

KNOX CITY COUNCIL

SUPPLEMENTARY REPORTS

ORDINARY MEETING OF COUNCIL

to be held

on

Tuesday 27 March 2018

13.1 Draft Meeting Procedure and Use of Common Seal Local Law of 2018

ALL WARDS

13.1 DRAFT MEETING PROCEDURE AND USE OF COMMON SEAL LOCAL LAW OF 2018

SUMMARY: *Coordinator Governance (Andrew Dowling)*

A draft of the proposed Meeting Procedure and Use of Common Seal Local Law of 2018 has been prepared to replace the current local law which will sunset on 10 July 2018.

RECOMMENDATION

That Council

1. Commence the statutory process in accordance with Part 5 of the Local Government Act 1989 to make the Meeting Procedure and Use of Common Seal Local Law of 2018.
2. Endorse the draft Meeting Procedure and Use of Common Seal Local Law of 2018 in Attachment 1 for the purposes of community consultation and invite submissions under Section 223 of the Local Government Act 1989 to be received at the Council Offices no later than 5.00pm on Tuesday 3 May 2018.
3. Appoint the following Committee of Council comprising Cr _____, Cr _____, and Cr _____ to consider any submissions received.
4. To authorise the Chief Executive Officer or such person as the Chief Executive Officer nominates for the purposes of giving effect to this resolution, to:
 - a. fix the day, time and place of the meeting to consider submissions; and
 - b. provide any person who has requested to appear in person to be heard in support of their submission with reasonable notice of that meeting.

1. INTRODUCTION

The Local Government Act 1989 (the Act) requires Council to make a local law governing the conduct of meetings of the Council and of Special Committees of Council.

The current Meeting Procedure and Use of Common Seal Local Law of 2008 (the current MPLL) commenced operation on 10 July 2008 and is due to expire (i.e. its 'sunset date') on 10 July 2018. After this date, the Local Law will cease to apply.

13.1 Draft Meeting Procedure and Use of Common Seal Local Law of 2018 (cont'd)

In order to comply with the requirements of the Act, Council must make a new local law, which is proposed to be titled the Meeting Procedure and Use of Common Seal Local Law of 2018 (The MPLL18).

Officers consider that the current MPLL has been generally successful in regulating the security and use of Council's common seal; regulating the proceedings for the election of the Mayor; and regulating proceedings of Ordinary and Special meetings of Council and Meetings of Special Committees.

As such, officers consider it appropriate that the new local law be generally consistent with its predecessor and the MPLL18 has been prepared on that basis.

2. DISCUSSION

The draft MPLL18 has been prepared based on the current MPLL with amendments to:

- ensure compliance with the Local Government Act, but with a view to the Act being re-made later this year;
- improve the structure, clarity or readability of the local law;
- improve, simplify or clarify procedural matters;
- reflect changes current custom and practice and business norms;
- correct incidental formatting, numbering, and/or grammatical issues;

The draft MPLL18 is included as Appendix 1 to this report and the track changes tool has been used to highlight the changes from the current MPLL.

A schedule of the changes, outlining the rationale for each change is included as part of the Community Impact Statement in Appendix 2. Changes of note include:

- Removal of references to advisory committee meetings. (Council may still regulate the conduct of such committees by reference to the MPLL18 through for example, Council policy or committee terms of reference.)
- Formalisation of Council's decision to appoint a Deputy Mayor
- A requirement that notices of motion be submitted 2 working days prior to the meeting to allow more time for Councillors to consider such motions to and facilitate greater public transparency.
- Introduction of a requirement that notices of rescission or amendment be supported by a mover and seconder before they can be lodged. Additional clarification has also been provided regarding the type of decisions which may not be the subject of such notices, and circumstances in which a decision is taken to have been "acted upon".

13.1 Draft Meeting Procedure and Use of Common Seal Local Law of 2018 (cont'd)

- Clarification of the minimum timelines for circulating agendas, and the inclusion of digital delivery as a means of distribution.
- Inclusion of new provisions regarding supplementary reports to draw a clear distinction between supplementary reports and urgent business
- Clarification of provisions regarding Reports by Councillors to reflect current custom and practice.
- Provisions regarding recording of proceedings have been amended to:
 - Ensure broadcasting meetings is also regulated, in addition to recording;
 - Enable staff to record proceedings for the purposes of preparing the Minutes or keeping a record of the meeting.
 - Clarify that recording and or broadcasting of proceedings may be authorised by the Mayor / Chairperson; or by resolution of Council.
- Inclusion of a new provision formalising the process for determining “leave of the meeting” as required by certain provisions of the local law.

3. CONSULTATION

Before the draft Local Law can be adopted, Council is required to place the draft MPLL18 on public exhibition and to hear submissions if requested under section 223 of the Local Government Act. This provides the community with an opportunity to make submissions in relation to the proposed local law. The community will be informed of this process by way of a Public Notice and a notice in the Government Gazette.

Consultation to date on the draft MPLL18 has been largely internal, focusing on practical or procedural issues that have arisen over the 10 years of operation of the current MPLL. A key consideration for the draft however, was the Exposure Draft of the Local Government Bill released by for public consultation in December 2017, as changes to the Act could have significant implications for the MPLL18. This was particularly the case given the Victorian Government’s timeline indicates transitioning to a new Act commencing from 1 July 2018.

Reviewing the Local Government Bill has consequently delayed the review of the MPLL18 and the timelines for public consultation and the making of a new MPLL18 are now quite tight, due to the sunset date of the local law in July 2018.

The timeframe is considered adequate however, taking into consideration the relatively few changes proposed to the current MPLL, and that being generally consistent with the current MPLL, the MPL18 is expected to be largely uncontroversial.

13.1 Draft Meeting Procedure and Use of Common Seal Local Law of 2018 (cont'd)

It is also noted that the prospect of a change to the Local Government Act 1989 means that while the local law is made with a 10 year horizon, the lifecycle of the MPLL2018 may be as short as 18 months. This is because if the Local Government Bill is enacted, Governance Rules to replace the MPLL18 are expected to be required to be in place by 1 January 2020. This would require a further round of community consultation on the new Governance Rules.

The timeline for the making of the MPLL18 is set out below and includes public consultation and consideration of public submissions in accordance with Section 223 of the Local Government Act:

27 March 2018	Supplementary report to the Council meeting to commence the process to make a local law
28 March to 1 May 2018	Public notice period including notices in the Government Gazette and local papers
11 May to 15 June 2018	Consideration of submissions and hearing of public submissions by committee
25 June 2018	Consideration and adoption of a new local law by Council
26 June to 10 July 2018	Gazettal and commencement of the new local law

The date, time and place of the meeting to hear submissions on the proposed Local Law will be directly notified to those who have asked to be heard. The date, time and place will be determined with the committee once established.

4. ENVIRONMENTAL/AMENITY ISSUES

There are no environmental or amenity issues arising as a consequence of this report or the adoption of the Meeting Procedure and Use of Common Seal Local Law of 2018.

5. FINANCIAL & ECONOMIC IMPLICATIONS

The costs to develop and implement the Meeting Procedure and Use of Common Seal Local Law of 2018 will be met within the current budget and include the cost of legal advice and public notices.

6. SOCIAL IMPLICATIONS

Adoption of a new Meeting Procedure and Use of Common Seal Local Law of 2018 will ensure Council continues to comply with its obligations under the Act. A robust and effective local law will assist Council to ensure that decision-making is transparent and that high standards of integrity and accountability promoting public confidence in Council's processes and decisions.

13.1 Draft Meeting Procedure and Use of Common Seal Local Law of 2018 (cont'd)

7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

Goal 8 “We have confidence in decision making”.

8. CONFLICT OF INTEREST

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Rodney McKail - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Andrew Dowling - In providing this advice as the Author, I have no disclosable interests in this report

9. CONCLUSION

In order to ensure Council meets its obligations under the Local Government Act 1989, it is recommended that Council commencing the statutory processes to make the Meeting Procedure and Use of Common Seal Local Law of 2018, as detailed in this report.

Council will then have an opportunity to consider any submissions received during the public exhibition period, before considering the final draft of the Meeting Procedure and Use of Common Seal Local Law of 2018 for adoption at its meeting on 25 June 2018.

