

# Yarra Ranges Shire Council

## Meeting Procedures and Use of Common Seal Local Law 2015

### Final Draft for Council Resolution

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## Part 1 - Preliminary

### 1. Title

This Local Law is the Yarra Ranges Council's *Meeting Procedures and Use of Common Seal Local Law 2014* and referred to below as "this Local Law".

### 2. Objectives of this Local Law

The objectives of this Local Law are to:

- a) Provide for the orderly conduct of Council meetings and provide procedures for fair and open decision-making;
- b) provide for the election of the Mayor and Deputy Mayor;
- c) regulate and control the use of the Council's common seal;
- d) provide for the administration of the Council's powers and functions; and
- e) provide generally for the peace, order and good government of the municipal district.

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

The Council's power to make this Local Law is contained in sections 5, 91 and 111 of the *Local Government Act 1989*.

### 4. Commencement

This Local Law comes into operation on the day it is endorsed by Council resolution.

### 5. Revocation Date

Unless sooner revoked by Council resolution, this Local Law ceases to operate 10 years after the date of commencement.

### 6. Definitions

In this Local Law, unless inconsistent with the context:

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

**"Authorised officer"** means a person or agent appointed as an authorised officer under section 224 of the Act.

**"Chair"** means the person who chairs a meeting of the Council or Special Committee of the Council.

**"Council"** means the Yarra Ranges Council

**"Councillor"** means a person who is an elected member of the Council.

**"Council Meeting"** includes Ordinary and Special meetings of the Council.

**"Division"** means a formal and minuted count of those Councillors who vote for and those against a motion.

**"Formal Motion"** means a motion which relates to a procedural matter only and is not intended to produce any substantive result - but used merely as a formal procedural measure.

**"Mayor"** means any Councillor, currently elected to the position of Mayor.

**“Member”** refers to a person who is entitled to vote at a meeting of the Council or a Special Committee of the Council.

**“Minister”** means the Minister responsible for administering the *Local Government Act 1989*.

**“Quorum”** means the minimum number of members of a Council or of a Special Committee of Council required by this Local Law to be present in order to constitute a valid meeting of the Council or the Special Committee respectively.

**“Regulations”** means Regulations made under the *Local Government Act 1989* as amended.

**“Replica”** in relation to the Council’s common seal, means any representation which purports to be, looks like, or is capable of being mistaken for the common seal or misleading a person into believing it is used with the authority of the Council.

**“Suspension of Standing Orders”** means a suspension of the provisions of this Local Law, to facilitate full discussion on an issue without formal constraints.

## Part 2 - Election of Mayor

### 7. When Required

The meeting to elect the Mayor is to be held:

- a) as specified within Section 71 of the *Local Government Act 1989*; or
- b) where the position of Mayor otherwise becomes vacant, as soon as possible after the vacancy has occurred.

### 8. Election of Mayor and Chairs

- 1) At any meeting to elect the Mayor, a Councillor will be elected (by a simple majority of the Councillors present) to act as a temporary Chair to deal with:
  - a) the receipt of nominations for the election of Mayor; and
  - b) the election of the Mayor.
- 2) In determining the election of the Mayor the following will apply<sup>1</sup>:
  - a) where only one nomination is received, that Councillor must be declared elected;
  - b) where two nominations are received, or the number of candidates has been reduced to two (pursuant to clause (c) or (d) of this sub section):
    - i. the Councillor with the majority of votes cast must be declared elected; or

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<sup>1</sup> Note: Given the provisions of section 90(1) and 90(2) of the Act, it is assumed that “an equality of votes” can only take place when all votes cast are evenly distributed between all nominees. For example, in the event that there are three votes for each of three nominees (in which case clause (c)(ii) would apply). This would not be so, where there are four votes each for two nominees and one for another (in which case clause (c)(i) would apply).

- ii. if the candidates receive an equal number of votes, a successful candidate shall be determined by lot and must be declared elected;
    - c) where there are more than two nominations and no candidate receives a majority of votes cast:
      - i. a candidate with the least number of votes shall be eliminated; or
      - ii. where candidates receive an equal number of votes so that it is unclear which candidate is to be eliminated, it shall be determined by lot;
  - and a further vote conducted between the remaining candidates.
  - d) the procedure in clause (c) shall be repeated as necessary until there are only two candidates remaining, at which point the provisions of clause (b) of this sub section shall apply;
- 3) If the Mayor is unable to attend a Council meeting for any reason, or is not present within 15 minutes of the scheduled commencement time of a Council meeting:
- a) the Deputy Mayor will act as Chair; or if not present
  - b) the previous Mayor will act as Chair; or if not present
  - c) an acting Chair is to be elected by the same procedure as that for the election of a Mayor.

