



Bass Coast Shire Council
Meeting Procedure Local Law 2009

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PART A - INTRODUCTION

1. Title

This Local Law will be known as the Bass Coast Shire Council "Meeting Procedure Local Law 2009".

2. Purpose of this Local Law

The purpose of this Local Law is to:

- 2.1 regulate the use of the common seal;
- 2.2 regulate proceedings for the election of the Mayor and Chairpersons of various Committees;
- 2.3 regulate proceedings at Council meetings, Committee meetings and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of the Local Law are to apply;
- 2.4 make provision for related administrative procedures; and
- 2.5 provide for the peace, order and good government of the municipal district.

3. Authorising Provision

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

4. Commencement and End Dates

This Local Law:

- 4.1 commences on the day following the day on which notice of the making of this Local Law is published in the Victoria Government Gazette, and operates throughout the municipal district; and
- 4.2 ceases to operate on the tenth anniversary of the commencement date.

5. Revocation of Local Laws number 5 and 12

On the commencement of this Local Law, the following local laws are revoked:

Local Law number 5 – Use of the Common Seal

Local Law number 12 – Processes of municipal government.

6. Definitions

6.1 In this Local Law:

“Act” means Local Government Act 1989;

“Advisory Committee” means a committee established by Council as an advisory committee under the Act;

“Agenda” means a document containing the date, time and place of a meeting and a list of business to be transacted at the meeting;

“Chairperson” means the person who chairs a meeting;

“Chief Executive Officer” means the person who is the Chief Executive Officer of Council or any person acting in that position;

“Committee meeting” means a meeting of a Special Committee or an Advisory Committee;

“Council” means the Bass Coast Shire Council;

“Councillor” means a Councillor of Council;

“Mayor” means the Mayor of Council;

“Meeting” means an Ordinary meeting, a Special meeting, or a Committee meeting;

“Member” means a member of a Special Committee established by Council under the Act;

“Minutes” means the record of proceedings of a meeting;

“Municipality” means the municipal district of Council;

“Notice of motion” means a notice setting out the text of a motion which a Councillor proposes to move at a meeting;

“Officer” means a member of Council staff;

“Ordinary meeting” means an Ordinary meeting of Council;

“Special Committee” means a Special Committee established by Council under section 86 of the Act; and

“Special meeting” means a Special meeting of Council.

“Urgent Business” means business which requires a Council resolution to be executed and which requires to be acted upon before the next scheduled meeting of the Council.

PART B - ELECTION OF MAYOR

The purpose of this Part is to regulate proceedings for the election of Mayor and Committee Chairpersons.

7. Election of Mayor

The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.

8. Method of Voting

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

9. Determining the election of the Mayor

9.1 The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and preside until the meeting elects a Mayor.

9.2 The procedure for the election of the Mayor is as follows:

9.2.1 the Chief Executive Officer must invite nominations for the office of Mayor (each of which must be seconded). If there is only one nomination, the candidate nominated is deemed to be elected;

9.2.2 if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;

9.2.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;

9.2.4 in the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;

9.2.5 if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;

9.2.6 in the event of two or more candidates having an equality of votes and one of them having to be declared:

9.2.6.1 a defeated candidate; and

9.2.6.2 duly elected

the declaration will be determined by lot.

9.2.7 if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:

9.2.7.1 each candidate will draw one lot;

- 9.2.7.2 the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
- 9.2.7.3 as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine which is a defeated candidate, the word "**Defeated**" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "**Defeated**" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates). If the lot is being conducted to determine which candidate is to be duly elected, the word "**Elected**" must be written on one of the pieces of paper, and the Councillor who draws the paper with the word "**Elected**" written on it must be declared to have been duly elected.

10. **Procedures for Election of Deputy Mayor, Acting Chairperson or Committee Chairperson**

- 10.1 The procedure used for the election of Mayor will be used to elect:
- 10.1.1 A Deputy Mayor if the Council determines that the position of Deputy Mayor is required.
 - 10.1.2 An acting chairperson if the Mayor and Deputy Mayor are unable to attend a Council meeting.
 - 10.1.3 Committee Chairpersons.
- 10.2 The Chief Executive Officer or his or her delegate will conduct the elections set out above.

