



Strathbogie Shire Council

Meeting Procedure Local Law No. 1 (2014)

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MEETING PROCEDURE LOCAL LAW No 1 2014

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PART 1- PRELIMINARY

BACKGROUND

1. TITLE

This Local Law is the Strathbogie Shire Council Meeting Procedure Law No 1 2014.

2. OBJECTIVES OF THIS LOCAL LAW

The objectives of this Local Law are to:

- (a) provide a mechanism to facilitate the good government of the Council through its formal meeting procedure;
- (b) regulate and control the election of Mayor, any Deputy Mayor and the chairperson of any Special Committees;
- (c) regulate and control the procedures governing the conduct of meetings;
- (d) regulate and control the use of the Council's seal;
- (e) provide for the administration of the Council's powers and functions; and
- (f) provide generally for the peace, order and good government of the municipal district.

3. AUTHORISING PROVISIONS

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

4. COMMENCEMENT AND AREA OF OPERATION

This Local Law:

- (a) comes into operation on the 16 December 2014; and
- (b) operates throughout the municipal district of Council.

5. REVOCATION

This Local Law:

- (a) ceases to operate on the tenth anniversary of its making unless it is replaced before then; and
- (b) revokes Meeting Procedures and Common Seal Local Law No. 1 adopted by Council on 20 April 2010

DEFINITIONS**6. DEFINITIONS*****IN THIS LOCAL LAW, UNLESS INCONSISTENT WITH THE CONTEXT:***

Absolute Majority of Votes	means at least fifty-one percent of the total number of Councillors entitled to vote.
Act	means the Local Government Act 1989 No 11.
Committee	means an Advisory Committee of Council that is comprised of Councillors, Council Officers and other members elected or nominated by the Council for the purpose of advising and making recommendations to Council.
Authorised Officer	means a Council Officer authorised under section 224 of the Act.
Chief Executive Officer	means the Chief Executive Officer (CEO) of the Council or a Council Officer appointed to act in place of the CEO.
Chair	refers to the Chairperson.
Chairperson	means the person who chairs a meeting of the Council or any Committee of the Council.
Council	means the Strathbogie Shire Council.
Councillor	means a person who is an elected member of the Council.
Council Meeting	includes Ordinary and Special meetings of the Council.
Deputy Mayor	means a Councillor elected by the Council as Deputy Mayor.
Division	means a formal count of those for and those against a motion generally to remove any doubt as to whether the motion is supported or opposed.
Formal Motion	means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure.
In Camera	means any meeting which is closed to the public in which a private activity / conversation is taking place as per the Surveillance Devices Act 1999.
Infringement Notice	means a notice issued for breach of the Meeting Procedure Local Law No. 1 2014 and as prescribed in the Infringement Act 2006 and associated Regulations.
Listening Device	means any device as defined in the Surveillance Devices Act 1999 plus the use of mobile phones with recording facilities.
Lot	is the method of determining which candidate is to be eliminated from a ballot in circumstances where there are an equal number of votes.
Mayor	means the Councillor elected by Council as Mayor.

Meeting Place	means a place where Council Meetings are held.
Member	refers to a person who is entitled to vote at a meeting of the Council or any Committee of the Council.
Minister	means the Minister responsible for administering the Local Government Act 1989 No 11.
Municipal District of Council	means the municipal district of the Strathbogie Shire as declared by Order in Council.
Penalty Units	means penalty units as prescribed in section 110(2) of the Sentencing Act 1991.
Private Activity	means as defined in the Surveillance Devices Act 1999.
Private Conversation	means as defined in the Surveillance Devices Act 1999.
Quorum	means the minimum number of members of a Council or of a Committee of Council required by this Local Law to be present in order to constitute a valid meeting of the Council or the Committee respectively.
Regulations	means Regulations as made under the Local Government Act 1989 No 11 Section 243 as amended or introduced.
Replica	in relation to the common seal of the Council means any representation which purports to be, looks like or is capable of being mistaken for the common seal whether fixed to or printed on a document or advertisement or sign and includes any use of a symbol.
Resolution	means a decision of Council that has been accepted by a majority of Councillors following a motion that has been voted upon according to the provisions contained in this Local Law.
Special Committee	means a special Committee of Council is elected or appointed by Council pursuant to Section 86 of the Act.
Statutory Meeting	means the meeting of Council to be held immediately after the election of the Council or the Annual Meeting to be held after the 12-month anniversary of the election of the Council pursuant to Clause 8 of this Local Law.
Surveillance Device	means as defined in the Surveillance Devices Act 1999.
Suspension of Standing Orders	means the suspension of the provisions of this Local Law to facilitate full discussion on an issue without formal constraints.

LIMITATIONS***7. MATTERS NOT PROVIDED FOR***

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

PART 2-STATUTORY MEETING

DEFINITION AND PURPOSE***8. STATUTORY MEETING***

A special meeting of Council shall be convened by the Chief Executive Officer to determine the items listed under Clause 9 of this Local Law:

- (a) as soon as possible after the declaration of the result of the election, but no later than the 30 November; or
- (b) where the position of Mayor otherwise becomes vacant, as soon as practicable after the vacancy has occurred; and
- (c) at the Council meeting closest to the annual anniversary of the election of the Council.

9. PURPOSE OF STATUTORY MEETING

- (1) The purpose of the statutory meeting is for the Council to:
 - (a) conduct an election for the office of Mayor;
 - (b) determine whether a Deputy Mayor should be elected;
 - (c) to conduct the election for the office of Deputy Mayor if it is determined to appoint a Deputy Mayor;
 - (d) to determine the number and purpose of any Committees;
 - (e) to elect Councillors to each Committee;
 - (f) to elect a Chairperson to each Committee;
 - (g) to determine the date, time and place of Council and Committee meetings; and
 - (h) to nominate the amount of the allowances payable to the Mayor and Councillors.
- (2) The Chief Executive Officer will be the temporary Chairperson of the Statutory Meeting, but will have no voting rights.
- (3) The Chief Executive Officer will also be the Returning Officer for the election of Councillors to the office of Mayor, Deputy Mayor and Committees.