## **Part 3 - Council Meetings**

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

- 1) The date, time and place of all ordinary Council meetings are to be fixed by the Council from time to time.
- 2) The Council may change the date, time and place of any Council Meeting which has been fixed, but must provide reasonable notice of the changes to the public.

### **10. Notice of meeting**

- 1) The Council must give reasonable notice of all Council Meetings. In all cases, such notice must be publicised at least seven days prior to a meeting.
- 2) Reasonable notice is taken to include:
  - an advertisement in a newspaper circulating in the municipal district,
  - a notice displayed in an accessible location at Council offices; or
  - a bulletin on the Council website.

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

- 1) The notice necessary to call a special meeting in accordance with Section 84 of the Act must be delivered to the Chief Executive Officer in sufficient time to enable reasonable notice to be given to Councillors and members of the public.

- 2) In giving such notice, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken.

## **12. Administration**

- 1) Within a reasonable time before a meeting, every Councillor must be served with a notice of the relevant meeting, together with an agenda of the business to be dealt with.
- 2) The notice of the agenda for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent to each Councillor. Delivery will be either by hand, post or electronic means, as nominated by the Councillors.

## **13. Serving Notice of Meeting when Leave of Absence granted**

It will not be necessary for a notice of meeting or agenda to be served on any Councillor who has been granted leave of absence, unless otherwise requested by the Councillor in writing to the Chief Executive Officer.

## **14. Special (Emergency) Meetings**

- 1) In the case of an emergency, the Chief Executive Officer may call or postpone a Council Meeting, without the necessity to comply with clauses (9) to (12), provided that:
  - a) reasonable attempts are made to notify every Councillor;
  - b) such public notice as is practicable has been given; and
  - c) the urgency or extraordinary circumstances be specified in the minutes of the meeting.
- 2) The Chief Executive Officer must submit a full written report of the circumstances requiring his or her action, to the next ordinary meeting of the Council.

## **15. Ordinary Council Meetings - Quorum**

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

## **16. Special Council Meetings - Quorum**

The quorum required for Special Council meetings will be the same as for an ordinary meeting.

## **17. Special Committee Meetings - Quorum**

The quorum for a Special Committee meeting may be determined by the Council for each committee, but as a minimum the quorum must be not less than a majority of the members for the time being appointed to that committee.

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

If a quorum cannot be obtained within 30 minutes of the scheduled starting time of any meeting or adjournment, those Councillors present, or if there are no Councillors present, the Chief Executive Officer (or in his or her absence a Senior Officer), may adjourn the meeting to a date decided by the Councillors present, Chief Executive Officer or delegate.

**19. Inability to Maintain a Quorum**

If during any meeting or any adjournment of the meeting, a quorum cannot be maintained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer (or in his or her absence a Senior Officer) may adjourn the meeting to a date decided by the Councillors present, Chief Executive Officer or delegate.

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

If during any meeting or adjournment a quorum cannot be achieved or maintained due to the number of declarations of pecuniary interests by Councillors, the Chief Executive Officer (or in his or her absence a Senior Officer) may adjourn the meeting for a length of time sufficient to enable an exemption to be obtained from the Minister for the affected Councillors.

**21. Notice for Adjourned Meeting**

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

## Part 4 - Minutes

**22. Keeping of Minutes**

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

**23. No Debate on Confirmation of Minutes**

No discussion or debate on the confirmation of minutes will be permitted, except where the accuracy of the minutes as a record of proceedings is questioned.

**24. Objection to Confirmation of Minutes**

If a Councillor is dissatisfied with the accuracy of the minutes, then the Councillor must:

- a) state the item or items with which he or she is dissatisfied; and
- b) propose a motion clearly outlining the alternative wording to amend the minutes.