10. CONFIDENTIALITY

There are no confidentiality issues related to this report

Report Prepared By: Coordinator – Governance (Andrew Dowling)

***Report Authorised By: Director – Corporate Services
(Michael Fromberg)***



KNOX CITY COUNCIL

PROPOSED

Meeting Procedure and Use of Common Seal Local Law 2018

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PART 1 - INTRODUCTION

1. Title

This Local Law is known as the Meeting Procedure and Use of Common Seal Local Law of 2018.

2. Period of Operation

This Local Law commences to operate on [11 July 2018](#) and ceases to operate on [11 July 2028](#) unless revoked earlier. Upon its commencement, [the Meeting Procedure and Use of Common Seal Local Law 2008](#) is revoked.

3. Purpose

The purposes of this Local Law are to:

- (a) Revoke [the Meeting Procedure and Use of Common Seal Local Law 2008](#);
- (b) Regulate the use and control of the **Council's common seal**;
- (c) Prohibit unauthorised use of the **common seal** or any device resembling the **common seal**;
- (d) Regulate the proceedings for the election of the **Mayor**;
- (e) Regulate proceedings of Ordinary and **Special meetings of Council** and **Meetings of Special Committees and Advisory Committees of Council**;
- (f) Provide penalties for non observance of the provisions of this Local Law;
- ~~(g) Authorise the charging of fees as permitted by the Act for the provision of information; and~~
- (h) Generally maintain the peace, order and good government of the municipal district.

4. Authorising Provisions

This Local Law is made by the Knox City **Council** under the provisions of Sections 91 and 111 and Schedule 8 to the **Act**.

5. Area of Operation

This Local Law operates throughout the whole of the municipal district.

6. Definitions

Unless inconsistent with the subject matter, the following words and phrases in this Local Law have the meaning indicated:

WORD(S)	MEANING
Act	The Local Government Act 1989 <u>or its successor</u> ;
Advisory Committee	An Advisory Committee established by Council.
Agenda	The notice of a Meeting setting out the business to be transacted at the Meeting .
<u>Amendment</u>	<u>A minor alteration to a motion designed to improve the motion without altering its intent or material impact.</u>
Authorised Signatory	Includes any Director , the Manager <u>Governance & Strategy</u> and any Councillor .
Chairperson	The Chairperson of the Meeting and includes an acting, temporary or substitute Chairperson.
Chief Executive Officer	The Chief Executive Officer of Council .
common seal	The common seal of Council .
<u>Communicate electronically</u>	<u>In respect of communication to and from councillors includes an email sent to the email account that is provided by the Council or the provision of documents transmitted via a secure software application to a digital device</u>
Council	Means Knox City Council
Council Meeting (or 'Meeting')	Any Ordinary Meeting or Special Meeting of Council .
Councillor	A Councillor of Council .
Director	A member of staff occupying a second-level position in the core part of the organisational structure of Council .
<u>Deputy Mayor</u>	<u>The Deputy Mayor of Council, elected by Council whether in accordance with the Act, this Local Law or otherwise</u>
formal motion	A motion set out in Schedule 1.
Mayor	The Mayor of Council and includes a person acting as the Mayor.
Meeting	An Ordinary Meeting or a Special Meeting of Council , or a Special Committee meeting or an Advisory Committee meeting.
Minutes	The collective record of proceedings of Council Meetings .
Notice of Motion	A notice setting out the text of a motion which is proposed to be moved at the next relevant Meeting .
offence	A wilful act or default contrary to the Local Law.
Officer	A person employed on Council staff.
Ordinary Meeting	<u>An Ordinary Meeting of Council, at which only general business may be transacted.</u> <u>Has the same meaning as in Local Government Act 1989</u>
Penalty Unit	Has the same meaning as in the Sentencing Act 1991.
point of order	A procedural point, not involving the substance of a matter before a Meeting .
<u>procedural motion</u>	<u>A motion set out in Schedule 1.</u>

WORD(S)	MEANING
<u>reasonable notice</u>	<u>Generally includes, but is not limited to, -a notice in a newspaper circulating in the municipal district; -or a notice board accessible to the public at Council's offices; or a notice on Council's website.</u>
<u>recording or broadcasting device</u>	<p><u>means any device which is being used to:</u></p> <ul style="list-style-type: none"> • <u>photograph or otherwise record visual images;</u> • <u>to make an audio recording;</u> • <u>to broadcast photographs or visual images; and or</u> • <u>to make an audio broadcast;</u>
Special Committee	<p><u>A committee with delegated powers established pursuant to the Act.</u></p> <p>A special committee established pursuant to Section 86, 87 or 88 of the Act.</p>
Special Meeting	<p><u>Has the same meaning as in Local Government Act 1989</u>A Meeting convened under section 84 of the Act.</p>
Statutory Meeting	<p>A Special Meeting held for the election of Mayor, <u>and which may also include (but is not limited to):</u></p> <ul style="list-style-type: none"> • <u>the election of a Deputy Mayor;</u> • and <u>appointment of Councillors to various Council and external Committees; and</u> • <u>Taking the Oath of Office</u> Taking the Oath of Office
<u>Supplementary Report</u>	<p><u>A report circulated by the Chief Executive Officer in relation to matters that have arisen since the publication of the Agenda</u></p>

PART 2 - THE COUNCIL'S COMMON SEAL

7. Form and Use of the Common Seal

- (1) The **common seal** must have in it the words "Knox City Council".
- (2) The **common seal** must be used only on the authority of **Council** or the **Chief Executive Officer** and every document to which the common seal is affixed must be signed by the **Chief Executive Officer** and an **Authorised Signatory of Council**.

8. Authority for Use of Common Seal

The **common seal** must be affixed to a document ~~only~~:

(a) on the authority of Council, a Special Committee, or the Chief Executive Officer; and

(b) for the purpose of giving effect to a decision which has been made by::

- (i) resolution of an Ordinary or Special Council Meeting made by Council resolution;
- (ii) ~~made by~~ resolution of a **Special Committee** to which power to use the **common seal** has been delegated; or
- (iii) ~~made by~~ the **Chief Executive Officer** or a **Director** under delegation.

9. Keeping of the Common Seal

The **Chief Executive Officer** ~~or the Officer to whom the duty has been delegated~~ must keep the **common seal** in safe custody.

10. Unauthorised Use of the Common Seal

Any person who uses the **common seal** or any device resembling the **common seal** other than in accordance with **clause 8** is guilty of an **offence**.

PENALTY: 10 Penalty Units

PART 3 - ELECTION OF MAYOR AND DEPUTY MAYOR

11. Procedure for Election of Mayor

- (1) The **Mayor** must be elected at a **Statutory Meeting** specifically convened for the purpose and held:
 - (a) annually, or otherwise in accordance with section 74 of the Act; or
 - (b) as soon as possible after there occurs any vacancy in the office of **Mayor**.
- (2) The **Chief Executive Officer** must prepare the **Agenda** for the **Statutory Meeting** in time to give each **Councillor** not later than 5pm on the working day prior to the day fixed for the holding at least 24 hours notice of the **Statutory Meeting**.
- ~~(3) Only the business specified in the Statutory Meeting Agenda can be transacted at the Statutory Meeting.~~
- ~~(3) At the commencement of the Statutory Meeting, the Chief Executive Officer must act as temporary Chairperson and Returning Officer.~~
- ~~(4) The Agenda for the Statutory Meeting must include the making of the declaration of office and taking the oath of allegiance by each Councillor in accordance with sections 63 and 64 of the Act.~~
- ~~(4a) The Chief Executive Officer must open the Statutory Meeting and may then preside over the meeting until a Mayor is elected.~~
- ~~(4b) Once all Councillors have made the declaration of office and taken the oath of allegiance the meeting may elect a temporary Chairperson.~~
- ~~(4c) The Chief Executive Officer will seek nominations for a temporary Chairperson of the Statutory Meeting at which the election of Mayor is to be conducted.~~
- ~~(4d) The temporary Chairperson must not be a candidate for the position of Mayor at that meeting~~
- ~~(5) At the commencement of proceedings to elect the Mayor At any Meeting to elect the Mayor the temporary Chairperson must deal with:~~
 - ~~(a) the receipt of nominations for the election of Mayor; and~~
 - ~~(b) the election of the Mayor.~~
- ~~(6) Only the business specified in the Statutory Meeting Agenda can be transacted at the Statutory Meeting.~~
- ~~(7) Any Councillor is eligible for election or re-election to the office of Mayor¹.~~

¹ Under Section 78(1) of the Local Government Act 1989, a candidate for the office of **Mayor** must not be precluded from participating in the debate or voting on the election of **Mayor**.