- (4) If a statutory meeting is convened to fill a vacancy for the office of Mayor or Deputy Mayor other than after an election or at the expiration of the term of Mayor or Deputy Mayor, then the only item for decision will be the election for the vacant office.

ELECTION OF MAYOR

10. OFFICE OF MAYOR AND DEPUTY MAYOR

- (1) The office of Mayor and Deputy Mayor (if relevant) shall be for a term of 12 months from the date of the election to that office.
- (2) Subject to clause 10 (3) any Councillor is eligible for the election or re-election to the office of Mayor or Deputy Mayor.
- (3) If the Mayor is unable to attend a Council meeting for any reason:
 - (a) the Deputy Mayor will be acting Chair;
 - (b) if no Deputy Mayor has been elected, an acting Chair shall be elected; and
 - (c) the Chief Executive Officer shall chair any meeting to determine the Chair.

11. NOMINATION PROCEDURE

- (1) The Returning Officer shall invite nominations for the positions that are open for election.

12. ELECTION PROCEDURE

- (1) The Councillors present at the meeting must vote for one candidate by a show of hands conducted by the Returning Officer.
- (2) Where only one nomination is received, that Councillor must be declared elected.
- (3) Where two or more nominations are received, the Councillor with an absolute majority of votes cast will be declared elected.
- (4) Where there are two or more nominations and after the first ballot, no candidate has secured an absolute majority of votes or all votes cast are equally divided between two or more nominees, the Returning Officer shall adhere to the following procedure.
 - (a) the candidate with the fewest number of votes shall be declared to be a defeated candidate;
 - (b) the Councillors must then vote for one of the remaining candidates by further ballot;
 - (c) if one of the remaining candidates receives an absolute majority of the votes then they are duly elected;

- (d) if none of the remaining candidates receives an absolute majority of the votes then the process of eliminating the candidate with the fewest number of votes and voting for the remaining candidates shall be repeated until one candidate receives an absolute majority of votes; and
 - (e) in the event that there are two or more candidates with an equal number of votes then the Returning Officer shall determine the ballot by lot.
- (5) If the Returning Officer is required to conduct an election by lot then the following procedure shall apply:
- (a) the Returning Officer shall procure the same number of pieces of paper, as there are remaining candidates;
 - (b) the Returning Officer shall write onto one of the pieces of paper the word "defeated" and then place all the pieces of paper into a receptacle;
 - (c) the Returning Officer shall then determine the order of drawing the lot by the alphabetical order of the surname of each of the candidates;
 - (d) where the candidate's name commences with the same alphabetical letter then the order shall be determined by the second letter of the surname;
 - (e) if the second letter is identical, then the third letter of the surname;
 - (f) this shall be repeated, if necessary until an order is established;
 - (g) if after drawing the lot there is more than one candidate then the Returning Officer shall call for a vote from each of the Councillors; and
 - (h) if the remaining candidates fail to achieve an absolute majority of the votes then the Returning Officer shall again determine the ballot by lot according to the provisions of this clause.

APPOINTMENT TO COMMITTEES

13. ELECTION FOR DEPUTY MAYOR AND COMMITTEES

- (1) Any election by Council for:
- (a) Deputy Mayor or acting Chair of a Council meeting; or
 - (b) the membership of any Committee
- will follow the same procedure as that for an election of the Mayor.
- (2) The Chairperson of any Special Committee of Council shall be elected by the Council in accordance with this Meeting Procedure.
- (3) Councillors elected to Committees shall be for a term of 12 months from the date of the election or appointment to that Committee.

PART 3 - GENERAL PROVISIONS

COUNCIL MEETING SCHEDULE

14. DATES AND TIMES OF MEETINGS

- (1) Council shall determine the date, time and place of all Council meetings.
- (2) The Chief Executive Officer must ensure that reasonable notice is provided to the public of any Council meeting.
- (3) Wherever possible the notice of the date, time and place of a Council or Committee meeting shall be placed
 - (a) in the Civic Centre, Euroa;
 - (b) in all municipal libraries;
 - (c) in at least one local newspaper that is distributed throughout the municipality; and
 - (d) on Council's Website.

15. COUNCIL MAY ALTER MEETING DATES

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

16. TIME LIMIT FOR MEETINGS

- (1) Unless Council resolves to the contrary a Council meeting or Committee meeting shall not continue beyond 10.30 pm.
- (2) Any business not reached or dealt with at the time the meeting closes shall be held over until the next Council or Committee meeting however, Council may resolve to extend the meeting by thirty (30) minute intervals, if deemed necessary.
- (3) Any business not dealt with that is adjourned until the next Council or Committee meeting shall be recorded in the minutes of the meeting.

17. SPECIAL COUNCIL MEETING

- (1) The notice necessary to call a 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.
- (2) In giving such notice, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken and shall provide the Chief Executive Officer with notice at least 72 hours prior to a proposed Special Council meeting.

NOTICES FOR MEETINGS**18. NOTICE OF MEETING**

- (1) The notice for any meeting must state:
 - (a) the date, time and place of the meeting; and
 - (b) the business to be dealt with at the meeting.
- (2) A notice of meeting and the agenda of the business to be dealt with must be served on every Councillor:
 - (a) for all designated Council or Committee meetings at least 48 hours before the meeting; and
 - (b) for a special Council meeting at least 24 hours before the meeting.
- (3) The notice and agenda must be sent by post, email or otherwise delivered to the address specified by each of the Councillors.
- (4) Notice of an adjourned meeting shall be in writing, but where that is not practicable because time does not permit that to occur, the Chief Executive Officer may provide notice by telephone, facsimile or in person.

19. LEAVE OF ABSENCE

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 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.

