



# **YARRA CITY COUNCIL MEETING PROCEDURES LOCAL LAW**

**Local Law No. 1 of 2002**

**(As adopted by Council 12 February 2002)**

## TABLE OF CONTENTS

<b>PART 1 - PRELIMINARY .....</b>	<b>4</b>
TITLE.....	4
OPERATION.....	4
PURPOSE .....	4
AUTHORISING PROVISIONS .....	4
REPEAL OF LOCAL LAWS .....	4
REVOCAION .....	5
DEFINITIONS.....	5
<b>PART 2 - ELECTION OF MAYOR.....</b>	<b>6</b>
PROCEDURE FOR ELECTION OF MAYOR.....	6
APPOINTMENT OF COUNCIL REPRESENTATIVES TO EXTERNAL ASSOCIATIONS, BODIES AND COMMITTEES .....	7
<b>PART 3 - COUNCIL MEETINGS AND PROCEDURES .....</b>	<b>7</b>
<b>DIVISION 1 - BUSINESS: DESCRIPTION AND PROCEDURE.....</b>	<b>7</b>
GENERAL .....	7
ORDER OF BUSINESS.....	8
QUORUM AND ADJOURNMENT .....	8
COUNCIL MEETINGS.....	9
CLOSED SESSION.....	10
MINUTES OF CLOSED SESSIONS OF MEETINGS .....	10
DISCLOSURE OF PECUNIARY INTEREST .....	11
MINUTES .....	11
CONFIRMATION OF MINUTES .....	12
PETITIONS AND JOINT LETTERS .....	13
SUBMISSIONS.....	13
PUBLIC QUESTION TIME .....	13
COUNCILLORS' FORUM.....	13
<b>DIVISION 2 - CONDUCT OF DEBATE .....</b>	<b>14</b>
CALL TO ORDER.....	14
POINTS OF ORDER.....	14
USE OF TITLES .....	15
PERSONAL REFLECTIONS.....	15
DISORDERLY OR OFFENSIVE EXPRESSIONS.....	15
SUSPENSIONS.....	15
<b>DIVISION 3 - RULES ON SPEAKING .....</b>	<b>15</b>
ORDER OF SPEAKING .....	15

CHAIRPERSON MAY SPEAK.....	15
SPEAKING TWICE .....	16
LIMITATION ON SPEAKING.....	16
PERSONAL EXPLANATION.....	17
COUNCILLORS NOT TO DIGRESS .....	17
RULING OF CHAIRPERSON FINAL.....	17
<b>DIVISION 4 - STANDING ORDERS .....</b>	<b>17</b>
ENFORCEMENT OF STANDING ORDERS .....	17
SUSPENSION OF STANDING ORDERS.....	17
<b>DIVISION 5 - MOTIONS AND AMENDMENTS AND VOTING.....</b>	<b>18</b>
MOTIONS AND AMENDMENTS MOVED IN DEBATE.....	18
DIVISIONS.....	19
NOTICES OF MOTION .....	20
URGENT BUSINESS.....	20
REVOCAION OR ALTERATION OF PREVIOUS RESOLUTION .....	20
FORMAL OR PROCEDURAL MOTIONS.....	21
VOTING.....	21
CASTING VOTE .....	21
<b>PART 4: SPECIAL COMMITTEES COMPOSED SOLELY OF COUNCILLORS.....</b>	<b>22</b>
APPLICATION GENERALLY.....	22
APPLICATION SPECIFICALLY .....	22
<b>PART 5: CODE OF ETHICS.....</b>	<b>22</b>
<b>PART 6: THE CHAIRPERSON'S DUTIES AND DISCRETION .....</b>	<b>22</b>
CHAIRPERSON .....	22
<b>PART 7: ENFORCEMENT AND PENALTIES.....</b>	<b>23</b>
ENFORCEMENT PROVISIONS.....	23
<b>PART 8: USE OF THE COMMON SEAL .....</b>	<b>23</b>
AFFIXING THE COMMON SEAL.....	23
SAFE CUSTODY OF COMMON SEAL.....	23
REGISTER OF USE .....	24
SIGNATURES TO ACCOMPANY THE COMMON SEAL .....	24
<b>SCHEDULE .....</b>	<b>25</b>
FORMAL MOTIONS.....	25
PROCEDURE AND EFFECT .....	25
APPENDIX A .....	28

## **CITY OF YARRA**

### **YARRA CITY COUNCIL MEETING PROCEDURES LOCAL LAW NO 1 of 2002**

#### **PART 1 - PRELIMINARY**

##### **TITLE**

1. This Local Law is to be known as the Yarra City Council Meeting Procedures Local Law No. 1 of 2002.

##### **OPERATION**

2. This Local Law:
  - (a) comes into operation on the day following the day on which notice of the making of this local law is published in the Victoria Government Gazette; and,
  - (b) operates throughout the municipal district of the Council.