**25. Deferral of Confirmation of Minutes**

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

**26. Contents of Minutes**

- 1) In keeping the minutes of any meeting, the Chief Executive Officer must arrange the recording of minutes so as to show:
  - a) the names of Councillors with the ward they represent and whether they are PRESENT, an APOLOGY, on LEAVE OF ABSENCE, etc;

- b) the names of Officers IN ATTENDANCE with their organisational title;
  - c) the arrival and departure times of Councillors;
  - d) every motion and amendment moved, including the mover and seconder of any motion or amendment;
  - e) the outcome of every motion, that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED, AMENDED etc.
  - f) Formal Motions;
  - g) where a valid division is called, a list of the names of every Councillor and the way their vote was cast - either FOR, AGAINST, or ABSTAINED;
  - h) when requested by a Councillor, a record of that Councillor's support or opposition for any motion;
  - i) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
  - j) the time and reason for any adjournment of the meeting or suspension of standing orders;
  - k) disclosure of the declaration and the nature of any pecuniary interest or conflict of interest of a councillor declared at or identified to a meeting; and
  - l) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the Minutes.
- 2) In addition, of 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 file references; and
  - d) in relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.

## **Part 5 - Conduct of Meetings**

### **27. The Order of Business**

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

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

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

**29. Chief Executive Officer May Include Items on an Agenda**

The Chief Executive Officer may include any matter on an agenda which he or she thinks should be considered by the Council.

**30. Reports from Councillors**

- 1) At each ordinary meeting of the Council, provision shall be made on the agenda for Councillors:
  - a) who have been appointed by the Council to represent it on a statutory body or another organisation, to report on meetings of such body or organisation; and
  - b) to report on ward activities that may be of interest to the Council and community.
- 2) Reports shall be as brief as practicable, given the nature of the matter or matters being reported.

**31. Public May Address the Council**

- 1) Council may develop guidelines to allow for submissions to be made and public questions to be asked at a meeting of the Council.
- 2) Guidelines must be formerly adopted by Council and made available for public inspection.
- 3) Members of the public must comply with any guidelines adopted by Council for the purpose of this Local Law.

**32. Meetings of Special Committees**

The provisions of clauses 27 to 29 of this Local Law apply to meetings of Special Committees of Council except that:

- 1) the agenda will be relevant to the issues which are to be raised at the Special Committee; and
- 2) any reference to Councillors extends to non-Councillor members of a Special Committee under section 88 of the Act; and
- 3) any reference to the Council is to be read as referring to the Special Committee under section 87 or 88 of the Act.

## **Part 6 - Voting at Meetings**

**33. How Determined**

Subject to clause 45 of this Local Law, in determining a question before a meeting of Council, the Chair will first call for those in favour of the motion and then those opposed to the motion and will declare the result to the meeting.

**34. By Show of Hands**

Voting on any matter at a Council Meeting, or part of a Council Meeting, that is open to members of the public must be by a show of hands.

**35. When a Division Permitted**

- 1) A division may be requested by any Councillor on any matter.
- 2) A request for division must be made to the Chair either immediately prior to or immediately after the relevant vote has been taken, but cannot be requested after a subsequent item of business has commenced.

**36. Procedure for a Division**

Once a division has been requested, the Chair will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion. For the purpose of recording the minutes, the Chair will call aloud the names of those voting for and against the motion, together with those that abstained.

**37. Change Between the Original Vote and the Division**

A division is a separate and distinct vote, so a vote by division will determine the Council's resolution on that issue and no Councillor is prevented from changing his or her original vote, at the call for a division.

**38. No Discussion Once Declared**

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

- 1) 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
- 2) there is a call for a division.

**39. Application to all Meetings**

The provisions of clauses 33 to 38 of this Local Law apply to meetings of Special Committees of Council to the extent that they are relevant to the proceedings of any Special Committee and any reference to Councillor in those clauses extends to any member of a Special Committee.

## **Part 7 - Addressing the Meeting**

**40. Addressing the Meeting**

- 1) Except for the Chair, any Councillor or person who addresses the meeting must direct all remarks through the Chair.
- 2) Any person addressing the Chair should refer to the Chair as:
  - a) Madam Mayor;
  - b) Mr Mayor;
  - c) Madam Chair; or
  - d) Mr Chair;

as the case may be.

- 3) All Councillors, other than the Mayor, should be addressed as Cr. (name).
- 4) All Officers, should be addressed as Mrs, Ms, Miss or Mr (name).

#### **41. Suspension of Standing Orders**

- 1) The provisions of this Local Law may be suspended for any particular purpose, by resolution of the Council.
- 2) The suspension of such provisions (standing orders) should be used to enable full discussion of an issue without the constraints of formal meeting procedure.
- 3) Suspension of standing orders must not be used purely to dispense with the processes and protocol of the government of the Council.
- 4) The resumption of standing orders will be necessary before any motion can be put.