20. THE CONVENING OR CANCELLATION OF A COUNCIL MEETING

- (1) In the case of an emergency or in other justifiable circumstances, the Chief Executive Officer may call or postpone a meeting of the Council, without the necessity to comply with Clause 15 provided reasonable attempts are made to notify every Councillor.
- (2) The Chief Executive Officer must submit a full written report of the circumstances requiring this action to the next ordinary meeting of the Council.

QUORUMS**21. COUNCIL MEETINGS**

The quorum required for all Council meetings will be a majority of the Councillors capable of being elected to the Council.

22. COMMITTEE MEETINGS

The quorum for all Committee meetings will be determined by the Council for each Committee, but in the absence of the Council's determination, the quorum required will be not less than a majority of the members appointed to that Committee.

23. A SPECIAL (EMERGENCY) MEETING

In the case of an emergency where the Chief Executive Officer has acted under clause 20, the quorum for the meeting will be not less than four Councillors.

24. INABILITY TO RAISE A QUORUM

If a quorum is not present within thirty (30) minutes of the scheduled starting time of a meeting:

- (a) the meeting shall be deemed to have lapsed;
- (b) the Mayor must convene another Council or Committee meeting and ensure that the agenda for such meeting is identical to the agenda for the meeting that was deemed to have lapsed; and
- (c) the Chief Executive Officer must give all Councillors notice of the meeting convened by the Mayor.

25. INABILITY TO MAINTAIN A QUORUM

If during any meeting, a quorum cannot be achieved or maintained, the meeting shall lapse and the provisions of Clause 26 shall apply.

CALL OF COUNCIL**26. CALL OF COUNCIL**

- (1) If a quorum of Council cannot be formed or maintained due to the absence of Councillors, the Chief Executive Officer shall advise the Minister.
- (2) The Minister or the Chief Executive Officer may require all Councillors to attend a Call of the Council meeting.
- (3) A Call of the Council meeting must be treated as a Special Council meeting.
- (4) The Minister, a person nominated by the Minister or the Chief Executive Officer is entitled to attend and speak at a Call of the Council meeting, which he or she has required the Councillors to attend.
- (5) If a Call of Council has been required, immediately after the opening of the meeting:
 - (a) the Chief Executive Officer must call the name of the Mayor and each Councillor in alphabetical order;
 - (b) each person present must answer his or her name;
 - (c) all excuses for absence must be considered;
 - (d) after each excuse is considered a vote must be taken to determine whether a majority of the Councillors present at the meeting consider the excuse to be reasonable to excuse the Councillor from being present at the meeting; and
 - (e) if a majority of the Councillors determine that the absence of any Councillor is not reasonable the Chief Executive Officer shall advise the Minister.
- (6) If a Councillor does not attend within thirty (30) minutes after the time fixed for a call of the Council meeting or remain at the meeting, the Chief Executive Officer shall advise the Minister in writing.

MINUTES**27. KEEPING OF MINUTES**

The Chair is responsible for arranging the taking and keeping of minutes of each meeting of the Council and any Special Committee on behalf of the Council.

28. CONTENTS OF MINUTES

- (1) In taking the minutes of any meeting, the Chair 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, have offered an apology, or are on leave of absence;
 - (b) the names of Officers in official attendance with their organisational title;
 - (c) the name of any other person officially in attendance at the meeting and the organisation they represent or the capacity of their attendance;
 - (d) the arrival and departure times of Councillors, Officers and other official attendees during the course of the meeting, including any temporary departures or arrivals;
 - (e) every motion and amendment moved, including the mover and seconder of any motion or amendment;
 - (f) the outcome of every motion, whether it was put to the vote and the result to indicate whether the motion was carried, lost, withdrawn, lapsed, amended and which motions were voted by secret ballot;
 - (g) procedural motions;
 - (h) where there is division to a motion, record those in favour, those against, and those abstaining from voting;
 - (i) where a valid division is called, a table of the names of every Councillor and the way their vote was cast;
 - (j) when requested by a Councillor, a record of that Councillor's support or opposition for any motion;
 - (k) details of failure to achieve or maintain a quorum and any adjournment, whether as a result or otherwise;
 - (l) details of any question directed or taken upon notice;
 - (m) details of any deputations made to the Council;
 - (n) the time and reason for any adjournment of the meeting or suspension of Standing Orders;
 - (o) disclosure of the declaration and the nature of any conflict of interest of a Councillor declared at or identified to a meeting; and
 - (p) any other matter that the Chair thinks should be recorded to clarify the intention of the meeting or the reading of the Minutes.

ORDER OF BUSINESS**29. THE ORDER OF BUSINESS**

- (1) The order of business of Council meetings will be determined by the Chief Executive Officer and shall generally include:
 1. Welcome;
 2. Acknowledgement of traditional landowners;
 3. Apologies;
 4. Confirmation of the minutes of previous meetings;
 5. Declaration of any Interest and / or Conflict of Interest of any Councillor
 6. Petitions;
 7. Reports of Mayor Councillors and Delegates;
 8. Public question time;
 9. Reports of Council Officers;
 10. Notices of Motion;
 11. Meeting Closure;
 12. Urgent Business.
- (2) The Chief Executive Officer may include any matter on an agenda, which he or she thinks should be considered by the meeting.
- (3) All Councillors shall comply with sections 78 and 79 of the Act by disclosing any conflict and / or pecuniary interest.
- (4) The Chairperson of a Council or Committee meeting shall ask prior to the commencement of any Council business whether any Councillor or Committee member has a pecuniary interest.