##### **PURPOSE**

3. The purpose of this Local Law is to:
  - (a) regulate the proceedings for the election of the Mayor;
  - (b) regulate the proceedings of Ordinary and Special Meetings of Council;
  - (c) regulate the proceedings of meetings of Special Committees composed solely of Councillors; and,
  - (d) regulate the use of the common seal.

##### **AUTHORISING PROVISIONS**

4. This Local Law is made under Sections 91(1) and 111(1) of the *Local Government Act* 1989.

##### **REPEAL OF LOCAL LAWS**

5. This Local Law repeals the following Local Laws
  - (a) Local Law No 1 – Common Seal;
  - (b) Local Law No 4 – Meeting Procedures;
  - (c) Local Law No 6 – Common Seal (Amendment);
  - (d) Local Law No 7 – Meeting Procedures (Amendment); and
  - (e) Local Law No 11 – Meeting Procedures (Amendment)

## REVOCATION

6. Unless sooner revoked, this Local Law ceases to operate on 1 March 2012.

## DEFINITIONS

7. In this Local Law, unless the context or subject matter indicates otherwise,

Act	means the <i>Local Government Act 1989</i> .
agenda	means the Notice Paper or business paper for a meeting.
Chairperson	means the Mayor of the Council or other Councillors elected to chair a Council Meeting.
Chief Executive	means the Chief Executive Officer of the Council and includes a person acting as the Chief Executive Officer.
Council	means the Yarra City Council.
Councillor	means a Councillor of the Council who has made a declaration and taken an oath of allegiance in accordance with Sections 63 and 64 of the Act.
Council Meeting	means an Ordinary or a Special Meeting of the Council.
Municipal District	means the municipal district of the Yarra City Council.
offence	means a wilful act or default contrary to this Local Law.
Ordinary Meeting	means a meeting of the Council of which general business of the Council may be transacted.
penalty unit	means a penalty unit as defined in the <i>Sentencing Act 1991</i> .
Special Committee	means a special committee established by the Council under Section 86 of the Act.
Special Meeting	means a meeting of the Council convened in accordance with Section 84 of the Act at which business specified in the notice calling the meeting is transacted.
Standing Order	means a provision of this Local Law.

## **PART 2 - ELECTION OF MAYOR**

### **PROCEDURE FOR ELECTION OF MAYOR**

8. At the commencement of proceedings to elect the Mayor, the Chief Executive shall invite nominations for an Acting Chairperson to chair the meeting to deal with:
  - (a) the receipt of nominations for Mayor; and
  - (b) the election of Mayor.
9. The Acting Chairperson must not be a candidate for the position of Mayor at that meeting.
10. Nominations need not be seconded, but the nominee must consent to his or her nomination.
11. If the nominee is not present when he or she is nominated, written notification of consent must immediately be produced to the Acting Chairperson. Once the Acting Chairperson closes nominations and declares who the candidates are to be, no candidate can withdraw his or her candidacy.
12. If there is only one nomination, that candidate nominated shall be deemed to have been duly elected.
13. If there is more than one nomination, the Councillors present at the meeting shall vote for one of the candidates by a show of hands.
14. In the event of a candidate receiving an absolute majority of the votes, that candidate shall be declared to have been duly elected.
15. In the event of no candidate receiving an absolute majority of the votes, the candidate with the fewest number of votes shall be declared to be a defeated candidate. No further nominations shall be accepted and the Councillors present at the meeting shall then vote for one of the remaining candidates by a show of hands.
16. If one of the remaining candidates receives an absolute majority of the votes, he or she shall be declared to have been duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidate with the fewest number of votes a defeated candidate and voting for the remaining candidates by a show of hands shall be repeated until one of the candidates receives an absolute majority of the votes. That candidate shall be declared to have been duly elected.

17. In the event of two or more candidates having an equality of votes and one of them having to be declared:
  - (a) a defeated candidate; or
  - (b) duly elected,

the result will be determined by draw by lot.
18. In the event of a draw by lot, the lot drawn will be that of the councillor to be excluded from the ballot.
19. The Chief Executive shall have the conduct of any draw by lot.
20. After the election of the Mayor is determined, the Mayor shall take the chair.

**APPOINTMENT OF COUNCIL REPRESENTATIVES TO EXTERNAL ASSOCIATIONS, BODIES AND COMMITTEES**

21. The procedure used for the election of the Mayor will be used to appoint Councillors to represent the Council on external associations, bodies and committees.

**PART 3 - COUNCIL MEETINGS AND PROCEDURES**

**DIVISION 1 - BUSINESS: DESCRIPTION AND PROCEDURE**

**GENERAL**

22. Where a circumstance has not been provided for is unclear, or cannot be dealt with under this Local Law, the Council may determine the matter by resolution.
23. The Council may, by resolution, adopt policies which complement this Local law and which facilitate the conduct of Council Meetings.