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

A Councillor who is addressing the meeting must not be interrupted unless called to order. He or she must remain silent until the Councillor raising the point of order has been heard and the point of order has been dealt with.

## **Part 8 - Other Meeting Procedures**

#### **43. Matters Not Provided For**

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

#### **44. Chair's Duty**

The Chair must not accept any motion or amendment which:

- a) is defamatory;
- b) is objectionable in language or nature;
- c) is outside the powers of the Council;
- d) is not relevant to the relevant item of business on the agenda and has not been admitted as urgent business pursuant to clause 80; or
- e) purports to be an amendment but is not.

#### **45. Moving a Motion**

The procedure for any motion is-

- a) A mover states the motion without speaking to it;
- b) Unless the motion is a Formal Motion, it must be seconded by another Councillor;
  - i. If the motion is not seconded, it will lapse for want of a seconder;
  - ii. If the motion is seconded, the mover and seconder may address Council on the motion. The seconder may (without speaking on the motion) reserve his or her address until later in the debate under clause (c);
- c) The Chair must then call for those (if any) against the motion;
  - i. If there is no speaker against the motion, the Chair shall then put the motion without further discussion;
  - ii. If there is a speaker against the motion, the Chair will then call speakers for and against the motion, in alternate sequence.

- d) When the sequence of alternate speakers is exhausted (notwithstanding that there may be further speakers wishing to be heard on one side of the question), any Councillor permitted by the Chair to speak due to exceptional circumstances<sup>2</sup>, shall then speak.
- e) The Chair shall then allow the mover a right of reply under clause 46. If the mover chooses not to exercise this right, the motion shall be put without further discussion.
- f) No Councillor may speak more than once on any motion, except:
  - i. as provided in clause 46(1); or
  - ii. for the purposes of clauses 48 to 52; or
  - iii. for raising a point of order; or
  - iv. with leave of the Chair.

#### **46. Right of Reply**

- 1) The mover of an original motion which has not been amended, has a right of reply to matters raised during debate, once such debate has been exhausted.
- 2) If the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

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

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

#### **48. Moving an Amendment**

A Councillor may propose an amendment to any motion which has been moved and seconded. Amendments may include the deletion or addition of words, relevant to the original motion and framed to complement it as an intelligible and consistent reflection of Council's resolve.

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

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

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

A Councillor may address the meeting once on any amendment, whether or not he or she has spoken to the original motion - but debate must be confined to the amendment proposed.

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

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

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<sup>2</sup> Exceptional circumstance is to be determined at the discretion of the Chair and would generally include any matter that is of substantial community interest or where a Councillor has demonstrated ongoing interest in the matter over a period of time. A request for exceptional circumstances must not be unreasonably refused.

**52. An Amendment Once Carried**

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

**53. Foreshadowing Motions**

- 1) A Councillor may at any time during debate, foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the meeting. This does not extend any special right to the foreshadowed motion.
- 2) A foreshadowed motion may be prefaced with a statement that, in the event that a particular motion before the Chair is resolved in a certain way, the relevant Councillor intends to move an alternative or additional motion.
- 3) A foreshadowed motion has no procedural standing and is merely a means to assist the flow of the meeting.
- 4) The Chief Executive Officer is not required to have foreshadowed motions recorded in the Minutes until the foreshadowed motion is formally moved, but may do so if he or she deems it appropriate.

**54. Withdrawal of Motions**

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

**55. Separation of Motions**

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

**56. Chair May Separate Motions**

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

**57. Motions in Writing**

- 1) The Chair may require any motion to be submitted in writing where it is lengthy, unclear, or for any other reasonable purpose.
- 2) The Chair may suspend the meeting whilst the motion is being written or may request the Council to defer the matter until the motion has been written.

**58. Debate Must Be Relevant to the Motion**

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

**59. Speaking Times**

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

- 1) the mover of a motion – 5 minutes;
- 2) the mover of the motion when exercising his or her right of reply – 2 minutes;
- 3) any other Councillor – 5 minutes

**60. Extension by Resolution of the Council**

An extension of speaking time may be granted by resolution of the Council.

**61. No Extension after Next Speaker Commenced**

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

**62. Length of Extension**

Any extension of speaking time must not exceed 3 minutes.