PART C - COUNCIL’S COMMON SEAL

The purpose of this Part is to regulate the use of the common seal and prohibit unauthorised use of the common seal or any device resembling the common seal as required by section 5(3) (c) of the Act.

11. Security

- 11.1 The Chief Executive Officer must ensure the security of Council’s common seal at all times.
- 11.2 The Chief Executive Officer will keep a register detailing how the Common Seal is affixed.

12. Use of the Common Seal

12.1 The 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 some other senior officer (as defined in the Local Government Act 1989) authorised by the Chief Executive Officer.

12.2 The common seal and words to be used accompanying it on any document to which it is affixed are as follows -

The COMMON SEAL of)
BASS COAST SHIRE COUNCIL)
was affixed on)
in the presence of:

.....
Chief Executive Officer/Authorised Officer

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

Penalty: 5 penalty units

PART D - MEETINGS PROCEDURE

The purpose of this Part is to regulate the proceedings of Council meetings.

DIVISION I - Notices of Meetings and Delivery of Agendas

13. Dates and Times of Meetings

Council must from time to time fix the date, time and place of all Ordinary meetings.

14. Council May Alter Ordinary Meeting Dates

Council may change the date, time and place of any Ordinary meeting which has been fixed and must provide reasonable notice of the change to the public.

15. Special Meetings

15.1 A Special Meeting of the Council may be called by a resolution of the Council, as well as by written notice by the Mayor or at least three Councillors.

15.2 The Chief Executive Officer may also summon a Special Meeting of the Council but only within 14 days after the day the returning officer for a general election publicly declares the result of the election.

15.3 The notice must specify the date and time of the Special meeting and the business to be transacted.

15.4 The Chief Executive Officer must convene the Special meeting as specified in the notice.

15.5 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.

15.6 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.

16. Notice Of Meeting

16.1 The Chief Executive Officer must, at least 7 days beforehand, unless urgent or extraordinary circumstances exist, give notice to the public of the date, time and place of any meeting of Council by public notice published in a newspaper and Council's website.

16.2 The Chief Executive Officer must ensure that notice of, and the agenda for, any Ordinary meeting or Special meeting is sent to every Councillor so that it is received at least 48 hours before the meeting.

16.3 In the case of an emergency, the Chief Executive Officer or, in his or her absence, a Senior Officer, may call or postpone a meeting of the Council, without the necessity to comply with clauses 16.1 and 16.2 provided reasonable attempts are made to notify every Councillor. The Chief Executive Officer or Senior Officer must submit a full written report of the circumstances requiring his or her action to the next ordinary meeting of the Council.

17. Leave Of Absence and Agenda

It is unnecessary 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 Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of his or her absence.

DIVISION 2 - Quorums

18. Ordinary Meetings

The quorum for Ordinary meetings is the majority of the number of Councillors.

19. Special Meetings

The quorum for Special meetings is the majority of the number of Councillors.

20. Inability To Gain A Quorum

If after 30 minutes from the scheduled starting time of any Ordinary or Special meeting, a quorum cannot be obtained:

20.1 those Councillors present; or

20.2 if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, an authorised officer,

may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

21. Inability To Maintain A Quorum

If during any Ordinary or Special meeting or any adjournment of the meeting, a quorum cannot be maintained:

21.1 those Councillors present; or

21.2 if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, an authorised officer,

may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

22. Inability To Achieve Or Maintain A Quorum Due To Disclosure of Interests or Disclosure of Conflict of Interests Of Councillors

If a quorum cannot be achieved or maintained due to the declaration of Disclosure of Interests or Disclosure of Conflict of Interests by the majority of Councillors, the Chief Executive Officer, or, in his or her absence, an authorised officer, may adjourn the item for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister administering the Act.

23. Notice Of Adjourned Meeting

The Chief Executive Officer must provide written notice of a meeting adjourned under clause 20, 21 or 22 but where this is not practicable because time does not permit that to occur, then, provided every reasonable attempt is made to contact every Councillor, notice by telephone, facsimile, email, in person or by some other means is sufficient.