## **ORDER OF BUSINESS**

24. The order of business for Council Meetings will be as follows:
- (a) Apologies and requests for leave of absence;
  - (b) Disclosures of pecuniary interest;
  - (c) Confirmation of minutes;
  - (d) Petitions and joint letters;
  - (e) Public question time;
  - (f) Councillors' Forum;
  - (g) Committee Business Reports;
  - (h) Council Business Reports;
  - (i) Notices of motion;
  - (j) Urgent business; and
  - (j) Confidential Business (Matters to be considered in camera).
25. The order of business may only be altered by resolution of the meeting.

## **QUORUM AND ADJOURNMENT**

26. A quorum for Council Meetings shall be the next highest whole number above half the current number of Councillors.
27. No business may be conducted at any Council Meeting unless a quorum is present.
28. The Chairperson must open the meeting as soon as a quorum is present.
29. Once the meeting is opened the Council may from time to time by resolution adjourn the meeting.
30. No discussion is allowed on any motion for adjournment of a meeting.

31. Where an adjournment motion is lost, the meeting shall resume consideration:
- (a) of any motion before the meeting immediately prior to the moving of the adjournment motion; or
  - (b) where there is no motion before the chair, the meeting shall proceed to the next item on the Agenda.
32. If at any Council Meeting a quorum is not present within half an hour after the time appointed for the meeting:
- (a) a majority of the Councillors present; or
  - (b) if there are no Councillors present, the Chief Executive;
- may adjourn the Meeting to any time not more than seven days after the date of adjournment.
33. If at any time during any Council Meeting a quorum is lost:
- (a) a majority of the Councillors present; or
  - (b) if there are no Councillors present, the Chief Executive;
- may adjourn the Meeting to any time not more than seven days after the date of adjournment.
34. Except where any Council Meeting is adjourned to a subsequent hour on the same day, notice of the adjourned meeting and of the date and time to which the meeting has been adjourned must be given by the Chief Executive to every Councillor not present at the time of adjournment as soon as practicable.

## **COUNCIL MEETINGS**

35. The Mayor will chair all Council Meetings at which he or she is present unless precluded from doing so because of a pecuniary interest. In the absence of the Mayor, a Councillor shall be elected Acting Chairperson who shall take the chair.
36. The date, time and place for all Ordinary Meetings and Special Committee Meetings shall be fixed by the Council from time to time.
37. The Council, or in cases of necessity or urgency, the Mayor in consultation with the Chief Executive, may change the date, time and place for an Ordinary Meeting and the Chief Executive must give at least 48 hours notice of such change to all Councillors and the public.

38. The Council or relevant Special Committee, or in cases of necessity or urgency, the relevant Special Committee Chairman in consultation with the Chief Executive, may change the date, time and place for a Special Committee Meeting and the Chief Executive must give at least 48 hours notice of such change to all Councillors and the public.
39. Special Meetings shall only deal with matters that cannot safely or conveniently be held over until the next scheduled Ordinary Meeting.
40. Notice of Council Meetings incorporating or accompanied by an agenda must be given to all Councillors at least 48 hours before any Ordinary Meeting and at least 24 hours before any Special Meeting, provided however that it will be sufficient with the agreement of the Mayor for lesser and verbal notice to be given by the Chief Executive for any Special Meeting called for reasons of urgency if bona-fide attempts are made to contact all
41. Public Notice of Ordinary Council Meetings shall be given at least 48 hours prior to the meeting.
42. Public Notice of Special Meetings shall be provided to the public at least 24 hours prior to the meeting, unless the special meeting has been called with less than 24 hours notice to Councillors, in which case public notice is to be given as soon as possible after such notice has been given to councillors.
43. An agenda shall not be delivered to a Councillor who has been granted leave of absence unless the Councillor has, in writing, requested the Chief Executive to continue to provide agendas for meetings held during the period of absence.

#### **CLOSED SESSION**

44. Standing Orders apply when a Council Meeting is closed under Section 89 (2) of the Act unless the Council resolves otherwise.
45. Following the determination of matters considered in closed session, the Council will resume proceedings with open doors. A motion is required for the Council to resume proceedings with open doors.

#### **MINUTES OF CLOSED SESSIONS OF MEETINGS**

46. The minutes of closed sessions of Council Meetings will be available for inspection by Councillors and will be tabled at the meeting at which they are to be confirmed.