(87) In determining the election of **Mayor** the following will apply²:

- (a) The **Chief Executive Officer** must invite nominations for the office of **Mayor**. If there is only one nomination (which must be seconded), the candidate nominated must be deemed to have been duly elected.
- (b) If there is more than one nomination (each of which must be seconded), the **Councillors** present at the **Meeting** must vote for one of the candidates by a show of hands ~~(or by secret ballot if **Council** so resolves)~~.
- (c) In the event of a candidate receiving an absolute majority of the votes, that candidate must be declared to have been duly elected.
- (d) In the event of no candidate receiving an absolute majority of the votes the candidate with the fewest number of votes must be declared to be a defeated candidate. If because of an equality of votes no candidate can be declared to be a defeated candidate a second vote will be taken. If after the second vote there is still an equality of votes and no candidate can be declared to be a defeated candidate, the defeated candidate will be determined by lot. In conducting the lot the names of all candidates that have the least number of votes must be placed in a container. The first name drawn will be deemed to be the defeated candidate.

No further nominations must be accepted and the **Councillors** present at the **Meeting** must then vote for one of the remaining candidates by a show of hands ~~(or by secret ballot if **Council** so resolves)~~.

- (e) If one (1) of the remaining candidates receives an absolute majority of the votes, he or she must 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 candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates by a show of hands ~~(or by secret ballot if **Council** so resolves)~~ must be repeated until one (1) of the candidates receives an absolute majority of the votes. That candidate must be declared to have been duly elected.
- (f) In the event of two (2) remaining candidates having an equality of votes and one (1) of them having to be declared duly elected, the result will be determined by lot. In conducting the lot, the names of the remaining candidates, having an equality of votes, will be placed in a container. The first name drawn will be deemed to have been duly elected.
- (g) The **Chief Executive Officer** will conduct the lot.

Note: "an equality of votes" takes place when all votes cast are evenly distributed between two or more nominees.

This would not be so where for example there were four votes for one nominee, four votes for another and one vote for a third candidate. In such case, resort would be had to the process in clause 11(7)(d) whereby the candidate with the fewest votes (1) would be eliminated.

Where for example, the distribution of votes was three votes for each of three nominees, resort would be had to the process in clause 11(7)(d) whereby if, after a second vote, there remains an equality of votes, the a lot shall be conducted to determined the defeated candidate.

² Given the provisions of section 90(1)(d) of the Act, it is assumed that "an equality of votes" can only take place when all votes cast are evenly distributed between two or more nominees. This would not be so where for example there were four votes for one nominee, four votes for another one and one for another (in which case resort would then be had to the clause 11(d) process). If alternatively the distribution were to be three votes for each of three nominees, paragraph (iv) and section 90(2) would require determination by lot (regardless of the fact that no nominee had a majority of votes).

11A12. Election of Deputy Mayor, Chairpersons and Committee Members Delegates

(1) Council may elect a Deputy Mayor for a period of time specified by the Council or otherwise in accordance with the Act;

(4a2) The procedure used for the election of Mayor shall, as nearly as is practicable, be used for:

a. the election of Deputy Mayor;

b. The election of a temporary chairperson for an ordinary Council meeting, Special Council Meeting or Special Committee; and

c. the appointment of Councillors to positions on Council Committees and external committee where the number of candidates exceeds the number of vacant positions;

(4b3) Where there is an equality of votes between candidates under this clause the Chairperson has a second vote.

In determining:

_____ (a) the Deputy Mayor (if Council resolves to appoint a Deputy Mayor)

_____ (b) the **Chairperson** for a **Special Committee**; or

_____ (c) delegates to another organisation

_____ **Council** must follow, as nearly as is practicable, the procedure for election of **Mayor**.

_____ (2) This clause is subject to:

_____ (a) the requirements of the **Act** in relation to the chairing of **Meetings**; and

_____ (b) the requirements of the **Act** in relation to voting.

_____ (3) The **Mayor** (if present) will preside over an election of the Deputy Mayor.

1213. Chairperson

(1) After the election of the **Mayor** is determined at the Statutory Meeting, the **Mayor** must assume the position of **Chairperson**.

(2) The **Mayor** must chair all **Council Meetings** at which he or she is present.

(3) Unless Council resolves otherwise, the **Mayor** must chair all **Special Committee Meetings** at which he or she is present.

13. Where Mayor is Absent

(4) If the **Mayor** is unable to attend absent from or remain at a **Council Meeting** for any reason; is not present within 15 minutes of the scheduled commencement time of a Council meeting, or is required to declare a conflict -of interest:

(a) The Deputy Mayor will act as Chairperson; or if not present

(b) A Councillor who was the immediate past Mayor will act as Chairperson; or if not present

(c) a temporary Chairperson is to be elected.

~~(1) the **Chief Executive Officer** must take the Chair and invite nominations from the **Councillors** present for a temporary **Chairperson**. If there is more than one nomination~~

~~the **Chief Executive Officer** will act as Returning Officer for the election of a temporary **Chairperson**. If there is more than one nomination the procedure for determining the temporary **Chairperson** will be in accordance with clause 11.~~

- ~~(2) The **Chairperson** may vacate the Chair for the duration of any item under discussion whereupon a temporary **Chairperson** elected by the **Meeting** must take the Chair until such item has been determined.~~

PART 4 - MEETING PROCEDURES

Division 1 - Council and Special Meetings

14. General

- (1) In all cases not otherwise provided for herein, the rules, forms and usages of the Victorian Parliament are to apply, so far as they are applicable, to the proceedings of **Council**.
- (2) Where a circumstance has not been provided for in this Local Law, or it is unclear how it should be dealt with, **Council** may determine the matter by resolution.
- (3) **Council** may, by resolution, adopt policies which complement this Part and which facilitate the conduct of **Meetings** or the conduct and actions of **Councillors** in the proper and appropriate fulfilment of their role and function in the public office of **Councillor**.

15. Date, Time and Place of Meetings

- (1) The dates, times and places of **Meetings** are within the discretion of **Council**.
- (2) **Council** may, by resolution, at an **Ordinary Meeting** or, where permissible, a **Special Meeting** fix the day and time upon which any **Ordinary Meeting** or [Special Committee meeting](#) must be held.
- (3) **Council** may change the date, time and place of any **Council Meeting** which has been fixed and must provide **reasonable notice**³ of the change to the public.

16. Notice of Meeting

~~For the purposes of section 89(4) of the Act, t~~The **Chief Executive Officer** must give **reasonable notice** to the public of any **Council Meeting**.

17. Agendas

- (1) ~~The **Chief Executive Officer** must, subject to Clause 17(2), send (whether personally, by mail, or otherwise) or communicate electronically to every Councillor the **Agenda** for an **Ordinary Meeting** not later than 5pm on the working day prior to the day fixed for the holding of the **Meeting**.~~

~~The **Chief Executive Officer** must send the **Agenda** for an **Ordinary Meeting** to every **Councillor**, at his or her residential address or such other address as nominated by that **Councillor**, not less than 48 hours before the time fixed for the holding of the **Meeting**.~~

- (2) ~~Subject to any resolution of **Council**, the **Chief Executive Officer** will consult with individual **Councillors** to determine the method of delivery to be used under clause 17(1).~~
- (3) An **Agenda** ~~need not be~~ **must not be** delivered to a **Councillor** who has been granted leave of absence unless the **Councillor** has, in writing, requested the **Chief Executive Officer** to continue to provide **Agendas** for **Meetings** held during the period of leave.
- (4) The **Chief Executive Officer** may include any matter on an **Agenda** which he or she thinks should be considered by **Council** at the **Ordinary Meeting** to which the **Agenda** relates.

³Reasonable notice generally includes an advertisement in a newspaper circulating in the municipal district, a notice on a notice board accessible to the public at Council's offices and on Council's website.