**63. Procedure for Point of Order**

A Councillor raising a point of order must :

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

**64. Valid Points of Order**

A point of order may be raised in relation to:

- a) a procedural matter which may be:
  - i. contrary to this Local Law;*
  - ii. defamatory;*
  - iii. irrelevant;*
  - iv. outside Council's power;*
  - v. improper;*
  - vi. frivolous or vexatious.*
- b) a Councillor who is or appears to be out of order; or
- c) any act of disorder.

**65. Chair to Decide Point of Order**

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

**66. Chair May Adjourn to Consider**

- 1) The Chair may adjourn the meeting to consider a point of order otherwise she or he must rule on it as soon as it is raised.
- 2) All other matters before the Council are to be suspended until the point of order is decided.

**67. Final Ruling on a Point of Order**

The decision of the Chair in respect to a point of order raised will not be open for discussion and will be final and conclusive.

**68. Contradiction of Opinion**

Expressing a mere difference of opinion or contradiction with a speaker will not be treated as a point of order.

**69. Adjournment and Resumption of Meeting**

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

**70. Formal Motions**

Unless otherwise provided for in this Local Law or related schedule:

- 1) a Formal Motion may be moved at any time and must be dealt with immediately by the Chair.
- 2) Formal Motions are not required to be seconded.
- 3) a Formal Motion cannot be moved by the Chair.
- 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, but shall be determined based on the majority of votes by Councillors present.

**71. Notice of Motion Must be Listed on Agenda**

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.

**72. Procedure for a Notice of Motion**

A Councillor may give notice of motion on any matter he or she wants discussed at a meeting, by delivering a completed notice of motion (outlining the subject matter and proposed motion for discussion) to the Chief Executive Officer, prior to the agenda being finalised for distribution.

**73. Rejection of a Vague Notice of Motion**

The Chief Executive Officer-

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

**74. Listing Notice of Motion on Agenda**

Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of motion and if more than one, in the order they were received, on the next appropriate meeting agenda.

**75. Register of Notices of Motion**

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

**76. Notice of Motion May be Moved by any Councillor and Amended**

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

**77. Except for Confirmation of Previous Resolution**

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

**78. Notice of Motion if Lost**

Unless the Council resolves to re-list at a future meeting a notice of motion which has been lost, a similar motion must not be put before the Council for at least three (3) months from the date the original was lost.

**79. Notice of Amendment or Rescission**

- 1) A Councillor may propose a notice of motion to amend or rescind a decision of the Council, provided:
  - a) the previous motion has not been acted upon; and
  - b) a notice is delivered to the Chief Executive Officer outlining:
    - i. the decision proposed to be amended or rescinded; and*
    - ii. the meeting and date when the decision was made.*
- 2) No action will be taken to implement a resolution on which a notice to rescind or alter the resolution has been given.

**80. Urgent and Other Business – Items through the Chair**

- 1) Business which has not been listed on the Agenda, other than those matters introduced during the time allocated for public questions and submissions may be considered during *Items through the Chair*.
- 2) Business must not be admitted as urgent business unless it meets the definition of 'urgent business' as contained in the Council's Urgent Business Guidelines, as adopted or amended from time to time and the Council resolves to admit it as urgent business.

If a matter does not meet the definition of 'urgent business' it shall be listed on the Agenda for the next appropriate meeting of the Council (or for a later meeting as determined by the Chief Executive Officer). Such deferral shall take place in consultation with the relevant Councillor, to ensure appropriate advice from Council staff can be compiled.
- 3) Items deferred under sub-clause (2) are to be listed in the relevant future Agenda as Councillor Motions.
- 4) Urgent business shall be considered following the consideration of Councillor Motions.

**81. Courtesy to be Shown at Meetings**

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

**82. Chair May Remove**

- 1) Any person who has been called to order and fails to comply with the Chair's reasonable direction will be guilty of an offence (see Part 10).
- 2) In accordance with section 91A of the Act, the Chair has discretion to cause the removal of any person who disrupts any meeting or fails to comply with a direction.
- 3) At an ordinary or special meeting where the Mayor is not present, the Chair may cause the removal of a Councillor whose conduct constitutes misbehaviour in accordance with the Act.
- 4) A Councillor must comply with a request of the Chair made under this section and in accordance with the Act.
- 5) Misuse of this power by a Chair may constitute serious misconduct.