## **DISCLOSURE OF PECUNIARY INTEREST**

47. In instances where a Councillor in attendance at a Council Meeting has declared a pecuniary interest in accordance with Section 79 of the Act, the minutes are to record whether the Councillor:
- (a) left the room before the start of discussion and remained outside while the vote was taken; or
  - (b) whether the Councillor remained outside while the vote was taken, but left the room;
    - (i) during discussion without speaking on the item; or
    - (ii) during discussion after speaking on the item; or
    - (iii) at the end of discussion without speaking on the item; or
    - (iv) at the end of discussion after speaking on the item; or
    - (v) in other circumstances (as described).

## **MINUTES**

48. The minutes shall record the business of the Council Meeting and in particular:
- (a) the names of the Councillors present;
  - (b) the names of Councillors who have submitted apologies or have been granted leave of absence; and
  - (c) the nature of any declarations of pecuniary interest; and
  - (d) each motion and amendment moved (including motions that lapse for the want of a seconder) and motions and amendments withdrawn by resolution or by leave of the meeting; and
  - (e) whether motions or amendments were carried or lost; and
  - (f) the failure of a quorum; and
  - (g) closure and reopening of the meeting to members of the public.
  - (h) a concise summary of any question asked by a member of the public during public question time and any Councillor and /or Officer response provided;
  - (i) a concise summary of any question asked by a Councillor during Councillors' Forum and any response provided; and
  - (j) a concise summary of any delegates report presented by a Councillor.

## CONFIRMATION OF MINUTES

49. At every Council Meeting the minutes of the preceding Ordinary Meeting must be dealt with as follows:
  - (a) if the minutes have been delivered to each Councillor at least 48 hours before the meeting, a motion may be considered for the confirmation of the minutes; or
  - (b) if the minutes have not been so delivered, the minutes must be read prior to a motion for confirmation being considered.
50. Minutes of a Special Meeting will be listed for confirmation at the next appropriate Ordinary Meeting.
51. No discussion is permitted on the minutes except as to their accuracy as a true record of proceedings.
52. If, when considering the confirmation of the minutes, a Councillor indicates opposition to the minutes:
  - (a) the Councillor shall name the item or items to which the Councillor objects; and
  - (b) the item(s) objected to shall be considered separately in the order in which they appear in the minutes; and
  - (c) the Chief Executive shall read the item(s); and
  - (d) the Councillor objecting shall move accordingly; and
  - (e) the seconder of the motion of objection shall second;
  - (f) when all objections to the minutes have been determined, the Chairperson shall say:

“The motion is that the minutes be confirmed”, or

“The motion is that the minutes as amended be confirmed” and
  - (g) the Chairperson shall put the question to the vote.
53. The confirmed minutes, with or without amendment, must be signed by the Chairperson of the meeting at which they were confirmed.

## **PETITIONS AND JOINT LETTERS**

54. Petitions and joint letters are to be presented by Councillors at a Council Meeting.
55. Where a petition or joint letter presented to a Council Meeting relates to an item of business on the agenda, the submission is to be considered by Council as part of its deliberations on the item.
56. Petitions and joint letters may be referred for action to the appropriate Member of Council staff, or the appropriate Special Committee.
57. The motion shall be that "The petition(s) or joint letter(s) be received and referred to the appropriate officer or appropriate Committee for action".

## **SUBMISSIONS**

58. Council will hear submitters in accordance with the Act and Council policy as determined from time to time.

## **PUBLIC QUESTION TIME**

59. Public Question Time shall be conducted in accordance with this Local Law.
60. Any individual member of the public will be permitted to ask a maximum of two questions per Council Meeting Question Time.
61. A maximum of 15 minutes shall be allocated for the conduct of Public Question Time, unless at the expiration of that 15 minutes, Council resolves to extend question time for a period of time determined by the meeting.
62. Members of the public wishing to ask a question may either: a) ask their question personally by identifying themselves and directing their question to the Mayor; or b) in instances where the individual may not be in attendance at the meeting, by providing prior written advice of the question to Council's Chief Executive Officer.
- 62A In circumstances where questions are taken on notice, Council will endeavour to provide a written response within 10 working days.

## **COUNCILLORS' FORUM**

63. The Councillors' Forum shall be conducted in accordance with this Local Law.
64. Councillor Forum comprises:
  - (a) General Business;
  - (b) Delegates Reports; and
  - (c) Questions Without Notice.
65. General Business motions may only call for reports to be prepared for subsequent consideration by Council or Special Committee, and shall not

require the expenditure or commitment of council resources, or the setting of Council Policy.

66. Delegates reports may be verbal or written.
67. Questions without Notice are for the purpose of seeking information from Council Officers and may be asked by any Councillor and shall be directed to the Mayor.
68. Questions without Notice must be concise and unambiguous.

## **DIVISION 2 - CONDUCT OF DEBATE**

### **CALL TO ORDER**

69. Any Councillor moving a motion or amendment or speaking to any matter under consideration must address the Chairperson.
70. No Councillor when speaking shall be interrupted unless called to order. Any Councillor called to order shall remain silent, in which case the Councillor calling to order shall be heard and the question of order shall be disposed of by the Chairperson before the subject is resumed or any other subject entered upon.