CONFIRMATION OF MINUTES**30. CONFIRMATION OF MINUTES**

- (1) At every meeting of Council the minutes of the preceding meeting(s) must be dealt with as follows:
 - (a) the Chairperson shall call for a confirmation of the minutes and must ask whether any item is opposed;
 - (b) if no Councillor indicates opposition to the minutes the minutes must be declared to be confirmed;
 - (c) if a Councillor indicates opposition to the minutes he or she must specify the item(s) to which he or she objects;
 - (d) the items objected to must be considered separately and in the order in which they appear in the minutes;
 - (e) there shall be no discussion on the minutes except as to their accuracy as a true record of the meeting;
 - (f) a Councillor who objects to the minutes must move a motion indicating the amendment proposed but shall not speak to the motion;
 - (g) after the motion is presented to Council, the mover of the motion may speak to the motion;
 - (h) when all objections to the minutes have been determined the Chairperson must call for a motion to put to the Council to confirm the minutes or that they be confirmed subject to the amendments;
 - (i) when the minutes have been confirmed, the Chairperson must sign them.
- (2) The minutes must be entered into the minute book and each item in the minute book must be numbered consecutively.
- (3) Unless otherwise resolved or required by law the minutes of any Committee of Council require confirmation by Council before being made available to the public.

NOTICES OF MOTION**31. NOTICE OF MOTION**

- (1) The Chairperson cannot accept a notice of motion unless it has been listed on the agenda for the meeting at which it is proposed to be moved.
- (2) A notice of motion must be signed by two Councillors and lodged with the Chief Executive Officer in sufficient time for him or her to include in the next agenda.
- (3) The full text of any such notice of motion must be included on the agenda.
- (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.

- (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.
- (6) If either Councillor who has given a notice of motion:
 - (a) is absent from the meeting; or
 - (b) fails to move the motion when called on by the Chairperson, any other Councillor may move the motion.
- (7) If a notice of motion has been given but is not moved at the relevant meeting, the notice of motion lapses.
- (8) A notice of motion before Council shall be determined in accordance with the procedures set out in the section "Motions and Amendments" of this Local Law.

QUESTION TIME

32. QUESTION TIME

- (1) At every ordinary meeting of the Council, a period of 30 minutes shall be allocated to enable any member of the community to direct questions to the Council.
- (2) Sub-clause (1) does not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 89(2) of the Act.
- (3) Questioners must state their names.
- (4)
 - (a) a person may not submit more than two (2) questions at a meeting;
 - (b) Questions are to be written;
 - (c) The Chair will determine whether to extend question time.
- (5) A question will not be addressed to Council if:
 - (a) the question relates to a matter outside the duties, functions and powers of Council;
 - (b) it is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance; or
 - (c) it is aimed at embarrassing a Councillor or a member of Council staff.
- (6) All questions and answers must be as brief as possible and no discussion shall be allowed other than for the purpose of clarification.
- (7) The Chairperson may nominate a Councillor or Council Officer to answer a question.
- (8) A Councillor or a Council Officer may:
 - (a) require a question to be taken on notice until the next Ordinary Council meeting, at which time the question must be answered; or
 - (b) elect to submit a written answer to the person asking the question.

- (9) If the Council agrees to allow a question to be answered in writing, the Councillor or Council Officer must indicate at that meeting when the answer shall be provided by.
- (10) A Councillor or Council Officer may advise Council that in his or her opinion, the reply to a question should be given in a meeting closed to the public.
- (11) The Councillor or Council Officer must state the reason why the answer should be provided closed to the public.
- (12) Unless Council resolves to the contrary, the reply to the question shall be given but closed to the public.

DEPUTATIONS

33. DEPUTATIONS

- (1) Members of the public can present deputations at designated Committee meetings.
- (2) A person who seeks to make a deputation or presentation shall make a written request to the Chief Executive Officer not less than 72 hours prior to the latest time for delivering the agenda for a Committee hearing.
- (3) A request for a deputation or presentation shall specify the name and address of a person authorised to receive notice on behalf of the deputation.
- (4) The Chief Executive Officer shall determine to which Committee meeting the request shall be referred for consideration.
- (5) The Chief Executive Officer may arrange for a deputation or presentation to meet with a group of Councillors.
- (6) The Council may determine to hear a deputation or presentation at shorter notice as a matter of urgency.

PETITIONS AND PUBLIC SUBMISSIONS

34. PETITIONS

- (1) Unless Council determines to consider it as an item of Urgent Business, no motion may be made on any petition until the next Ordinary meeting of Council after that at which it has been presented.
- (2) It shall be incumbent on every Councillor presenting a petition to acquaint themselves with the contents of the petition and to ascertain that it does not contain language that is disrespectful to Council and the contents do not violate any Local Law.
- (3) The person presenting a petition to Council shall write their name at the beginning of the petition.
- (4) Every petition presented to Council shall:
 - (a) be in the prescribed form as set out in Schedule 2;
 - (b) be in writing, type or print;

- (c) contain the request of the petitioners; and
- (d) be signed by at least one (1) petitioner on every sheet on which it is written.
- (5) Every petition shall be signed by the person 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 signatory to the petition shall be clearly stated.
- (6) Any signature appearing on a page, which does not bear the wording of the whole of the petition or request, shall not be considered by the Council.
- (7) Every page of a petition or joint letter shall be a single piece of paper and shall not be pasted, stapled or pinned or otherwise affixed to any piece of paper other than another page of the petition or joint letter.
- (8) No person shall inscribe upon a petition or joint letter, a signature purporting to be that of any other person or in the name of any other person. Penalty: 5 Penalty Units.
- (9) A Councillor presenting a petition to Council shall confine themselves to a statement of the persons from whom it comes, of the number of signatures and the material allegations contained in it.

34.A PUBLIC SUBMISSIONS

- (1) Council shall at such time as is allocated by it, hear any person wishing to be heard in respect of their submission to Council under section 223 of the Act.
- (2) Councillors may through the Chair question any submitter in relation to their submission.
- (3) After hearing submissions Council may immediately consider them and any submission made to it in writing or may adjourn its consideration of any such submissions.