- (5) The **Chief Executive Officer** may, after distribution of the Agenda pursuant to Clause 17(1) prepare a **supplementary report** for inclusion in the Agenda. A **supplementary report** sent to **Councillors** less than 1 working day before the time fixed for holding the Meeting shall be considered under **Urgent Business** pursuant to Clause 22.

~~18. Business~~

- ~~(1) Unless otherwise provided in this Local Law, no business may be conducted at an **Ordinary Meeting** unless it is business notice of which has been given either by inclusion in the Agenda or any report accompanying the Agenda or in a **Notice of Motion**.~~
- ~~(2) A **Councillor** may up to one hour before the commencement time of a **Meeting** lodge any **Notice of Motion** on any item that they wish to move at the **Meeting**, and:~~
- ~~(a) if lodged must be lodged in writing with the **Chief Executive Officer**;~~
- ~~(b) if received more than 24 hours before the **Meeting**, the **Chief Executive Officer** must distribute a copy of the **Notice of Motion** to all **Councillors** prior to commencement of the **Meeting**;~~
- ~~(c) if received within 24 hours of the **Meeting**, the **Chief Executive Officer** must distribute a copy of the **Notice of Motion** to all **Councillors** attending the **Meeting** prior to commencement of the **Meeting**;~~
- ~~(d) if lodged, the **Chairperson** must call on the **Councillor** to move the **Notice of Motion** in conjunction with clause 19(1)(i) of the Agenda; and~~
- ~~(e) must be deemed withdrawn if not moved by the **Councillor** when invited by the **Chairperson** to do so.~~

~~1918. Order of Business~~

- ~~(1) (1) Unless otherwise provided in this Local Law, no business may be conducted at an **Ordinary Meeting** unless it is business notice of which has been given either by inclusion in the Agenda or any report accompanying the Agenda or in a **Notice of Motion** or **Notice of Amendment or Rescission**.~~
- (2) Unless **Council** resolves otherwise but subject to clause 19(3), the business of an **Ordinary Meeting** must be conducted in the following order:
- (a) Opening
- (b) Apologies and requests for leave of absence;
- (c) Disclosures of interest or conflict of interest of any **Councillor**;
- (d) Confirmation of **Minutes**;
- (e) Presentations of petitions and memorials;
- (f) Reports by **Councillors**:
- (a) Committees, delegates, professional development and conferences; and
- (b) Ward Issues.
- (g) Consideration of reports by **Officers**;
- (h) Matters deferred or continued from previous **Meetings**;
- (i) Motions for which notice has previously been given;

- (j) Supplementary ~~items~~ reports;
 - (k) Urgent business;
 - (l) Call up items;
 - (m) Questions without notice; and
 - (n) Confidential business where the **Meeting** is closed to the public ~~under section 89(2) of in accordance with~~ the **Act**.
- (23) Public Question Time will be held following the completion of business on the **Agenda** relating to planning matters unless determined otherwise by resolution of **Council**.

19. Business Notices of Motion

~~(21) A Councillor may, up to the close of business two working days prior to up to one hour before the commencement time of a Meeting, lodge any Notice of Motion on any item that they wish to move at the Meeting, and:~~

~~(a) if lodged must be lodged in writing with the Chief Executive Officer;~~

~~(b) if received in time for inclusion on the Agenda for the Meeting, the Chief Executive Officer must include the Notice of Motion in that Agenda;~~

~~(c) If not received in sufficient time for inclusion on the Agenda, the Chief Executive Officer must distribute a copy of the Notice of Motion to all Councillors and publish the Notice of Motion on the Council website as soon as is practicable;~~

~~(b) if received more than 24 hours before the Meeting, the Chief Executive Officer must distribute a copy of the Notice of Motion to all Councillors prior to commencement of the Meeting;~~

~~(c) if received within 24 hours of the Meeting, the Chief Executive Officer must distribute a copy of the Notice of Motion to all Councillors attending the Meeting prior to commencement of the Meeting;~~

(2) If a **Notice of Motion** is lodged other than in accordance with Clause 19(1) it must, unless withdrawn, be included in the Agenda for the following **Meeting**.

~~(d) if lodged, the Chairperson must call on the Councillor to move the Notice of Motion in conjunction with clause 19(1)(i) of the Agenda; and~~

(3) If a **Councillor** who has lodged a **Notice of Motion** is absent from the **Meeting** or fails to move the motion when called upon by the **Chairperson**, any other **Councillor** may himself or herself move the motion.

~~(e) must be deemed withdrawn if not moved by the Councillor when invited by the Chairperson to do so.~~

(4) If a notice of motion is not moved in accordance with clause 19(3) the **Notice of Motion** shall be deemed to have lapsed for want of a mover.

(5) A **Notice of Motion** may be withdrawn by a request in writing lodged with the **Chief Executive Officer** at any time prior to the publication of the notice in an **Agenda** or on Council's website. Otherwise, the item must be dealt with at a **Meeting**

20. Notice of Amendment or Rescission

(1) Subject to Clause 20(2), two or more **Councillors** may propose a motion to amend or rescind a decision of **Council** provided:

- (a) a notice is delivered to the **Chief Executive Officer** not later than the close of business on the working day following the **Meeting** at which the decision was made outlining:
 - (i) the decision proposed to be amended or rescinded; and
 - (ii) the **Meeting** and date when the decision was made; and
 - (b) the previous motion has not been acted upon.
- (2) Rescission or amendment motions are not permissible in respect of planning permit resolutions, planning scheme amendment resolutions or contract / tender acceptance resolutions.
 - (3) A Notice of Amendment or Rescission will be considered and managed as a **Notice of Motion** under this Local Law except as provided in this Clause.
 - (4) For the purposes of clause 20(1)(b) the grounds on which a motion will be deemed to have been acted upon include, but are not limited to:
 - a) the contents or substance of a motion have been formally communicated to a person whose interests are materially affected by it; or
 - b) a statutory process has been commenced;
 - (5) No action or further action must be taken to implement a resolution of which a **Notice of Amendment or Rescission** has been given.
 - (6) The **Chief Executive Officer** must:
 - (a) Advise all **Councillors** of any **Notice of Amendment or Rescission** delivered under this clause within 24 hours of receiving it.
 - (b) List any such **Notice of Amendment or Rescission** on the **Agenda** of the next **Ordinary Meeting** under the heading of **Notices of Motion** for consideration and debate.
 - (7) A rescission or amendment of a previous motion must be passed by a majority of the elected **Councillors**.
 - (8) A second or subsequent **Notice of Amendment or Rescission** must not be considered by **Council** until a period of three (3) months has elapsed after the date of the **Meeting** at which the first or last **Notice of Amendment or Rescission** was dealt with.
 - (4A) A Notice of Motion cannot be considered in relation to a matter that is subject of a rescission motion within three calendar months of the rescission having been dealt with, unless a notice signed by a majority of elected **Councillors** is submitted to the **Chief Executive Officer**.

2021. Reports by Councillors

- (1) A report of a **Councillor** may include advice regarding:
 - (a) a report on any committee on which a **Councillor** represents **Council** and will generally provide an update of any meeting or action that has occurred since the last **Council Meeting**;
 - (a) meetings of any committees on which a **Councillor** represents **Council** that have been held since the last **Council Meeting**;
 - (b) other meetings the **Councillor** has attended, or actions undertaken since the last **Council Meeting**;

~~(c) any professional development activity undertaken or conference attended in association with his or her role as a Councillor; and~~

~~(b) an update of up to four minutes on Ward issues of which Council should be made aware. A maximum of two such issues can be raised at any Meeting.~~

~~(d) an update of up to four minutes on Ward issues of note.~~

~~(2) A **Special Committee** is not required to report on matters delegated to that **Special Committee**.~~

(2) **Councillors** may report to **Council** in a written or verbal form ~~on any issue in respect of which they are acting as a delegates of **Council**.~~

2122. Urgent Business

(1) 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**; and

(b) cannot safely or conveniently be deferred until the next **Ordinary Meeting**.

(2) **Council** may resolve by a majority of those present to admit (without the required notice) an item considered to be urgent business.

(3) The process for raising urgent business will be as follows:

(a) a **Councillor** will indicate to the **Chairperson** his or her intention to request consideration of an item of urgent business.