### **POINTS OF ORDER**

71. A councillor may call a point of order on the grounds that a matter being debated is:
  - (a) contrary to this Local Law;
  - (b) defamatory;
  - (c) irrelevant;
  - (d) outside Council's power;
  - (e) improper;
  - (f) frivolous; or
  - (h) vexatious.

## **USE OF TITLES**

72. Councillors and members of Council staff shall address each other by their titles of Mayor, Councillor or the relevant Officer's title.

## **PERSONAL REFLECTIONS**

73. All imputations of improper motives and personal reflections on Councillors members of Council staff and disobedience of the ruling of the Chairperson on any matter, shall be deemed disorderly.

## **DISORDERLY OR OFFENSIVE EXPRESSIONS**

74. Whenever any Councillor uses offensive or disorderly language or otherwise behaves in a manner which, in the opinion of the Chairperson, is offensive, disorderly or disturbing to the debate or proceedings of the Council, the Councillor shall be called to order and requested to withdraw the expression, and make a satisfactory apology to the Council.
75. If, after having been twice called to order or to withdraw the expression and to make a satisfactory apology to the Council, the Councillor fails or refuses to do so, or whenever any Councillor fails or refuses to obey the ruling or order of the Chairperson on any matter, the Chairperson may refuse to hear the Councillor further upon the matter then under discussion and call upon the next speaker, or adjourn the Council Meeting.
76. Any Councillor who contravenes or fails to comply with Clause 75 is guilty of an offence.

## **SUSPENSIONS**

77. The Council may by resolution, suspend from the balance of a Council Meeting, any Councillor whose actions have disrupted the business of the meeting and impeded its orderly conduct.

## **DIVISION 3 - RULES ON SPEAKING**

### **ORDER OF SPEAKING**

78. Where two or more Councillors desire to speak at the same time, the Chairperson shall decide who is entitled to priority.

### **CHAIRPERSON MAY SPEAK**

79. The Chairperson may address any Council Meeting upon any matter under discussion.

## **SPEAKING TWICE**

80. A Councillor shall not speak more than once on the same question except:-
- (a) if the Councillor is entitled to a right of reply; and
  - (b) that the Councillor may speak once to an amendment and once to a motion.

## **LIMITATION ON SPEAKING**

81. The mover of a motion can speak once to the motion and once to any amendment and can exercise a right of reply on the motion subject to Clause 82.
82. The mover of a motion:
- (a) has no right of reply on the motion where an amendment to the motion has been carried; and
  - (b) has the right of reply where the mover has, in accordance with Clause 101, changed the wording of the motion provided that no amendment has been carried; and
  - (c) can only exercise a right of reply immediately prior to the motion being put; and
  - (d) has no right of reply in relation to any amendment prior to such amendment being put.
83. The mover of an amendment can speak once to the motion and once to his or her own or any other amendment. The mover of an amendment has no right of reply.
84. No Councillor may speak longer than the time set out below unless granted an extension by the meeting:

<b>Speaker</b>	<b>Time Allowed (Minutes)</b>
Mover of a motion	5
Councillor speaking to a motion or amendment	3
Right of Reply	2

85. A motion for extension of time, once carried, shall allow a Councillor a further two minutes in which to speak and no further extension shall be permitted.

## **PERSONAL EXPLANATION**

86. A Councillor or member of Council staff may, at any Council Meeting at a time decided by the Chairperson, make a personal explanation for a period not exceeding two minutes on any statement made affecting that Councillor or member of Council staff.
87. A personal explanation shall not be debated.

## **COUNCILLORS NOT TO DIGRESS**

88. A Councillor shall not digress from the subject matter under consideration.

## **RULING OF CHAIRPERSON FINAL**

89. The ruling of the Chairperson upon all questions of order and of matters arising in debate shall be final.

## **DIVISION 4 - STANDING ORDERS**

### **ENFORCEMENT OF STANDING ORDERS**

90. Any Councillor may require the enforcement of any Standing Order by the Council by directing the attention of the Chairperson to the infringement thereof.

### **SUSPENSION OF STANDING ORDERS**

91. Any Standing Order with the exception of Standing Orders relating to-
- (a) the quorum of Council;
  - (b) the election of Mayor;
  - (c) motions to rescind resolutions; and
  - (d) suspension of Standing Orders.

may be suspended on a particular occasion to enable the formalities of meeting procedure to be waived.

92. When a motion for the suspension of any one or more of the Standing Orders is moved, the mover of the motion shall be entitled to speak on the subject for the purpose of advancing reasons for moving the motion, but no further discussion on the motion shall be allowed.