REPORTS

35. REPORTS OF COMMITTEES

- (1) The Chairperson of each Committee shall ensure that a Report of the Committee is presented to the Ordinary Meeting of Council following the meeting of the Committee in accordance with the provisions of this Local Law.
- (2) A Report of a Special Committee shall contain:
 - (a) the time, date and place of the meeting;
 - (b) the names of the members of the Committee and other people in attendance;
 - (c) the business of the meeting;
 - (d) the decisions and outcomes of the meeting;
 - (e) the time of the next meeting.
- (3) A Report of an Advisory Committee shall contain:
 - (a) the time, date and place of the meeting;
 - (b) the members of the Committee and other people in attendance;

- (c) the business of the meeting;
 - (d) the recommendations that were agreed to;
 - (e) the time of the next meeting.
- (4) The procedure for the consideration of Reports from Committees of Council shall be in accordance with clauses 29 and 30 of this Local Law.
 - (5) The Chairperson must allow a member of any Committee to speak to the Report or its recommendations if requested to do so.
 - (6) A Report from a Special Committee shall be adopted by Council.
 - (7) Once a Report of an Advisory Committee has been adopted by the Council, each of the recommendations contained in the Report shall become a resolution of Council.

36. *REPORTS OF MAYOR, COUNCILLORS AND COUNCIL DELEGATES*

- (1) A delegate of Council is a Councillor who has been appointed by Council to represent Council on another body and is therefore responsible and accountable to Council for their actions as a delegate.
- (2) A delegate of Council to another body may present a report to Council after each meeting of that body is held.
- (3) Council shall receive a written report from a delegate of Council and if so received shall be included on the Agenda for consideration by Council.
- (4) If a delegate gives a verbal report to Council then the duration of a verbal report from a delegate is within the discretion of the Chairperson.

37. *REPORTS OF COUNCIL OFFICERS*

- (1) Reports from Council Officers shall be included in the Council agenda if the Chief Executive Officer determines.
- (2) A Report from a Council Officer shall not be read in full at any Council meeting unless the Council resolves to the contrary.
- (3) The Chairperson may allow a Council Officer to speak to their report before it is voted on by Council.

URGENT BUSINESS

38. *URGENT BUSINESS*

- (1) Urgent business can only be admitted by resolution of Council.
- (2) Urgent business must not be admitted as urgent business unless it:
 - (a) relates to or arises out of a matter, which has arisen since distribution of the agenda;
 - (b) is manifestly urgent;
 - (c) is material to a function of Council;
 - (d) requires an urgent Council resolution; or
 - (e) is otherwise determined by the Chief Executive Officer.

VOTING AT COUNCIL MEETINGS**39. HOW DETERMINED**

- (1) In determining a question before a meeting of Council, the Chairperson will first call for those in favour of the matter before Council and then those opposed to the matter before Council.
- (2) Unless determined or provided to the contrary, the result of a cast of votes shall be determined by a simple majority of votes.
- (3) The Chairperson shall declare the result of any vote as soon as it has been taken.

40. SILENCE

Voting shall be taken in silence.

41. RECOUNT

The Chairperson may direct that a vote be recounted to satisfy him or herself of the result.

42. BY SHOW OF HANDS

Unless Council resolves otherwise, voting on any matter will be by show of hands.

43. CHAIRPERSON

- (1) The Chairperson is entitled to cast a vote.
- (2) In the event there is an equality of votes and subject to section 90(1)(e) of the Act, the Chairperson shall have a second vote.
- (3) The details of any casting vote shall be recorded in the minutes

44. COMMITTEES

The system of voting at a Committee of Council shall be by show of hands only.

CALLING A DIVISION**45. WHEN A DIVISION PERMITTED**

- (1) A division may be requested by any Councillor on any matter.
- (2) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.
- (3) A Councillor is not prevented from changing their original vote at the voting on the division.
- (4) Where there is a division to a motion, record those in favour, those against, and those abstaining from voting.

- (5) The voting by division will determine the Council's resolution on the issue.

46. PROCEDURE FOR DIVISION

- (1) When a division is called for, the vote already taken must be treated as a nullity and the division shall decide the motion or amendment.
- (2) Once a division has been requested the Chairperson will call for a show of hands by those Councillors voting in the affirmative and then those Councillors voting in the negative.
- (3) The Chairperson shall state, and the Chief Executive Officer (or the Officer authorised to attend the meeting and take the minutes of the meeting) must record the names of those Councillors voting in the affirmative and those voting in the negative.
- (4) The Chairperson must then declare the result of the vote or division as soon as it is taken.

47. NO DISCUSSION ONCE DECLARED

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

- (a) for a Councillor to request that their opposition to the motion be recorded in the minutes; or
- (b) where a subsequent notice of motion follows a rescission motion.

ADDRESSING THE COUNCIL

48. ADDRESSING THE COUNCIL

- (1) Except for the Chairperson, any Councillor or person who addresses a Council meeting must direct all remarks through the Chair unless granted an exemption by the Chairperson.
- (2) Any person addressing the Chair should refer to the Chairperson as:
 - (a) Madam, Mrs, Ms, or Miss and then Mayor or Deputy Mayor;
 - (b) Mr. Mayor or Deputy Mayor;
 - (c) Madam, Mrs, Ms, or Miss and then Chairperson; or
 - (d) Mr. Chairperson, as the case may be.
- (3) All Councillors, other than the Mayor, should be addressed as Councillor and then the Councillor's surname.
- (4) All Officers should be addressed as Mrs., Ms., Miss or Mr and then the Officer's surname except the Chief Executive Officer who shall be addressed by his or her title.

CONDUCT OF COUNCILLORS**49. 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.

50. CHAIRPERSON'S DUTY TO REJECT

- (1) Any motion, question, statement or amendment which:
 - (a) is defamatory of any Councillor, Council Officer or member of the public; or
 - (b) is objectionable in language or nature; or
 - (c) is outside the powers of the Council; or
 - (d) is not relevant to the item of business on the Agenda and has not been admitted as Urgent Business; or
 - (e) purports to be an amendment but is not;must not be accepted by the Chairperson.
- (2) The Chairperson must call to order any person who:
 - (a) contravenes sub-clause 1; or
 - (b) is disruptive or unruly during a meeting.