24. Time limits for Meetings

- 24.1 An Ordinary and Special meeting must not continue after 10.00 pm unless a majority of Councillors present vote in favour of an extension of time.
- 24.2 An extension of time can only be for 30 minutes.
- 24.3 No more than two extensions of time will be permitted at a meeting unless the Council resolves otherwise.
- 24.4 In the absence of such continuance, the meeting must stand adjourned to a time, date and place to be then and there announced by the Chairperson.
- 24.5 Council may adjourn any meeting.
- 24.6 The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

DIVISION 3 - Business of Meetings

25. The Order Of Business

The order of business is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government.

26. Change To Order Of Business

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

27. Urgent Business

Business, which has not been listed on the Agenda, may only be raised as urgent business, as defined in this Local Law.

28. General Business

If the agenda for an Ordinary meeting makes provision for general business, business of a minor or routine nature only should be admitted as general business. Any motion dealing with a matter that is not minor or routine must not be accepted by the Chairperson and will be subject to the notice of motion provisions. Such motions can be referred to Urgent Business.

DIVISION 4 - Motions and Debate

29. Councillors May Put Up Notices Of Motion

Councillors may ensure that an issue is listed on an agenda by completing a Councillor's Notice of Motion form.

30. Notice Of Motion

- 30.1 A notice of motion must be in writing signed by a Councillor, and be lodged with the Chief Executive Officer to allow sufficient time for him or her to give each Councillor at least 48 hours notice of such notice of motion.
- 30.2 The Chief Executive Officer may reject any notice of motion which is vague or unclear in intention but must:

- 30.2.1 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
- 30.2.2 notify the Councillor who lodged it of the rejection and reasons for the rejection.
- 30.3 The full text of any such notice of motion must be included in the material accompanying the agenda.
- 30.4 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion book in the order in which they were received.
- 30.5 Except by leave of Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion book.
- 30.6 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.

31. Chairperson's Duty

Any motion which is:

- 31.1 defamatory;
 - 31.2 objectionable in language or nature;
 - 31.3 vague or unclear in intention;
 - 31.4 outside the powers of Council; or
 - 31.5 irrelevant to the item of business on the agenda and has not been admitted as urgent or general business, or purports to be an amendment but is not,
- must not be accepted by the Chairperson.

32. Clarifying a Motion

Before a notice of motion or other motion which has been foreshadowed is moved, a Councillor may, with the leave of the Chairperson, ask for clarification from the Chairperson or Councillor expected to move the notice of motion or other motion of:

- 32.1 the intent; or
- 32.2 some other aspect

of such notice of motion or other motion.

33. Moving A Motion or an Amendment

The procedure for moving any motion or amendment is:

- 33.1 the mover must state the motion without speaking to it;
- 33.2 the motion must be seconded and the seconder must be a Councillor other than the mover; if a motion is not seconded, the motion lapses for want of a seconder;
- 33.3 if a motion or an amendment is moved the Chairperson must ask:
"Is the motion or amendment opposed?"

- 33.4 if no Councillor indicates opposition, the Chairperson may give the mover of the motion or amendment or any Councillor with a special interest in the matter the opportunity to speak before declaring the motion or amendment carried;
- 33.5 if a Councillor indicates opposition, then the Chairperson must call on the mover to address the meeting;
- 33.6 after the mover has addressed the meeting, the seconder may address the meeting;
- 33.7 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chairperson must call on any Councillor who wishes to speak to the motion (including, at the Chairpersons discretion, the seconder) if the Councillor has not previously spoken; and
- 33.8 if no Councillor speaks to the motion, then the Chairperson must put the motion.

34. Right Of Reply

- 34.1 The mover of a motion, including an amendment, may, once debate has been exhausted, have a right of reply to matters raised during debate.
- 34.2 After the right of reply has been taken, the motion must immediately be put to the vote without any further discussion or debate.

35. Moving An Amendment

- 35.1 Subject to clause 35.2 a motion which has been moved and seconded may be amended by leaving out, inserting or adding words, which words must be relevant to the subject of the motion.
- 35.2 A motion to confirm a previous resolution of Council cannot be amended.

36. Who May Propose An Amendment

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

37. How Many Amendments May Be Proposed

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

38. An Amendment Once Carried

If the amendment is carried, the motion as amended then becomes the motion before the meeting.

39. Withdrawal Of Motions

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

39.2 If the majority of Councillors object to the withdrawal of the motion, it may not be withdrawn.

40. Separation Of Motions

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

41. Chairperson May Separate Motions

The Chairperson may decide to put any motion to the vote in several parts.