## **DIVISION 5 - MOTIONS AND AMENDMENTS AND VOTING**

### **MOTIONS AND AMENDMENTS MOVED IN DEBATE**

93. Any Councillor who proposes a motion or amendment must state the motion or amendment before addressing the Council in support of it.
94. Every motion is to be so worded that the meaning is clear and unambiguous and shall not be defamatory or objectionable in language or nature.
95. The Chairperson may require all motions or amendments to be put in writing and presented to the Chief Executive prior to consideration.
96. No motion or amendment will be discussed or put to a vote unless it is seconded.
97. If there is no seconder, the motion or amendment lapses.
98. If there is a seconder, the Chairperson will call upon the mover to address the meeting. Thereafter, the seconder will be entitled to speak after which the Chairperson will ask whether there is any dissension on the question before the Chair. If no dissension from the meeting is indicated, the Chairperson will declare the motion or amendment carried. If there is dissension, the Chairperson will then call for speakers for and against the motion in alternative sequence. When the sequence of alternate speakers is exhausted, notwithstanding that there are further speakers wishing to be heard on one side of the question, the Chairperson shall put the motion.
99. Any Councillor except the mover or seconder of the original motion may move or second an amendment.
100. The Chairperson shall take speakers for and against an amendment in alternate sequence in the same manner as for motions.
101. The mover of a motion or amendment may, with the consent of the seconder, change the wording of the proposed motion or amendment unless any Councillor opposes the change.
102. A Councillor calling the attention of the Chairperson to a point of order is not regarded as speaking to the motion or the amendment.
103. The mover of a motion or amendment may, with the consent of the seconder, withdraw the motion or amendment unless any Councillor opposes the withdrawal.
104. An amendment must be relevant to the motion upon which it is moved
105. An amendment must not be considered until any previous amendment is decided upon but amendments may be foreshadowed.
106. If an amendment is a direct negative to the motion before the Chair it is to be ruled to be a foreshadowed alternative motion and shall only be considered in the event that the motion before the Chair is lost.

107. At any time during debate any Councillor may foreshadow a motion or amendment to inform the meeting of his or her intention to move a motion or amendment at a later stage in the meeting. Such foreshadowed motion or amendment must relate to the matter under discussion.

## **DIVISIONS**

108. A division may be requested by any Councillor on any matter subject to such request being made to the Chairperson immediately after any question is put to a meeting and before the next item of business has commenced.
109. Once a division has been requested, the Chairperson will call for those Councillors voting for the motion to raise their hand and the Chairperson will duly name those Councillors. The Chairperson will then call for those Councillors voting against the motion to raise their hand and the Chairperson will duly name those Councillors.
110. All Councillors who cast votes originally shall remain in the Chamber and vote on the division. Councillors who were absent from the original vote, but who may have returned to the meeting in time for voting on the division, must cast a vote.
111. The Chairperson will then declare the result of the division. The result of the division supersedes the result of the original vote.
112. The minutes of the meeting shall record the names and votes of those Councillors voting on the division.
113. A division may be requested at Council and Special Committee Meetings that are composed solely of Councillors.

## **NOTICES OF MOTION**

114. Notices of Motion must be in writing and be given to the Chief Executive by 12.00 noon five (5) clear days before the Council meeting to which it relates.
115. The Chief Executive must date and number all Notices of Motion in the order received.
116. A Notice of Motion listed on the agenda shall lapse, unless the motion is moved by the Councillor who listed it or by any other Councillor present if the Councillor who listed it is absent or elects not to move it.
117. Any Notice of Motion may be amended and the mover and seconder of the motion may accept a proposed amendment or amend the motion if leave is granted.
118. If a Notice of Motion, whether amended or not, is lost, a similar motion cannot again be put before the Council for 90 days from the date it was lost, unless a notice signed by a majority of Councillors is submitted to the Chief Executive.

## **URGENT BUSINESS**

119. Urgent business shall only be admitted if a Councillor wishing to raise an urgent matter, has given written notice and portent of the proposed matter to be raised, to the Mayor prior to the meeting, and the Mayor has approved the admittance of the item.

## **REVOCAION OR ALTERATION OF PREVIOUS RESOLUTION**

120. Any Councillor may propose a motion to amend or rescind a previous resolution of the Council provided:
  - (a) the notice of motion is delivered to the Chief Executive before 11.00 A.M. on the next working day following the meeting of the Council at which the resolution proposed to be rescinded or amended was made; and
  - (b) that the Councillor outlined the motion to be amended or rescinded and the date of the meeting when the previous resolution was made.
121. Motions of the kind described in Clause 120 are to be lodged on a form provided for this purpose and as generally set out in Appendix "A".