51. ORDER WITHDRAWAL OF REMARK

- (1) The Chairperson may require a Councillor to withdraw any remark, which is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature.
- (2) A Councillor required to withdraw a remark must do so immediately without qualification or explanation.

CONDUCT OF PUBLIC**52. VISITORS**

- (1) Visitors must not interject or take part in debate.
- (2) Silence shall be preserved in the gallery at all times.
- (3) If any visitor is called to order by the Chairperson and again acts in breach of this Local Law, the Chairperson may order that person to be removed from the gallery.

53. CALL TO ORDER

Any person who has been called to order including any Councillor who fails to comply with the Chairperson's direction will be guilty of an offence.
Penalty: 5 Penalty Units.

54. REMOVAL FOR DISRUPTION

The Chairperson has discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction under the provisions of this Local Law.

55. CHAIRPERSON'S EXERCISE OF AUTHORITY

The Chairperson shall exercise the authority vested in him/her under this Local Law in a manner, which is judicious and consistent with the purposes of this Local Law.

INTERRUPTING OR INTERJECTING A SPEAKER**56. INTERRUPTION, INTERJECTIONS AND RELEVANCE**

- (1) A Councillor must not be interrupted except by the Chairperson or upon a point of order.
- (2) If a Councillor is interrupted by the Chairperson or upon a point of order, he or she must remain silent and be seated until the Chairperson has ceased speaking or the point of order has been determined.
- (3) A Councillor shall not digress from the subject matter of the motion or business under discussion.

SUSPENSION OF MEETING PROCEDURE**57. SUSPENSION OF PROCEDURE**

- (1) The provisions of this Local Law may be suspended by resolution of the Council.
- (2) The purpose of suspending such provisions is to enable the formalities of the meeting procedure to be temporarily disposed of while an issue is discussed, not to dispense with the processes and protocol of the government of the Council.
- (3) Once the discussion has taken place and before any motions can be put, the resumption of the meeting procedure provisions will be necessary.
- (4) No motion may be accepted by the Chair or be lawfully dealt with during any suspension of the meeting procedure provisions.

OPEN AND IN CAMERA COUNCIL MEETINGS**58. IN CAMERA**

- (1) As per Section 89(2) of the Local Government Act, the Council or Special Committee may resolve that the meeting be closed to the members of the public.
- (2) Should a meeting be closed to members of the public, then they shall vacate the meeting place.
- (3) Only the Councillors / Committee members and authorised officers are permitted to remain in the meeting place.
- (4) No listening device may be used whilst the In Camera meeting is in progress.

MOTIONS, ADMENDMENTS AND DEBATING**59. FORM OF MOTION**

A motion or amendment must:

- (a) relate to the powers or functions of Council;
- (b) be in writing, if requested by the Chairperson; and
- (c) except in the case of Urgent Business; be relevant to an item of business on the agenda.

60. PROCEDURE FOR A MOTION

The procedure for any motion is-

- (a) the mover must state the motion without speaking to it;
- (b) unless the motion is a formal notice of motion, it must be seconded by a Councillor other than the mover;
- (c) if a motion is not seconded it shall lapse for want of a seconder;
- (d) if the motion is seconded, the Chairperson must ask whether the motion is opposed or if any Councillor wishes to address the motion;
- (e) if there is no opposition or no Councillor has indicated they want to speak to, the motion it must be declared to be carried unanimously without the need for a vote;
- (f) if a Councillor indicates opposition, then the Chairperson must request:
 - (i) the mover to address the Council on the motion; and
 - (ii) any other Councillors for and against the motion to debate in turn;
- (g) the mover of an original motion, which has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during debate;
- (h) after the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

61. MOVING AN AMENDMENT

- (1) No notice need be given of any amendment, however if any Councillor intends to move an amendment it must be done prior to the right of reply.
- (2) The mover or seconder of a motion cannot move an amendment to it.
- (3) A second or subsequent amendment cannot be moved until the immediately preceding amendment is determined.
- (4) A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.
- (5) A Councillor cannot move more than two (2) amendments in succession.

- (6) If the amended motion is carried, it then becomes the motion before the Chair.
- (7) The original mover of the motion shall retain the right of reply to the amended motion.

62. *WITHDRAWAL OF MOTIONS*

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

63. *CHAIRPERSON MAY SEPARATE MOTIONS*

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

64. *DEBATE MUST BE RELEVANT TO THE MOTION*

- (1) Debate must always be relevant to the motion before the Council and if not, the Chairperson 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 Chairperson may require that the speaker not speak further in respect of the matter then before the Council.

64A. *MISCELLANEOUS RULES OF DEBATE*

- (1) If a debate is adjourned by motion, then the Councillors who moved the adjournment has the right to speak first when the debate is resumed.
- (2) A Councillor must not be interrupted except by the Chairperson or upon a point of order being taken.
- (3) The Chairperson may speak on any matter under discussion.
- (4) When exercising the right of reply, a Councillor must not introduce fresh matter.
- (5) No resolution may be discussed after it is dealt with, unless the Chairperson allows it.
- (6) The order of proceedings for debate will be:
 - (a) A Councillor may move a recommendation before them and speak to it following a seconder
 - (b) The Councillor that seconds the motion may defer their right of reply until the conclusion of the debate if they wish
 - (c) The Councillors will then be asked who wishes to speak either for or against the recommendation before them
 - (d) The seconder now has the opportunity if they haven't spoken already to have their right of reply
 - (e) The mover then concludes the debate and the recommendation is voted on.