(b) when called upon by the **Chairperson**, the **Councillor** must state the nature of the business and the nature of urgency, also explaining why it could not have been incorporated on the initial **Agenda** or reasonably deferred to a subsequent **Council Meeting**, and why it cannot be considered as a "Call Up" item.

(c) after this brief explanation by the **Councillor**, the **Chairperson** will call on the **Councillor** to move that the item be considered in accordance with Clause 34. In doing so **Council** will be aware of the provisions of ~~sub-clause 22(1)~~.

~~Once moved and seconded the motion to include an item of Urgent business may be debated like any other normal motion.~~

(d) once an urgent item has been admitted, the **Councillor** must first move the motion in its entirety. ~~in accordance with Clause 34. If the motion is seconded the normal debate will pursue. If it is not seconded the motion lapses for want of a seconder.~~

(e) if requested by the **Chairperson**, the motion must be written and presented to the **Chairperson** when moved and seconded.

(f) if the motion to ~~consider/admit~~ the ~~additional~~ item of urgent business is not carried, no further discussion can occur.

~~(4) The **Chief Executive Officer**, in consultation with the **Mayor**, may prepare a written **supplementary report** on any item of business that has arisen since the preparation of the **Agenda**. **Councillors** must receive a copy of any **supplementary report** at least 24 hours before the time fixed for holding the **Meeting**.~~

2223. Questions without Notice

(1) Any **Councillor** may ask a question without notice.

- (2) The question must be directed to the **Chairperson** but may require an answer from the **Chairperson**, a **Councillor** or an **Officer**.
- (3) The **Chairperson** or **Councillor** may respond if he or she deems it appropriate, however the **Chairperson**, **Councillor** or **Officer** may take the question on notice and provide written advice within 5 working days.

2324. Suspension of Standing Orders

- (1) Subject to clause 19, the provisions of this Local Law may be suspended for a particular purpose by resolution of **Council**.
- (2) The suspension of such provisions (standing orders) may only be used to enable full discussion of any issue without the constraints of formal Meeting procedure.
- (3) The purpose of such suspension is to enable the formalities of Meeting procedure to be temporarily suspended while an issue is discussed.
- (4) Such suspension should not be used purely to dispense with the processes and protocol of the government of **Council**.
- (5) Once the discussion has taken place and before any motions can be put, standing orders must be resumed.

2425. No Motions may be accepted during Suspension of Standing Orders

No motion may be accepted by the Chair or be lawfully dealt with during any suspension of standing orders.

2526. Special Meetings

- (1) The **Mayor** or at least three **Councillors** may by a written notice to the **Chief Executive Officer** call a **Special Meeting** of the **Council**.
- (2) The notice necessary to call a **Special Meeting** must be delivered to the **Chief Executive Officer** in sufficient time to enable reasonable notice to be given to **Councillors** and members of the public.
- (3) In giving such notice, **Councillors** should have regard to any need for preparatory investigations to enable the business to be undertaken.
- (4) The notice referred to in clause 25(1) must specify the date and time of the **Special Meeting** and the business to be transacted.
- (5) The **Chief Executive Officer** must call the **Special Meeting** as specified in the notice.
- (6) Unless all **Councillors** are present and unanimously agree to deal with another matter, only the business specified in the notice may be transacted.

2627. Minutes

The **Minutes** must record the business of the **Meeting** and in particular:

- (1) The name of the **Councillors**:
 - (a) who were present and a record of their attendance relative to items considered during the entire **Meeting**; and
 - (b) who submitted apologies or have been granted leave of absence;
- (2) The names of Executive **Officers** in attendance and their organisational titles;
- (3) Any disclosures of interest or conflicts of interest;

- (4) Arrivals and departures (including temporary departures) of **Councillors** during the course of the **Meeting**;
- (5) Each motion and amendment moved (including motions and amendments that lapse for want of a seconder) and motions and amendments withdrawn by resolution or by leave of the **Meeting**;
- (6) Whether motions or amendments were carried or lost;
- (7) The vote cast by each **Councillor** upon a division, either FOR or AGAINST or any Councillor who has abstained, and the declaration of the result of the division on the motion or amendment;
- (8) The failure of a quorum;
- (9) Closure of the **Meeting** to members of the public in accordance with the provisions of ~~section 89(2) of the Act~~;
- (10) When specifically requested by a **Councillor**, a record of his or her support or opposition for any motion; and
- (11) Any other matter which the **Chief Executive Officer** thinks should be recorded to clarify the intention of the **Meeting** or the reading of the **Minutes**.

2728. Confirmation of Minutes

- (1) At every **Council Meeting**, the **Minutes** of the preceding **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 can be passed for confirmation of the **Minutes**; or
 - (b) if the **Minutes** have not been so delivered, a motion may be proposed to allow any adjournment to allow time for the **Minutes** to be read after which a motion can be passed for confirmation of the **Minutes**.
- (2) No discussion is permitted on the **Minutes** except as to their accuracy as a record of proceedings.
- (3) If a **Councillor** is dissatisfied with the accuracy of the **Minutes**, then the **Councillor** must:
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the **Minutes**.
- (4) Once the **Minutes** are confirmed, the last page must be certified by the **Chairperson**.

2829. Quorum and Adjournment

- (1) A quorum is a majority of the number of **Councillors** within the whole of **Council** as constituted or members of a **Special Committee** which the whole **Special Committee** as constituted comprises, present at the **Meeting**.
- (2) Business must not be conducted at any **Council Meeting** or a **Special Committee Meeting** unless a quorum is present.
- (3) The **Councillors** present at any **Council Meeting** may from time to time adjourn the **Meeting**.
- (4) No discussion is allowed on any motion for adjournment of the **Meeting**, but if on being put the motion is defeated, the subject then under consideration or the next on the

Agenda ~~or any other that may be allowed precedence~~ must be discussed before any subsequent motion for adjournment is moved.

2930. Failure to Raise a Quorum

- (1) If a quorum is not present within 30 minutes of the time appointed for the commencement of a **Council Meeting**:
 - (a) the **Meeting** lapses;
 - (b) the **Chairperson** or in his/her absence the **Chief Executive Officer** must convene another **Council Meeting** to be held within 14 days of the adjourned **Meeting** and ensure that the **Agenda** for it is identical to the **Agenda** for the **Meeting** which has lapsed; and
 - (c) the **Chief Executive Officer** must give all **Councillors** notice of the reconvened **Meeting**.
- (2) ~~Notice pursuant to Despite clause 2930(1)(c), is not required this requirement does not apply~~ in respect of any **Councillor** who has been granted leave of absence pursuant to ~~section 69 of the Act~~ and who has not requested the **Chief Executive Officer**, in writing, to continue to give notice of **Meetings** to be held during the period of leave of absence.

3031. Failure to Maintain a Quorum

- (1) If a quorum cannot be maintained after a **Council Meeting** has commenced the **Chairperson** must adjourn the **Meeting**, and then reconvene the **Meeting** within 30 minutes after it was adjourned, in which case:
 - (a) if a quorum is then present the **Meeting** must resume; or
 - (b) if a quorum is not then present and if, after using his or her best endeavours to restore a quorum, the **Chairperson** is unsuccessful, the **Chairperson** must announce that the **Meeting** has lapsed, whereupon the **Meeting** lapses.
- (2) If a **Meeting** lapses under clause 30(1)(b), the undisposed business must, unless it has already been disposed of at a **Special Meeting**, be included in the **Agenda** for the next **Ordinary Meeting**.
- (3) Despite the loss of a quorum in the circumstances set out in this clause, the business transacted at the **Meeting** to that point will remain valid and be capable of being acted upon.

3132. Time Limit for Meetings

- (1) A **Council Meeting** must not continue after 10.30 pm unless a majority of **Councillors** present at the **Meeting** votes in favour of its continuance.
- (2) In the absence of such continuance resolution, the **Meeting** must stand adjourned to a time, date and place to be determined by the **Chairperson**.
- (3) Where practicable, the **Chairperson** will determine, and advise all **Councillors** present of, the adjourned time, date and place of meeting, prior to closing the **Meeting**.

