matters

If the committee are required to deal with:

- a. Divisions
- b. Formal Motions
- c. Separation of Motions
- d. Points of Order
- e. Adjournment of Meeting
- f. Suspension of Standing Orders
- g. Notice of Motion
- h. Notice of Rescission Motion
- i. Maintenance of Order
- j. Suspension
- k. Removal from the meeting

These matters should be dealt with in accordance with Local Law No. 8 - Process of Municipal Government.