42. Priority of address

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

43. Motions In Writing

43.1 All motions, except procedural motions, should be in writing.

43.2 The Chairperson may suspend the meeting while the motion is being written or may request Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

44. Repeating Motion and/or Amendment

The Chairperson may request the person taking the minutes of the meeting to read the motion or amendment to the meeting before the vote is taken.

45. Debate Must Be Relevant To The Question

45.1 Debate must always be relevant to the question before the Chair, and, if not, the Chairperson must request the speaker to confine debate to the question.

45.2 If after being requested to confine debate to the question before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to not speak further in respect of the question then before the Chair.

45.3 A speaker to whom a direction has been given under clause 45.2 must comply with that direction.

46. Speaking Times

A Councillor must not speak longer than the time set out below, unless granted an extension by the Chairperson:

46.1 the mover of a motion or an amendment: 3 minutes

46.2 any other Councillor: 3 minutes; and

46.3 the mover of a motion exercising a right of reply: 2 minutes.

47. Addressing the Meeting

If the Chairperson so determines:

- 47.1 any person addressing the Chair must refer to the Chairperson as:
 - 47.1.1 Madam Mayor; or
 - 47.1.2 Mr Mayor; or
 - 47.1.3 Madam Chair; or
 - 47.1.4 Mr Chairas the case may be;
- 47.2 all Councillors, other than the Mayor, must be addressed as Cr (name).
- 47.3 all members of Council staff, must be addressed as Mr or Ms (name) as appropriate or by their official title.

48. Foreshadowing Motions

- 48.1 At any time during debate a Councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 48.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chairperson being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 48.3 A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- 48.4 The Chief Executive Officer or person taking the minutes of the meeting would not be expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

DIVISION 5 - Procedural Motions

49. Procedural Motions

- 49.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- 49.2 Procedural motions require a seconder.
- 49.3 Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the following table:

PROCEDURAL MOTIONS TABLE

Procedural Motion	Form and Effect	Mover & Seconder	Matter in respect of which Motion may be moved	When motion prohibited	Debate permitted on Motion
<p>I. Adjournment of debate to later hour and/or date</p>	<p><u>Form</u> <i>“That this matter be adjourned to *am/pm and/or *date for the following reason.....”</i></p> <p>* insert time/date</p> <p><u>Effect if carried</u> Motion and amendments postponed to the stated time and/or date</p> <p><u>Effect if lost</u> Debate continues unaffected</p>	<p>Any Councillor</p>	<p>Any matter</p>	<p>(a) During the election of a Chairperson;</p> <p>(b) When another Councillor is speaking</p>	<p>Yes</p>

Procedural Motion	Form and Effect	Mover & Seconder	Matter in respect of which Motion may be moved	When motion prohibited	Debate permitted on Motion
2. Adjournment of debate indefinitely	<p><u>Form</u> <i>“That this matter be adjourned until further notice.”</i></p> <p><u>Effect if carried</u> Motion and any amendment postponed but may be resumed at any later meeting if on the agenda</p> <p><u>Effect if lost</u> Debate continues unaffected</p>	Any Councillor	Any matter <u>except</u> : (a) election of a Chairperson (b) a matter in respect of which a call of the Council has been made for that meeting	(a) During the election of a Chairperson; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the Council has been made	Yes

Procedural Motion	Form and Effect	Mover & Secunder	Matter in respect of which Motion may be moved	When motion prohibited	Debate permitted on Motion
3. The closure	<p><u>Form</u> <i>“That the motion be now put”</i></p> <p><u>Effect if carried</u> The Chairperson must call on the mover of the original motion or amendment in respect of which the closure motion is carried to reply to the debate on the original motion or amendment.</p> <p>The Chairman must then immediately put the original motion or amendment to the vote.</p> <p>No further debate on, or amendment to the original motion or amendment is permitted</p> <p><u>Effect if lost</u> Debate continues unaffected</p>	A Councillor who has not spoken to the motion or any amendment of it	Any matter	During nominations for Chairperson	No