**83. Petitions and Joint Letters**

A petition or joint letter to Council will be tabled and received at the next appropriate Council meeting and referred to the relevant Director for action.

**84. Signing Petitions**

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

**85. Councillor Presenting Petition - Obligations**

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

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

**86. The Chair's Duties and Discretions**

In addition to other duties and discretions provided in this Local Law, the Chair:

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

## Part 9 - Common Seal

### 87. The Council's Common Seal

- 1) The Chief Executive Officer must ensure the security of the Council's common seal at all times.
- 2) The Council's common seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Chief Executive Officer or a senior officer authorised by him or her.
- 3) Any person who uses the Council's common seal without authority is guilty of an offence.
- 4) Any person who uses any replica of the council's seal without authority is guilty of an offence.

## Part 10 - Offences and Penalties

### 88. Offences and penalties

- 1) A person who fails to comply with this Local Law shall be deemed to have contravened this Local Law.
- 2) A person who contravenes this Local Law is guilty of an offence, and liable to a penalty. Penalties fixed for contraventions are set out below.

Clause	Offence	Penalty Unit
82	Failing to comply with a direction of the Chair	1
84	Fraudulently signing a petition or joint letter	1
87(3)	Using the Common Seal without authority	10
87(4)	Using a replica of the Common Seal without authority	10

### 89. Infringement notices

- 1) As an alternative to prosecution, a duly authorised officer may serve an infringement notice on a person who:
  - a) has contravened; or
  - b) is reasonably suspected of having contravened this Local Law.
- 2) The amount of penalty specified on an infringement notice shall be the same as the penalty stated in Clause 88 of this Local Law.
- 3) A person on whom an infringement notice is served may pay the amount specified in the notice to the cashier of Council within 28 days of service, failing which legal proceedings may be instituted against that person.

- 4) Any person served with an infringement notice is entitled to disregard the notice and defend any subsequent prosecution in Court.
- 5) A duly authorised officer may, following consideration of correspondence from any person served with an infringement notice, decide that:
  - a) an infringement notice be waived, even if the appropriate amount has been paid; and
  - b) once an infringement notice has been waived, any amount paid before the waiver be refunded.
- 6) If the amount shown on the infringement notice is paid in the manner described in subclause (3) or before the service of a Charge and Summons in respect of the offence:
  - a) the person served with the infringement notice has expiated the offence by payment of the amount;
  - b) no further proceedings may be taken in respect of the offence; and
  - c) no conviction for the offence may be regarded as having been recorded.

## **90. Service of Notices**

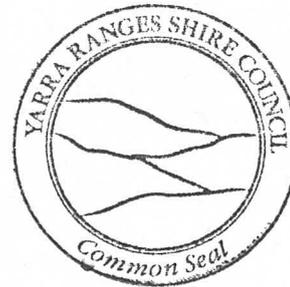
- 1) Any notice or notification required to be served or which may be served on or given to a person under this Local Law, may be served on or given to the person by either:
  - a) delivering the notice or notification to the person;
  - b) leaving the notice or notification at his or her usual (or last known) place of residence or business, with a person apparently over the age of sixteen (16) years and apparently residing or employed at that place; or
  - c) sending the notice or notification by post to the person at his or her last known place of residence or business.
- 2) Where a notice or notification is directed to a person who is alleged to have contravened this Local Law by reason of being the owner or occupier of a premises and that person's name is not known, the notice may be addressed to "the owner", "the occupier" or "the person in control" (as the case may be).
- 3) Any notice or notification served by post in accordance with this Clause shall be deemed to have been served on the day following the day of posting.

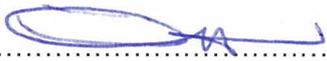
## **91. Revocation of Local Law**

The Meeting Procedure and Use of Common Seal Local Law 2007 (No 3 of 2007) is revoked upon the Commencement of this Local Law.

Resolution for the making of this Local Law was agreed to by the Yarra Ranges Council on: Tuesday, January 27<sup>th</sup> 2015

The COMMON SEAL of the )  
YARRA RANGES COUNCIL )  
was hereto affixed in the presence of )  
Glenn Patterson )



  
.....  
Chief Executive Officer

Date: 28 JANUARY 2015

Notice of making this Local Law was published in the Victorian Government Gazette *and*  
dated 02 / 04 / 15 and 07~~8~~ 08 / 04 / 15, respectively.

A copy of this Local Law was provided to the Minister for Local Government on: 10/04/15