122. The Chief Executive is not required to accept a notice to amend or rescind a previous resolution of the Council and must reject it:-
- (a) if the motion relates to a matter upon which action has already been taken; or
  - (b) if, in the opinion of the Chief Executive, the motion is merely a mechanism to delay the implementation of a Council resolution and is an action to frustrate the business and good government of the Council.
123. In instances where a notice of motion has been lodged and accepted, any motion that the notice proposes to rescind or amend shall not be acted upon until such time as Council considers the notice of motion.

### **FORMAL OR PROCEDURAL MOTIONS**

124. Unless otherwise prohibited, formal or procedural motions may be moved at any time, and shall be dealt with in accordance with the Schedule.
125. Formal or procedural motions are required to be seconded.
126. Unless otherwise provided, debate on formal or procedural motions is not permitted and under no circumstances has the mover a right of reply.
127. Unless otherwise provided, a formal or procedural motion cannot be amended.

### **VOTING**

128. For a vote to be valid, it must be personally cast by a Councillor at the Council Meeting.
129. When called upon by the Chairperson, all Councillors present must vote by a show of hands.
130. To determine the result, the Chairperson shall put the motion or amendment first in the affirmative, then in the negative.
131. The Chairperson may require a recount to be taken and shall then declare the result.

### **CASTING VOTE**

132. In the event of an equality of votes, the Chairperson shall, subject to the Act, have a casting vote.

## **PART 4: SPECIAL COMMITTEES COMPOSED SOLELY OF COUNCILLORS**

### **APPLICATION GENERALLY**

133. If Council establishes a Special Committee composed solely of Councillors, all provisions of this Local Law shall apply with any necessary modifications or adaptations.

### **APPLICATION SPECIFICALLY**

134. Notwithstanding Clause 133, if Council establishes a Special Committee composed solely of Councillors:

- (a) Council; or
- (b) the Special Committee with the approval of Council

may resolve that any provisions of this Local law , subject to the *Local Government Act 1989*, need not apply until Council or the Special Committee resolves otherwise.

## **PART 5: CODE OF ETHICS**

135. Councillors and members of Council staff must comply with the provisions and intent of any Code of Ethics or Code of Good Governance adopted by the Council and as amended from time to time.

## **PART 6: THE CHAIRPERSON'S DUTIES AND DISCRETION**

### **CHAIRPERSON**

136. In addition to the duties and discretion otherwise provided, the Chairperson will have the following duties and discretion:

- (a) the Chairperson must not accept or entertain any motion, question or statement which is derogatory, defamatory or embarrassing to any Councillor, member of Council staff, ratepayer or member of the public;
- (b) the Chairperson must call to order any person, including any Councillor, who is disruptive or unruly during any Meeting and any person who, having been twice so called to order fails to comply with the Chairperson's call, shall be guilty of an offence;
- (c) the Chairperson may, without resolution, adjourn for a period not exceeding 15 minutes any Meeting which has, in the opinion of the Chairperson and Chief Executive, become unruly to the extent that the business of the meeting cannot be reasonably continued; and
- (d) the Chairperson may remain seated during all or any part of any Council Meeting.

137. Any person referred to in Clause 136 who, upon being requested by the Chairperson to leave any such meeting does not do so may, be forthwith

removed, and any member of the Victoria Police Force or any person requested by the Chairperson so to do may remove such person.

## **PART 7: ENFORCEMENT AND PENALTIES**

### **ENFORCEMENT PROVISIONS**

138. The Council may by resolution institute proceedings in the corporate name of the Council for the enforcement of any provision of this Local Law and the recovery of any penalty.
139. Any wilful act or default is to constitute an offence against the provisions of this Local Law and may be subject to a penalty not exceeding 20 penalty units.

## **PART 8: USE OF THE COMMON SEAL**

### **AFFIXING THE COMMON SEAL**

140. The common seal must not be affixed to any document without;
- (a) the Council so resolving; or
  - (b) a delegate of the Council, determining, in accordance with the Instrument of Delegation to him or her;
- that the common seal be so affixed.
141. No person shall use the common Seal or any device resembling the Common Seal without the authority of Council.
142. A person who contravenes Clause 140 and or 141 shall be guilty of an offence. Penalty: 10 penalty units.

### **SAFE CUSTODY OF COMMON SEAL**

143. The Chief Executive Officer must keep the Common Seal in safe custody.

**REGISTER OF USE**

144. The Chief Executive Officer shall keep a register of use of the Common Seal.

145. Such register shall include:

- (a) details of every document to which the Common Seal is applied;
- (b) the date on which the affixing of the common seal was authorised by council resolution or determination by council delegate;
- (c) the page number of the Council Minutes of the Council authorisation or the name and title of the authorised council delegate; and,
- (d) the date on which the document is affixed with the Common Seal.