Procedural Motion	Form and Effect	Mover & Secunder	Matter in respect of which Motion may be moved	When motion prohibited	Debate permitted on Motion
4. Laying question on the table	<p><u>Form</u> <i>“That the question lie on the table”</i></p> <p><u>Effect if carried</u> Motion and amendments not further discussed or voted on until:</p> <p>(a) Council resolves to take the question from the table at the same meeting;</p> <p>(b) The matter is placed on an agenda and Council resolves to take the question from the table</p> <p><u>Effect if lost</u> Debate continues unaffected</p>	A Councillor who has not spoken to the motion or amendment of it	Any matter	(a) During the election of a Chairperson; (b) During a meeting which is a call of the Council	No

Procedural Motion	Form and Effect	Mover & Second	Matter in respect of which Motion may be moved	When motion prohibited	Debate permitted on Motion
5. Previous question	<p>Form <i>“That the question be <u>not</u> now put”</i></p> <p>Effect if carried</p> <p>(a) No vote or further discussion on the motion until it is placed on an agenda for a later meeting;</p> <p>(b) Proceed to next business</p> <p>Effect if lost</p> <p>Motion (as amended up to that time) put immediately without further amendment or debate</p>	<p>A Councillor who has not spoken to the motion or any amendment of it</p>	<p>Any matter <u>except</u>:</p> <p>(a) election of a Chairperson</p> <p>(b) a matter in respect of which a call of the Council has been made for that meeting</p>	<p>(a) During the election of a Chairperson;</p> <p>(b) When another Councillor is speaking;</p> <p>(c) When the matter is one in respect of which a call of the Council has been made;</p> <p>(d) When an amendment is before Council</p>	<p>Yes</p>

Procedural Motion	Form and Effect	Mover & Seconder	Matter in respect of which Motion may be moved	When motion prohibited	Debate permitted on Motion
<p>6. Proceeding to next business</p>	<p><u>Form</u> <i>“That the meeting proceed to the next business”.</i></p> <p>Note: This Motion:</p> <ul style="list-style-type: none"> (a) May not be amended (b) May not be debated; (c) Must be put to the vote as soon as seconded <p><u>Effect if carried</u></p> <p>If carried in respect of:</p> <ul style="list-style-type: none"> (a) An amendment - Council considers the motion without reference to the amendment: (b) A motion - no vote or further discussion on the motion until it is placed on an agenda for a later meeting. <p><u>Effect if lost</u></p> <p>Debate continues unaffected</p>	<p>A Councillor who has not spoken to the motion or any amendment of it</p>	<p>Any matter <u>except</u>:</p> <ul style="list-style-type: none"> (c) election of a Chairperson (d) a matter in respect of which a call of the Council has been made for that meeting 	<ul style="list-style-type: none"> (a) During the election of a Chairperson; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the Council has been made 	<p>No</p>

DIVISION 6 - RESCISSION MOTIONS

50. Notice of Rescission

- 50.1 A Councillor may propose a notice of rescission provided:
- 50.1.1 the resolution proposed to be rescinded has not been acted on; and
 - 50.1.2 the notice of rescission is delivered to the Chief Executive Officer setting out -
 - 50.1.2.1 the resolution to be rescinded; and
 - 50.1.2.2 the meeting and date when the resolution was carried.
- 50.2 The Chief Executive Officer or an appropriate member of Council staff may implement a resolution at any time after the close of the meeting at which it was made. A resolution will therefore be deemed to have been acted on if:
- 50.2.1 its contents have or substance has been formally communicated to a person whose interests are materially affected by it; or
 - 50.2.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on Council or any person.
- 50.3 A notice of rescission must comply with the provisions of clause 30 of this Local Law covering notices of motion.

51. Majority To Rescind A Resolution

For a resolution of Council to be rescinded, the motion for rescission must be carried by a majority of the votes cast.

52. If Lost

If a motion for rescission is lost, a similar motion may not be put before Council for at least three months from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future meeting.

53. If Not Moved

If a motion for rescission is not moved at the meeting for which it is listed, it lapses.

54. May Be Moved By Any Councillor

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

55. When Not Required

- 55.1 A motion for rescission is not required where Council wishes to change policy.
- 55.2 Notwithstanding clause 55.1, the following standards should generally apply if Council wishes to change policy:

55.2.1 if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission should be presented to Council; and

55.2.2 any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

Council may determine the extent to which these standards should be followed, which will depend upon the circumstances of each case.