- (4) In the event that it is impracticable to comply with clause 31(3) the **Chief Executive Officer** must give reasonable notice to each **Councillor** and the public of the date, time and place to which the **Meeting** stands adjourned and of the business remaining to be considered.
- (5) Notice pursuant to ~~Despite~~ clause 31(4), is not required this requirement does not apply in respect of any **Councillor** who has been granted leave of absence pursuant to section 69 of the Act and who has not requested the **Chief Executive Officer**, in writing, to continue to give notice of **Meetings** to be held during the period of leave of absence.

3233. Addressing Meetings

- (1) Once acknowledged by the **Chairperson** as being the next speaker on an item, the **Councillor** has the floor and may stand when addressing the **Meeting** and must not be interrupted unless called to order or time has expired.
- (2) Except for the **Chairperson**, any **Councillor** or person who addresses the **Meeting** must direct all remarks through the Chair.

3334. Motions and Amendments

- (1) Motions and amendments must relate to the powers or functions of **Council**, be clear and unambiguous and not be defamatory or objectionable in language or nature. Except in the case of urgent business, a motion or amendment must be relevant to an item of business on the **Agenda**.
- (2) The **Chairperson** may require any motion or amendment to be put in writing before it is considered.
- (3) The **Chairperson** may refuse to accept any motion or amendment which contravenes this or any other clause.

3435. Procedure for Moving a Motion ~~or Amendment~~

- (1) The mover must state the motion without speaking to it.
- (2) The **Chairperson** must call for a seconder unless the motion is a call to enforce a **point of order** or a **formal procedural motion** that does not require a seconder.
- (3) If there is no seconder, the motion lapses.
- (4) If there is a seconder, the **Chairperson** must call on the mover to address the **Meeting**. The mover may, without speaking to the motion, reserve his or her address until later in debate.
- (5) After the mover has addressed the **Meeting** (or reserved his or her right to speak), the seconder may address the **Meeting**.
- ~~(6) After the seconder has addressed the **Meeting** (or after the mover has addressed the **Meeting** if the seconder does not address the **Meeting**), the **Chairperson** must call upon any **Councillor** who wishes to speak against the motion~~
- ~~(7) If no **Councillor** speaks against the motion, then the **Chairperson** may put the motion or call any other member to speak.~~
- (6) After the seconder has addressed the **Meeting** (or after the mover has addressed the **Meeting** if the seconder does not address the **Meeting**), the **Chairperson** may call for speakers in alternate sequence speaking against or for the motion.
- ~~(8) Any **Councillor** except the mover or seconder of the original motion may move or second an amendment.~~

(97) A **Councillor** may speak once on the motion except for the mover of the original motion and once on any amendment except for the mover of the original motion (but not the mover of an amendment) who has the right of reply after which the motion must be put to the **Meeting** for decision. The mover may not exercise the right of reply when he or she is the only speaker to the motion, or the last person to speak having reserved the right to speak later in the debate.

(408) A **Councillor** may be permitted by the **Chairperson** to speak more than once to a motion to make a personal explanation.

(449) A **Councillor** calling the attention of the **Chairperson** to a **point of order** is not regarded as speaking to the motion or the amendment.

(4210) No motion or amendment may be altered or withdrawn without the consent of the seconder.

~~(13) Amendments must be dealt with one at a time.~~

~~(14) An amendment must be relevant to the motion upon which it is moved and not negate the original motion.~~

~~(15) A subsequent amendment must not be considered until any previous amendment is decided upon but amendments may be foreshadowed.~~

~~(16) No right of reply is available to an amendment.~~

(4711) The mover and seconder of a motion may propose a variation to the motion if leave of the **Meeting** is granted.

(4812) If leave is granted to vary a motion in accordance with clause 34(11) a **Councillor** who has spoken to motion prior to the variation being permitted, may be permitted by the **Chairperson** to speak more than once to the motion.

~~(18) No further amendments or debate may be accepted after the mover of the original motion has exercised his or her right of reply.~~

(4913) The mover of a motion must not introduce new material when exercising any right of reply.

36. Procedure for Moving an Amendment

(1) Any **Councillor** except the mover or seconder of the original motion may move or second an amendment.

(2) The mover must state the amendment without speaking to it.

(3) The **Chairperson** must call for a seconder. If there is no seconder, the motion lapses.

(4) If there is a seconder, the **Chairperson**:

a) may ask "Is the amendment opposed?"; and

b) must call on the mover to address the Meeting. The mover may, without speaking to the amendment, reserve his or her address until later in debate.

(5) After the mover has addressed the **Meeting** (or reserved his or her right to speak), the seconder may address the **Meeting**.

(6) After the seconder has addressed the **Meeting** (or after the mover has addressed the **Meeting** if the seconder does not address the **Meeting**), the **Chairperson** may call for speakers in alternate sequence speaking against or for the motion.

- (7) Any **Councillor** may speak once on any amendment. No right of reply is available to an amendment.
- (8) A **Councillor** calling the attention of the **Chairperson** to a point of order is not regarded as speaking to the amendment.
- (9) No amendment may be altered or withdrawn without the consent of the seconder.
- (10) The mover and seconder of an amendment motion may propose a variation to the amendment if leave of the **Meeting** is granted.
- (11) An amendment must be relevant to the motion upon which it is moved and not negate the original motion.
- (12) Amendments must be dealt with one at a time. A subsequent amendment must not be considered until any previous amendment is decided upon but subsequent amendments may be foreshadowed.
- (13) If an amendment is carried it becomes the substantive motion. The mover and seconder of the amendment become the mover and seconder of the substantive motion. Debate commences as for a new motion.

3537. Foreshadowing Motions

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

3638. Withdrawal of Motions

Subject to clauses 35(10) and 36(9) before any motion is put to the vote, it may be withdrawn with leave of the **Meeting**.

3739. Separation of Motions

(1) [The Chairperson may decide to put any motion to the vote in several parts.](#)

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

3840. Debate

A **Councillor** may speak only when called by the **Chairperson**:

- (a) to speak in debate;
- (b) to ask or answer a question;
- (c) on a **point of order**; or
- (d) to make a personal explanation.

3941. Order of Speaking

If two or more **Councillors** wish to speak at the same time, the **Chairperson** will determine the order of speakers.

4042. Chairperson May Speak

The **Chairperson** may address a **Meeting** upon any matter under discussion, and is not deemed to have left the Chair on such occasions. However, such address should only take place after all other **Councillors** have had the opportunity to address the **Meeting**.

4143. Speaking to Subject Matter

A **Councillor** must not digress from the subject matter of the motion, amendment or business under discussion.

4244. Points of Order

- (1) The **Chairperson** is the final arbiter of all points of order.
- (2) The **point of order** may be taken on the ground that a matter is:
 - (a) contrary to this Local Law;
 - (b) defamatory;
 - (c) irrelevant;
 - (d) outside **Council's** functions or powers;
 - (e) improper; or
 - (f) frivolous or vexatious.
- (3) The ruling of the **Chairperson** upon any **point of order** is not open to any discussion and will be final and conclusive.
- (4) The **Chairperson** may take a **point of order**.

4345. Interruptions, 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 until the **Chairperson** has ceased speaking, or the **point of order** has been determined.

4446. Resumption of Adjourned Debate

If a debate is adjourned by motion, the **Councillor** moving the adjournment has the right to be the first speaker upon the resumption of debate unless he or she has already spoken to the motion or amendment.

4547. Disorderly Expressions

If a **Councillor** or an **Officer** uses any expression that is disorderly or offensive to any other **Councillor** or **Officer**, the **Chairperson** must require the offending **Councillor** or **Officer** to withdraw the expression and make a satisfactory apology to the **Meeting**. A **Councillor** or **Officer** required to withdraw a remark must do so immediately without qualification or explanation.

4648. Personal Explanation

- (1) A **Councillor** or an **Officer** may, at any **Council Meeting** and at a time decided by the **Chairperson**, make a personal explanation for a period not exceeding two (2) minutes on any statement made (whether made at a **Council Meeting** or not) affecting that **Councillor** or **Officer**.
- (2) A personal explanation must not be debated or made for the purpose of furthering debate.