SPEAKING TIMES**65. *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 - five (5) minutes;
- (2) the mover of a motion when exercising their right of reply - four (4) minutes;
- (3) any other Councillor - Five (5) minutes;

66. *EXTENSION OF SPEAKING TIME*

An extension of speaking time may be granted by resolution of the Council but only one extension is permitted for each speaker on any motion. A motion for an extension of speaking time must be proposed:

- (a) immediately before the speaker commences debate; or
- (b) during the speaker's debate.

FORMAL MOTIONS**67. *FORMAL MOTIONS***

The following formal motions are recognised under this Local Law –

- (a) adjournment of debate;
- (b) adjournment of meeting; and
- (c) closure of debate

68. *ADJOURNMENT OF DEBATE*

- (1) Council may resolve to adjourn debate on an item of business.
- (2) The adjournment of debate must not be moved or seconded by the Councillor who moved, seconded or who spoke in favour of the motion before Council or any amendment to it.
- (3) The adjournment of debate shall not be allowed:
 - (a) during the election of a Chairperson; or
 - (b) while a Councillor is speaking.
- (4) The motion of adjournment of the debate may be fully debated and may only be amended as to the time and date of the adjournment.
- (5) The mover of a motion to adjourn debate shall not exercise a right of reply.

69. *ADJOURNMENT OF MEETING*

- (1) Council may resolve to adjourn a meeting.

- (2) The adjournment of the meeting must not be moved or seconded by a Councillor who has moved, seconded or spoken to the motion before the Council or meeting or any amendment to it.
- (3) The adjournment of the meeting shall not be allowed:
 - (a) during the election of a Chairperson; or
 - (b) while a Councillor is speaking.
- (4) The motion of adjournment of the meeting may be fully debated and may only be amended as to the date and time of the adjourned meeting.
- (5) If the motion is not successful, no further motion for adjournment of the meeting shall be made until the subject under consideration has been determined.

70. CLOSURE OF DEBATE

- (1) A Councillor may move that debate on a matter is closed and the question put to Council for a vote.
- (2) A motion to close debate may be moved:
 - (a) in respect of a motion before the Council;
 - (b) while a Councillor is speaking; and
 - (c) with the leave of the Chairperson.
- (3) A Councillor must not move or second a motion to close debate if he or she has moved, seconded or spoken to the motion before the Council or to any amendment of it.
- (4) The motion to close debate shall not be debated, amended or adjourned.
- (5) If the closure is carried, the motion or amendment in respect of which the closure motion was carried shall be put to the vote without further discussion or amendment.

POINTS OF ORDER

71. CHAIRPERSON TO DECIDE

The Chairperson shall 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.

72. CHAIRPERSON MAY ADJOURN TO CONSIDER

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

73. FINAL RULING ON A POINT OF ORDER

- (1) The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present move a motion of dissent.

- (2) A motion of dissent on a point of order must contain the provision, rule, practice or precedent in substitution for the Chairperson's ruling.
- (3) A motion of dissent on a point of order will take precedence over all other business and if carried must be acted on instead of the ruling given by the Chairperson.

74. PROCEDURE FOR POINT OF ORDER

A Councillor raising a point of order must:

- (1) state the point of order; and
- (2) the clause, paragraph or provision constituting the point of order.

75. VALID POINTS OF ORDER

- (1) A point of order may be raised in relation to:
 - (a) a procedural matter;
 - (b) a Councillor who is or appears to be out of order; or
 - (c) any procedure that is in contravention of this Local Law.
- (2) A mere difference of opinion or attempt to contradict a speaker will not be treated as a point of order.

NOTICES OF AMENDMENT OR RESCISSION

76. PROCEDURE

- (1) A Councillor may propose a 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 by the close of business on the day following the meeting at which the decision of Council was made stating:
 - (i) the decision proposed to be amended or rescinded; and
 - (ii) the meeting and date when the decision was made.
- (2) A decision will be deemed to be acted upon once its details have been formally communicated to persons affected by or reliant on the resolution or where a statutory procedure has been carried out as a result of that decision.

77. LISTING NOTICE ON AGENDA

Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate meeting agenda, together with a report outline.

78. CRITERIA TO AMEND OR RESCIND A MOTION

For a decision of the Council to be amended or rescinded, the motion for amendment or rescission must be carried by a majority of the votes cast.

79. IF LOST

Unless the Council resolves to re-list at a future meeting a notice to amend or rescind which has been lost, a similar motion must not be put before the Council for a period of three months from the date it was last considered.

80. IF NOT MOVED

80.1 If a notice of amendment or rescission is not moved at the meeting for which it is listed, it will lapse.

80.2 A notice of amendment or rescission listed on a meeting agenda may be moved by any Councillor present but cannot be amended.

81. WHEN NOT REQUIRED

A notice of amendment or rescission is not required where the Council wishes to change a previous decision relating to policy of the Council.

82. REGISTER OF NOTICES

The Chief Executive Officer must cause every Notice of Motion or Rescission received to be sequentially numbered and to be maintained in a register.

ADJOURNMENT AND RESUMPTION OF MEETING**83. ADJOURNMENT AND RESUMPTION OF MEETING**

- (1) The Chairperson 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.

DISAGREEING WITH THE CHAIRPERSON'S RULING**84. DISAGREEING WITH THE CHAIRPERSONS RULING**

- (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.
- (2) When a motion in accordance with this clause is moved and seconded, the Chairperson remains in the Chair and maintains her or his right to a second vote.
- (3) The Chairperson must invite the mover to state the reasons for his or her dissent and the Chairperson may then reply.
- (4) The Chairperson then puts the motion that the Chairperson's ruling be dissented from.
- (5) If the vote is in the negative, the meeting proceeds on the basis that the Chairperson's original ruling is upheld.
- (6) If the vote is in the affirmative, the Chairperson reverses his or her previous ruling and the meeting proceeds.
- (7) The defeat of the Chairperson's ruling is not a motion of censure or no confidence, and should not be regarded as such by the meeting.