DIVISION 7 - Points of Order

56. Chairperson To Decide

The Chairperson must 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.

57. Chairperson May Adjourn To Consider

57.1 The Chairperson may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

57.2 All other questions before Council are suspended until the point of order is decided.

58. Dissent From Chairperson's Ruling

58.1 A Councillor may move that the meeting disagree with the Chairperson's ruling on a point of order, by moving:

"That the Chairperson's ruling be dissented from".

58.2 When a motion in accordance with this clause is moved and seconded, the Chairperson must leave the Chair and a temporary Chairperson elected by the meeting must take his or her place.

58.3 The temporary Chairperson must invite the mover to state the reasons for his or her dissent and the Chairperson may then reply.

58.4 The temporary Chairperson must put the motion in the following form:

"That the Chairperson's ruling be dissented from."

58.5 If the vote is in the negative, the Chairperson resumes the Chair and the meeting proceeds.

58.6 If the vote is in the affirmative, the Chairperson must then resume the Chair, reverse his or her previous ruling and proceed.

58.7 The defeat of the Chairperson's ruling is in no way a motion of censure or non- confidence, and should not be so regarded by the meeting.

59. Procedure For Point Of Order

A Councillor raising a point of order must:

59.1 state the point of order; and

59.2 state any section, clause, paragraph or provision relevant to the point of order.

60. Valid Points Of Order

A point of order may be raised in relation to:

- 60.1 a motion, which, under clause 31, or a question which, under clause 62.6, should not be accepted by the Chairperson;
- 60.2 a question of procedure;
- 60.3 a Councillor who is or appears to be out of order; or
- 60.4 any act of disorder.

61. Contradiction Or Opinion

Expressing a mere difference of opinion or to contradict a speaker is not a point of order.

DIVISION 8 - Public Question Time

62. Question Time

- 62.1 There shall be a public question time at every Ordinary meeting to enable members of the public to submit questions to Council.
- 62.2 Questions submitted to Council must be in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council.
- 62.3 Subject to clause 62.7, any question submitted to the Council will be answered at the relevant meeting if the question has been submitted no less than 24 hours before the commencement of the Ordinary meeting. Any question submitted less than 24 hours before the Ordinary meeting will be answered at the meeting if possible, and if no answer can be given at the meeting then it will be given as soon as practicable.
- 62.4 No person may submit more than two questions at any meeting except at the discretion of the chair.
- 62.5 The Chairperson or member of Council staff nominated by the Chairperson may read a question to those present.
- 62.6 A question may be disallowed by the Chairperson if it:
 - 62.6.1 relates to a matter outside the duties, functions and powers of Council;
 - 62.6.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - 62.6.3 deals with a subject matter already answered;
 - 62.6.4 is aimed at embarrassing a Councillor or a member of Council staff;
 - 62.6.5 relates to personnel matters;
 - 62.6.6 relates to the personal hardship of any resident or ratepayer;

- 62.6.7 relates to industrial matters;
 - 62.6.8 relates to contractual matters;
 - 62.6.9 relates to proposed developments that are not before the Council;
 - 62.6.10 relates to legal advice;
 - 62.6.11 relates to matters affecting the security of Council property; or
 - 62.6.12 relates to any other matter which Council considers would prejudice Council or any person.
- 62.7 All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification.
 - 62.8 The Chairperson may nominate a Councillor or member of Council staff to respond to a question.
 - 62.9 A Councillor or member of Council staff may require a question to be put on notice until the next Ordinary meeting, at which time the question must be answered, or elect to submit a written answer to the person asking the question.
 - 62.10 A Councillor or member of Council staff may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or member of Council staff must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

DIVISION 9 - Petitions and Joint Letters

63. Petitions and Joint Letters

- 63.1 A petition or joint letter presented to the Council must include at least three signatures in order to be a valid petition or joint letter.
- 63.2 A petition or joint letter presented to Council must lay on the table until the next ordinary meeting of Council and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.
- 63.3 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 63.4 For the sake of clarity, a petition and a joint letter have the same meaning and shall be treated as being the same by Council.
- 63.5 A petition or joint letter which deals with a planning application or a planning scheme amendment currently before Council under the Planning and Environment Act will be treated as a submission to that planning application or that planning scheme amendment and will not be treated as a petition or joint letter.