4749. Time Limits

- (1) A **Councillor** must not speak longer than the time set out below unless granted an extension by the **Meeting**:
 - the mover of a motion or amendment - 5 minutes
 - the mover of a motion exercising a right or reply - 2 minutes
 - ~~any Councillor on update of Ward issues under clause 19(1)(f)~~ - ~~2 minutes (per item)~~
 - any Reports by Councillors under Clause 21 - 4 minutes
 - any other **Councillor** on any other matter - 3 minutes
- (2) A motion for the extension of time will, if carried, allow a **Councillor** a further two minutes to speak but ~~no~~ further extensions must not be permitted.

4850. Gallery to be Silent

Any person in the Public Gallery must not, during a **Council Meeting**, interject or take part in the debate and must preserve silence at all times other than where people are permitted to address the **Meeting** as provided elsewhere in this Local Law.

4951. Removal of Disorderly Visitors

If a person in the Public Gallery is called to order by the **Chairperson** and thereafter again acts in breach of this Local Law, the **Chairperson** may order him or her to leave, failing which the **Chairperson** may order him or her to be removed from the Public Gallery.

5052. Chairperson May Adjourn Disorderly Meeting

If the **Chairperson** is of the opinion that disorder in the vicinity of the **Meeting** makes it desirable to adjourn the **Meeting**, he or she may adjourn the **Meeting** to a later time on the same day or to some later day as he or she thinks proper.

5153. Suspensions

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

5254. Removal from the Meeting

The **Chairperson**, or **Council** in the case of a suspension, may ask any **Authorised Officer** or member of the Police Force to remove from the **Meeting** any person who acts in breach of this Local Law or whom the **Chairperson** has ordered to be removed from the Public Gallery under the provisions of this Local Law.

53. Notice of Amendment or Rescission

- ~~(1) A **Councillor** may propose a motion to amend or rescind a decision of **Council** provided:~~
- ~~(a) a notice is delivered to the **Chief Executive Officer** within 24 hours of the **Meeting** at which the decision was made outlining:~~
- ~~(i) the decision proposed to be amended or rescinded; and~~
- ~~(ii) the **Meeting** and date when the decision was made; and~~
- ~~(b) the previous motion has not been acted upon.~~
- ~~(2) No action or further action must be taken to implement a resolution of which a notice to rescind or amend has been given.~~
- ~~(3) (a) The **Chief Executive Officer** must advise all **Councillors** of any **Notice of Motion** delivered under this clause within 24 hours of receiving it.~~
- ~~(b) The **Chief Executive Officer** must list any such **Notice of Motion** on the **Agenda** of the next **Ordinary Meeting** for consideration and debate.~~
- ~~(c) Such **Notice of Motion** must be deemed withdrawn if not moved at the next **Ordinary Meeting**.~~
- ~~(4) A second or subsequent **Notice of Motion** to revoke or amend an earlier resolution must not be considered by **Council** until a period of three (3) months has elapsed after the date of the **Meeting** at which the first or last motion of revocation was dealt with.~~

5455. Formal Procedural Motions

Unless otherwise prohibited, **formal procedural motions** may be moved at any time and must be dealt with in accordance with Schedule 1 to this Local Law.

5556. Voting

- (1) When called upon by the **Chairperson**, the **Councillors** present must vote by a show of hands or as **Council** otherwise determines.
- (2) For the purposes of voting at a **Council Meeting**, the **Chairperson** must put the motion or amendment first in the affirmative, then in the negative.
- (3) The **Chairperson** may require that the vote be re-counted as often as may be necessary for him or her to satisfy himself or herself of the result.

5657. Vote to be Taken in Silence

Except that a **Councillor** may call a division, **Councillors** must remain seated in silence while a vote is being taken.

5758. Casting Vote

- (1) In the event of an equality of votes, subject to the **Act** and this Local Law, the **Chairperson** has a second vote.

- (2) Clause ~~5758~~(1) does not apply in the event of an equality of votes in respect of the election of the **Mayor**, or in cases where the **Act** or this Local Law provides that a matter is to be determined by lot.

5859. Divisions

- (1) Immediately after any question is put to a meeting and before the next item of business has commenced, a **Councillor** may call for a division.
- (2) When a division is called for, the vote already taken must be treated as a nullity and the division shall decide the question, motion or amendment.
- (a) As a division is a separate and distinct vote, no Councillor is prevented from changing his or her original vote at the voting on the division.
- (3) If a division is called for, the **Chairperson** must:
- (a) first ask each **Councillor** wishing to vote in the affirmative to rise, or raise a hand (as directed by the **Chairperson**) and must then state the names of those **Councillors** voting in the affirmative; and
- (b) then ask each **Councillor** wishing to vote in the negative to rise, or raise a hand (as directed by the **Chairperson**) and must then state the names of those **Councillors** voting in the negative; and
- (c) if required, then ask each **Councillor** wishing to abstain from voting to rise, or raise a hand (as directed by the **Chairperson**) and must then state the names of those **Councillors** abstaining from voting; and
- (d) declare the result of the division.

- ~~(1) If a division is called by a **Councillor** immediately after a motion is put to the **Meeting** and before the next item of business has commenced, the vote must be taken by **Councillors** voting in the affirmative first rising and then those voting in the negative rising. The **Chairperson** must state the names of **Councillors** so voting, declare the result and have the details recorded in the **Minutes**.~~
- ~~(2) As a division is a separate and distinct vote, no **Councillor** is prevented from changing his or her original vote at the voting on the division, and the voting by division will determine **Council's** resolution on the issue.~~

60. Leave of the meeting

- (1) Where an action or decision under this Local Law is dependent upon obtaining leave of the meeting, the **Chairperson** shall, before taking the action or making the decision:
- (a) outline the action or decision that is proposed to be taken or made to the meeting;
- (b) ask any **Councillor** present to indicate if they oppose the proposed action or decision; and
- if no Councillor indicates opposition, leave of the meeting shall be taken to have been granted.

5961. Public Question Time

- (1) ~~(a)~~ Members of the public are permitted to prepare and submit to an **Ordinary Meeting** up to two (2) questions on any **Council** matter.
- ~~(b) All questions to be asked must be registered by completion of the appropriate form which must be lodged prior to the commencement of Public Question Time. Questions may be lodged online or by facsimile transmission, to the main facsimile transmission number as advertised, up to one (1) hour~~

~~before the published commencement time of the **Meeting**, or in person at the Civic Centre, 511 Burwood Highway, Wantirna South during normal office hours. Any questions being lodged after this time must be done so in person and placed in the question box provided at the place of the **Meeting**.~~

- (a) All questions to be asked must be registered by completion of the appropriate form which must be lodged:
- (i) online via Council's website by close of business on the day fixed for the **Ordinary Meeting**; or
- (ii) in person at the Civic Centre, 511 Burwood Highway, Wantirna South during normal office hours prior to or on the day fixed for the **Meeting**; or
- (iii) in the question box provided at the place of the **Meeting** prior to the commencement of the public question time at the **Meeting**.
- (eb) The presentation and answering of questions from persons present in the Public Gallery will occur in accordance with clause 18(3).
- (ec) Questions will be directed to the **Chairperson** who will read the question and ascertain whether the questioner is present in the Public Gallery.
- (ed) If present in the Public Gallery, the questioner will have the right to make a brief introductory statement. The time allowed for such statement and question will be up to two (2) minutes.
- (ee) Where a meaningful response to the question cannot be provided at the **Meeting** by the **Chairperson, Councillors** or staff, or a detailed or researched response is required, the question may be taken on notice, in which case an answer must be provided by letter-in writing to the questioner within five (5) working days.
- (ef) Any **Councillor** wishing to provide a personal response to a question will be permitted to do so after the **Chairperson** has had the opportunity to respond.
- (eg) If the questioner is not present in the Public Gallery, the question will not be read; or included in the minutes of the meeting, except at the discretion of the **Chairperson**. A response must be supplied in writing.
- (eh) Where the **Chairperson** deems appropriate, a response must be supplied in writing.
- (ei) Questions and answers should be as brief as possible and no discussion will be allowed on any question except for the introductory statement as provided in paragraph (e).
- (ej) The number of questions that may be asked during a **Meeting** on any one (1) issue will be limited to two. It is at the total discretion of the **Chairperson** which two (2) questions will be asked where there are more than two (2) submitted.
- (ek) The **Chairperson** will have the right to refuse to receive or answer any question, or to take the question on notice.
- (el) A time limit of 30 minutes will apply to Public Question Time but may be extended by resolution of **Council**.
- (em) Meeting procedures as detailed in this Local Law apply during Public Question Time.