**SIGNATURES TO ACCOMPANY THE COMMON SEAL**

146. Every document to which the common seal is affixed must be signed by the Mayor, or nominated councillor delegate, and the Chief Executive Officer or authorised person acting as the Chief Executive Officer, or under delegated authority of the Chief Executive Officer.

147. The sealing clause to be used when affixing the Common Seal shall be generally as set out below.

**THE COMMON SEAL** of the  
**YARRA CITY COUNCIL** was  
affixed hereto in the presence of:)

.....Mayor

.....Chief Executive Officer

**Or;**

**SIGNED, SEALED and DELIVERED**  
for and on behalf, and with the authority,  
of the **YARRA CITY COUNCIL**  
by the member of Council staff  
occupying the position or title  
of or acting in the position of  
Chief Executive Officer  
in the presence of:

.....  
Signatory

.....  
Witness

## SCHEDULE

### FORMAL MOTIONS

#### PROCEDURE AND EFFECT

FORMAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTERS IN RESPECT OF WHICH MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Adjournment of debate to later hour/date	That this matter be adjourned until.....	Any Councillor	Yes	Any Matter	(a) During the election of the Chairperson  (b) When another Councillor is speaking	Motion and amendments postponed to the stated time/date	Debate continues unaffected
Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor	Yes	Any matter	(a) During the election of the Chairperson  (b) When another Councillor is speaking  (c) When the matter is one in respect of which a call of Council has been made	Motion and amendments postponed but may be resumed:  (a) At the same meeting upon motion to resume  (b) At any later meeting if on the Agenda	Debate continues unaffected

<b>FORMAL MOTION</b>	<b>FORM</b>	<b>WHO CAN MOVE OR SECOND</b>	<b>IS A SECONDER REQUIRED:</b>	<b>MATTERS IN RESPECT OF WHICH MAY BE MOVED</b>	<b>WHEN MOTION PROHIBITED</b>	<b>EFFECT IF CARRIED</b>	<b>EFFECT IF LOST</b>
Proceeding to the Next Business	That the meeting proceed to the next business	A Councillor who has not moved, seconded or spoken to the matter to which the motion relates	Yes	Any matter	(a) During the election of the Chairperson  (b) During a meeting which is a call of the Council	(a) If carried in respect to a formal motion, its effect is to remove that motion from consideration  (b) If carried in respect to an amendment, its effect is to dispose of the amendment and debate resumes upon the substantive motion	Debate resumed at point of interruption

<b>FORMAL MOTION</b>	<b>FORM</b>	<b>WHO CAN MOVE OR SECOND</b>	<b>IS A SECONDER REQUIRED:</b>	<b>MATTERS IN RESPECT OF WHICH MAY BE MOVED</b>	<b>WHEN MOTION PROHIBITED</b>	<b>EFFECT IF CARRIED</b>	<b>EFFECT IF LOST</b>
Adjournment of meeting indefinitely	That this meeting be adjourned until further notice	Any Councillor	Yes	Any matter	(a) During the election of the Chairperson  (b) When another Councillor is speaking  (c) During a meeting which is a call of the Council	Meeting adjourns until further notice	Debate continues unaffected
The closure	That the question be now put	A Councillor who has not moved, seconded or spoken to the motion or any amendment of it	Yes	Any matter	During nominations for Chairperson (A closure motion shall not be accepted by the Chairperson unless the Chairperson considers there has been sufficient debate for and against the original motion or amendment)	Motion or amendment in respect of which the closure carried is put to the vote immediately	Debate continues unaffected

**APPENDIX A**

**CITY OF YARRA**

**YARRA CITY COUNCIL MEETING PROCEDURES LOCAL LAW  
NO: 1 of 2002**

**ALTERATION / RECISSION MOTIONS**

The following guidelines apply for the lodgement of a notice of intention to move that a resolution passed by Council be altered or rescinded:

1. Notices of alteration or recission must be in the correct format, viz:

It is my intention to move at the Ordinary Meeting of Council to be held on  
/ / 20 ..

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2. Such notices are to be lodged with the Chief Executive prior to 11:00 a.m on the next working day following the Council Meeting.

**Key dates in the making of Local Law No 1 of 2002**

**Meeting Procedures Local Law**

<b>Consideration of submissions.</b>	<b>Finance &amp; Resources Committee, Tuesday 5 February 2002</b>
<b>Council resolution to make this local law.</b>	<b>Council meeting, Tuesday 12 February 2002</b>
<b>Public notice in the Victoria Gazette.</b>	<b>Thursday 28 February 2002</b>
<b>Commencement date of this local law.</b>	<b>Friday 1 March 2002</b>
<b>Public notice in the Yarra Leader newspaper.</b>	<b>Monday 4 March 2002</b>
<b>Sunset date (unless this local law is sooner amended or revoked.)</b>	<b>1 March 2012</b>