DIVISION 10 - Deputations

64. Deputation to be referred to the Mayor

A deputation wishing to be heard by Council may make a written request to the Chief Executive Officer who must refer the request to the Mayor.

65. Consideration of Request

The Mayor may direct the Chief Executive Officer as to the meeting at which the deputation will be heard or, alternatively, ask the Chief Executive Officer to place a request before Council.

66. Notification of Hearing

If the Mayor asks for a deputation to be heard, the Chief Executive Officer must notify all Councillors of that direction, and also notify a member of the deputation of the date, time, and place of which the deputation will be heard.

67. Written Submissions

A deputation may lodge with the Chief Executive Officer, a written submission detailing the subject matter of the deputation prior to the deputation addressing Council.

68. Limitation on Speakers

Council will not hear more than two speakers on behalf of any deputation, and may set time limits on the length and address of each speaker.

69. Questions but no discussion

Councillors and members of Council staff may question the deputation on matters raised by it for purposes of clarification.

70. Matter to be determined upon a subsequent meeting

No motion must be allowed on any deputation until the next Ordinary meeting after the deputation has been heard unless Council, by resolution, decides otherwise.

DIVISION 11 - Voting

71. How Motion Determined

To determine a motion before a meeting, the Chairperson must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the meeting.

72. Casting Vote

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

73. By Show Of Hands

Voting on any matter is by show of hands.

74. Procedure For A Division

- 74.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.
- 74.2 When a division is called for, the vote already taken must be treated as a nullity and the division shall decide the question, motion or amendment.
- 74.3 When a division is called for, the Chairperson must:
 - 74.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise their hand. The Chairperson must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the affirmative; and
 - 74.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise their hand. The Chairperson must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the negative.

75. No Discussion Once Declared

Once a vote on a question has been taken no further discussion relating to the question is allowed unless the discussion is:

- 75.1 for a Councillor to request that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- 75.2 on a notice of rescission, or where a resolution has been rescinded.

DIVISION 12 - Minutes

76. Confirmation of Minutes

At every meeting of Council the minutes of the preceding meeting(s) must be dealt with as follows:

- 76.1 a copy of the minutes must be delivered to each Councillor no later than 48 hours before the next meeting. This clause shall not apply in respect of Councillor who has been granted leave of absence pursuant to section 69 of the Act and who has not requested the Chief Executive Officer, in writing, to continue to give notice of meetings to be held during the period of leave of absence.
- 76.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
- 76.3 if a Councillor indicates opposition to the minutes:
 - 76.3.1 he or she must specify the item(s) to which he or she objects;
 - 76.3.2 the objected item(s) must be considered separately and in the order in which they appear in the minutes;

- 76.3.3 the Councillor objecting must move accordingly without speaking to the motion;
- 76.3.4 the mover of the motion of objection may then speak to it;
- 76.3.5 the motion must then be open to debate; and
- 76.3.6 when all objections to the minutes have been determined, the Chairperson must ask:

"The question is that the minutes be confirmed" or
 "The question is that the minutes, as amended, be confirmed",

and he or she must put the question to the vote accordingly;

- 76.4 a resolution of Council must confirm the minutes and the minutes must, if practicable, be signed by the Chairperson of the meeting at which they have been confirmed;
- 76.5 the minutes must be entered in the minute book and each item in the minute book must be entered consecutively according to the numbering system used by Council from time to time.;
- 76.6 unless otherwise resolved or required by law, minutes of a Special Committee requiring confirmation by Council must not be available to the public until confirmed by Council; and
- 76.7 the Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council meeting, and those minutes must record:
 - 76.7.1 the date, place, time and nature of the meeting;
 - 76.7.2 the names of the Councillors present;
 - 76.7.3 the names of the members of Council staff present;
 - 76.7.4 any disclosure of interest made by a Councillor;
 - 76.7.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
 - 76.7.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
 - 76.7.7 the vote cast by each Councillor upon a division;
 - 76.7.8 when requested by a Councillor, a record of that Councillor's support or opposition for any motion
 - 76.7.9 questions upon notice; and
 - 76.7.10 the failure of a quorum.

77. No Debate on Confirmation Of Minutes

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

78. Objection To Confirmation Of Minutes

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

- 78.1 state the item or items with which he or she are dissatisfied; and
- 78.2 propose a motion clearly setting out the alternative wording to amend the minutes.