CHAIRPERSON ADDRESSING MEETING**85. CHAIRPERSON MAY ADDRESS THE MEETING**

- (1) The Chairperson may address a meeting on any matter under discussion, and is not deemed to have left the Chair on such occasions except that the Chairperson may vacate the Chair for the duration of any item under discussion.
- (2) If the Chairperson vacates the Chair pursuant to sub-clause (1), a temporary Chairperson shall be elected by the meeting and shall take the Chair until the item has been disposed of.
- (3) The Chair is encouraged not to debate from the Chair.

COMMON SEAL**86. COUNCIL'S COMMON SEAL**

- (1) The Chief Executive Officer must ensure that Council's common seal is kept in safe custody at all times.
- (2) Council's common seal may only be used on the authority of the Council.
- (3) Every document to which the common seal is affixed must be witnessed by the Chief Executive Officer or in the absence of the Chief Executive Officer, the Acting Chief Executive Officer as authorised by Council, the Chairperson and at least one other Councillor.
- (4) Any person who uses Council's common seal without authority is guilty of an offence. Penalty: 10 Penalty Units.
- (5) Any person who uses any replica of Council's seal without authority is guilty of an offence. Penalty: 10 Penalty Units.

87. RECORDING DEVICES

- (1) Council / Committee meetings will be recorded to ensure accuracy of the minutes.
- (2) Relevant signage will be provided, including advising at the beginning of a meeting that meetings are being recorded.
- (3) Only meetings held at the Euroa Community Conference Centre will be recorded.

COMMITTEES OF COUNCIL**88. APPLICATION TO SPECIAL COMMITTEES OF COUNCILLORS ONLY**

- (1) If a Council establishes a Special Committee composed solely of Councillors, all of the provisions of this Local Law shall apply with any necessary modification or adaptations.

- (2) For the purpose of the sub-clause (1), a reference in the Local Law to:
 - (a) a Council meeting is to be read as a reference to a meeting of the Special Committee;
 - (b) a Councillor is to be read as a reference to a member of the Special Committee; and
 - (c) the Mayor is to be read as a reference to the Chairperson of the Special Committee.
- (3) If Council resolves to establish a Special Committee composed solely of Councillors:
 - (a) Council may; or
 - (b) that Special Committee may, with the approval of Council;resolve that any provision of this Local Law will or will not apply.

89. APPLICATION TO ADVISORY COMMITTEES

- (1) If Council establishes an Advisory Committee, all of the provisions of this Local Law shall apply with any modifications or adaptations.
- (2) For the purposes of sub-clause (1), a reference in this Local Law to
 - (a) a Council meeting is to be read as a reference to a meeting of the Advisory Committee;
 - (b) a Councillor is to be read as a reference to a member of the Advisory Committee; and
 - (c) the Mayor is to be read as a reference to the Chairperson of the Advisory Committee.
- (3) If Council resolves to establish an Advisory Committee:
 - (a) Council may; or
 - (b) that Committee may with the approval of Council;resolve that any provision of this Local Law will or will not apply.

ENFORCEMENT AND PENALTIES

90. INFRINGEMENT NOTICES

- (1) An authorised officer may issue an on the spot infringement notice in accordance with the Infringement Act 2006 and associated regulations requirements.
- (2) The fixed penalty in respect of an on the spot infringement is the amount set out in Schedule 1.

91. SERVICE OF NOTICES

- (1) Any infringement notice to be served on or given to a person under this Local Law will be in accordance with the Infringement Act 2006 and associated Regulations and may be served on or given to the person by:
 - (a) delivering the notice to the person;
 - (b) leaving the notice at his or her usual or last known place of residence or business with a person apparently over the age of 16 years and apparently residing or employed at that place; or
 - (c) sending the document by post addressed to the person at his or her last known place of residence or business.
- (2) The relevant authorised officer may withdraw the infringement notice within 28 days after its date by sending a notice to the person on whom the infringement notice was served.
- (3) If the person pays the penalty before the infringement notice is withdrawn, the person is entitled to a refund of the penalty.
- (4) If the person pays the penalty within the time specified in the notice or, if the relevant authorised officer allows, before a summons is served on the person in respect of the infringement, the following provisions apply:
 - (a) further proceedings for an offence are not to be taken against the person; and
 - (b) there is to be no conviction recorded against the person for the infringement.
- (5) A penalty paid under this clause must be applied as if the person who paid it was convicted of the infringement in a Magistrates Court on the information of an authorised relevant person.
- (6) If a person served with an infringement notice has not paid the penalty within the time specified in the notice or any extension of that time or if an infringement notice is not withdrawn proceedings may still be taken or continued to prosecute the alleged.

92. PAYMENT OF PENALTY

- (1) A person issued with an infringement notice may pay the penalty indicated to Strathbogie Shire Council, corner Binney and Bury Streets, Euroa.
- (2) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (3) A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

93. EVIDENCE OF SERVICE

A statutory declaration by a person who has served or given notice in accordance with this Local Law is evidence of the notice having been served or given as described in that declaration.

SCHEDULE 1***MEETING PROCEDURE LOCAL LAW No 1 2014***
PENALTIES FIXED FOR ON THE SPOT INFRINGEMENTS

Local Law Provision	Offence	Penalty
34 (8)	Fraudulently signing a petition or joint letter	5 Penalty Units
53	Call to Order - Failing to comply with a direction of the Chair	5 Penalty Units
86 (4)	Using the Common Seal without authority	10 Penalty Units
86 (5)	Using a replica of the Common Seal without authority	10 Penalty Units

SCHEDULE 2

PETITION

To: Strathbogie Shire Council

The residents and ratepayers of Strathbogie Shire Council draw to the attention of the Council

[give the circumstances of the case]

We therefore request that:

[outline the action sought]

*NOTE – Every page of this Petition must contain the above information.

Name (Please Print Name)	Signature (Petitioner must sign his or her name)	Address (Please write full address)