79. Deferral Of Confirmation Of Minutes

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

80. Recording Of Minutes

- 80.1 A person must not operate photographic, audio or video recording equipment or any other recording device at any Council meeting without first obtaining the consent of Council or the Chairperson (as the case may be). Such consent may at any time during the course of such meeting be revoked by Council or the Chairperson (as the case may be).

Penalty: 5 penalty units.

DIVISION 13 - Behaviour

81. Public Addressing The Meeting

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

82. Chairperson May Remove

The Chairperson may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction.

83. Offences

It is an offence for:

- 83.1 a Councillor to not withdraw an expression considered by the Chairperson to be offensive or disorderly, and apologise when called on twice by the Chairperson to do so;

Penalty: 2 penalty units

- 83.2 any person, not being a Councillor, who is guilty of any improper or disorderly conduct, to not leave the Chamber when requested by the Chairperson to do so;

Penalty: 5 penalty units

- 83.3 any person to fail to comply with a direction of the Chairperson in relation to the conduct of the meeting and the maintenance of order;

Penalty: 2 penalty units

83.4 a Councillor to refuse to leave the Chamber on suspension.

Penalty: 5 penalty units

84. Chairperson may adjourn disorderly meeting

If the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper.

85. Suspensions

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

86. Removal from Chamber

The Chairperson, or Council in the case of a suspension, may ask the Chief Executive Officer or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Local Law or whom the Chairperson has ordered to be removed from the gallery under clause 82 of this Local Law.

87. Mobile telephones or pagers

87.1 Any person in attendance at a Council or committee meeting must ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council or a committee without the prior permission of the Chairman. If the Chairman gives permission for a mobile telephone or pager to be switched on, then they must be left on 'meeting mode', so that the device does not make an audible sound, for the duration of that meeting.

87.2 If it is absolutely urgent that a call be responded to by a Councillor or an officer, they must seek permission of the Chairman to leave the meetings to make or receive a call, otherwise calls can be made during any scheduled breaks in a meeting.

88. Mobile computing devices

Any Councillor in attendance at a Council or Committee meeting must not use a mobile computing device during the meeting without the prior permission of the Chairman.

DIVISION 14 - Additional Duties of Chairperson

89. The Chairperson’s Duties And Discretions

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

- 89.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and
- 89.2 must call to order any person who is disruptive or unruly during any meeting.

DIVISION 15 - Suspension of Standing Orders

90. Suspension of Standing Orders

- 90.1 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.
- 90.2 The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- 90.3 Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
- 90.4 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 orders be suspended to enable discussion on....."
- 90.5 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."

DIVISION 16 - Special Committees

91. Application Generally

- 91.1 If Council establishes a Special Committee, all of the provisions of Divisions 1-15 of this Local Law shall apply with any necessary modifications or adaptations.
- 91.2 For the purposes of clause 91.1, a reference in Division 1-15 of this Local Law to:
 - 91.2.1 a Council meeting is to be read as a reference to a meeting of the Special Committee;
 - 91.2.2 a Councillor is to be read as a reference to a member of the Special Committee; and
 - 91.2.3 the Mayor is to be read as a reference to the Chairperson of the Special Committee.

92. Application Specifically

Notwithstanding clause 91, if Council establishes a Special Committee or an Advisory Committee:

- 92.1 Council may; or
- 92.2 the Special Committee, or the Advisory Committee may, with the approval of Council

resolve that any provision(s) of Divisions 1-15 is or are (as appropriate) not to apply, whereupon that provision or those provisions shall not apply until Council resolves otherwise.

DIVISION 17 - Certification

93. Key information

The following key information is set down in order to facilitate the management of this Local Law.

Date Resolved By Council	16 December 2009
Date of Notice in Gazette	24 December 2009
Commencement Date:	25 December 2009
Review Date:	25 December 2018
Revocation Date:	25 December 2019
Responsible Officer:	Chief Executive Officer

94. Affixing of the Common Seal

The Common Seal is affixed to signify the authenticity of this Local Law.

The COMMON SEAL of)
 BASS COAST SHIRE COUNCIL)
 was affixed on) 18 December 2009
 in the presence of:



.....

Allan Bawden
Chief Executive Officer