~~(2) In the case of **Advisory Committee** or **Special Committee Meetings**, no visitor is entitled to address the **Meeting** without the prior approval of the **Chairperson**.~~

6062. Addressing the Council

Except as provided for in clause ~~61(1)(d) 59(1)(e)~~, a person other than a **Councillor** or **Officer** must not address the **Council Meeting** except:

(a) where until a resolution approving such has been carried by a majority of **Councillors** present at the **Meeting**.

(b) With the approval of the Chairperson and leave of the meeting.

~~**61. Election of Chairpersons and Delegates**~~

~~(1) In determining:~~

~~(a) the **Chairperson** for an **Advisory Committee** or a **Special Committee**; or~~

~~(b) delegates to another organisation~~

~~**Council** must follow, as nearly as is practicable, the procedure for election of **Mayor**.~~

~~(2) This clause is subject to:~~

~~(a) the requirements of section 73 of the **Act** in relation to the chairing of **Meetings**; and~~

~~(b) the requirements of section 90 of the **Act** in relation to voting.~~

6263. Production of Documents

(1) A **Councillor** may, at a **Council Meeting**, require the production of any documents kept in the municipal offices that are directly relevant to the business being considered at the **Meeting**.

(2) The **Chief Executive Officer** must use his or her best endeavours to produce the documents at the **Meeting** or, if this is not feasible, as soon as practicable after that time.

~~**6364. Recording and Broadcasting Proceedings**~~

~~(1) A person must not operate any recording or broadcasting device at any **Council Meeting** or **Special Committee Meeting** without first obtaining:~~

~~a. The consent of the **Mayor** or **Chairperson** (as the case may be); or~~

~~b. Consent of Council by resolution of the meeting.~~

~~(2) Consent granted under Clause 64(1)(a) or Clause 64(1)(b) may be revoked at any time during the course of a **Council Meeting** or **Special Committee Meeting** by resolution of Council or the Special Committee.~~

~~A person must not operate audio tape or other recording equipment at any **Council Meeting**, **Advisory Committee** or **Special Committee Meeting** without first obtaining the consent of the **Mayor** or **Chairperson** (as the case may be). Such consent may at any time during the course of such **Meeting** be revoked whereupon any person operating the audio tape or other recording equipment must cease operating it.~~

~~(3) Nothing in clause 64(1) applies to any member of Council staff operating any camera or recording device for the purpose of production of the minutes of the meeting or any presentations or keeping a record of the **Council Meeting** or **Special Committee Meeting**.~~

- (3) Where a **Council Meeting** or **Special Committee Meeting** is to be recorded pursuant to this clause the **Chairperson** must as soon as practicable after the opening of the meeting advise those who are in attendance that their images and/or voices are likely to be recorded during the course of the meeting.

6465. Petitions

- (1) A petition:
- (a) must be in a legible and permanent form of writing, typing or printing;
 - (b) must not be defamatory, indecent, abusive or objectionable in language or substance; and
 - (c) must not relate to a matter beyond the powers of **Council**.
- (2) Every page of a petition must bear the wording of the whole of the petition or request.
- (3) Any signature appearing on a page of a petition which does not bear the wording of the whole of the petition or request must not be considered by **Council**.
- (4) Every page of a petition must be a single piece of paper and must not be affixed to any piece of paper other than another page of the petition.
- (5) No motion may be made on any petition until the next **Ordinary Meeting**, except if the matter or issue is already listed for consideration of **Council** on the **Agenda** for the **Meeting** at which it is presented in accordance with this Local Law, or if **Council** determines by a majority of those present that the matter is urgent and should be dealt with at the **Meeting** at which it is presented or by a **Special Committee**.
- (6) A **Councillor** presenting a petition must state the number of signatures attached to it and the subject matter. The **Councillor** may also speak to the petition.
- (7) A **Councillor** may, when presenting a petition, refer the specific request to an **Officer** for referral to a specific program. An example of the intent of this clause would be to refer a request for playground equipment to the following year's capital work program. If any action would require unallocated expenditure or would change an adopted program within the current financial year, it must be referred back to **Council**. Should a referral occur, there is no requirement for the matter or issue to be considered at the next **Ordinary Meeting** in accordance with clause 65(5).
- (8) After a petition is tabled, the head petitioner must be advised of progress of the particular issue.

6566. Offences

It is an **offence**:

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

PENALTY: 20 Penalty Units

- (b) for any person, not being a **Councillor**, who is guilty of any improper or disorderly conduct to not leave the Council Chamber when requested by the **Chairperson** to do so.

PENALTY: 20 Penalty Units

- (c) for any person to fail to obey a direction of the **Chairperson** in relation to the conduct of the **Meeting** and the maintenance of order.

PENALTY: 20 Penalty Units

- (d) for any person to append to a petition or joint letter a signature purporting to be that of any other person or in the name of any other person.

PENALTY: 10 Penalty Units

- (e) for a **Councillor** to fail or refuse to leave the Council Chamber after being suspended from a **Meeting**.

PENALTY: 20 Penalty Units

Division 2 - Provisions Applying only to Special Committee Meetings

6667. Purpose

The purpose of this Division is to regulate:

- (a) proceedings at **Meetings of Special Committees** composed solely of **Councillors**; and
- (b) notice to be given of **Meetings of Special Committees** composed solely of **Councillors**.

6768. Application Generally

- (1) Except as provided in this Part, if **Council** establishes a **Special Committee** composed solely of **Councillors**, Part 4, Division 1 of this Local Law applies with any necessary modifications.
- (2) For the purposes of sub-clause (1), a reference in Part 4, Division 1 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**.

6869. Quorum

The quorum for a **Meeting** of a **Special Committee** composed solely of **Councillors** is the number specified in the most recent instrument of delegation, or, if no number has been specified in an instrument of delegation, a majority of the number of members which the whole **Special Committee** as constituted comprises.

6970. Notice of Meetings

The requirements for notice to the public of any **Council Meeting** also apply to any **Meeting** of a **Special Committee** composed solely of **Councillors** to which powers have been delegated.

7071. Public Submissions

- (1) A **Special Committee** must, at such time as is allocated by it or by **Council**, hear any person wishing to be heard in respect of his or her submissions to **Council** under Section 223 of the [Local Government Act 1989 Act](#).
- (2) Special Committee members may, through the Chair, question any submitter in relation to his or her submission.

7472. Application Specifically

If **Council** establishes a **Special Committee** composed solely of **Councillors**:

- (a) **Council** may; or
- (b) that **Special Committee** may, with the approval of **Council**

resolve that a provision of Part 4, Division 1 does not apply, whereupon that provision will cease to apply to the **Special Committee**.

7273. “Call-Up” Requests by Other Councillors

- (1) If **Council** establishes a **Special Committee** to which powers have been delegated, the **Chief Executive Officer** must ensure that all **Agendas** for **Meetings** of that **Special Committee** are provided to all **Councillors** (whether or not members of the **Special Committee**).
- (2) A **Councillor** who is not a member of a **Special Committee** to which powers have been delegated may give written notice to the **Chairperson** of that **Special Committee** that an item on the **Agenda** is to be “called-up” for consideration by **Council**.
- (3) If a **Chairperson** receives notice that an item is to be “called-up” the **Special Committee** may consider that item and make a recommendation to **Council** about it, but must not exercise a delegated power in relation to it.

Division 3 - Other Committees**7374. Purpose**

The purpose of this Division is to regulate proceedings at **Meetings of Special Committees** (other than those composed solely of **Councillors**) ~~and of **Advisory Committees**~~.

7475. Application Generally

- (1) If **Council** establishes ~~:-~~

~~_____ (a) a **Special Committee**; ~~or~~~~

~~_____ (b) an **Advisory Committee**~~

~~_____ Part 4, Division 1 of this Local Law applies with any necessary modifications.~~

- (2) For the purposes of sub-clause (1), a reference in Part 4, Division 1 to:
 - (a) a **Council Meeting** is to be read as a reference to a **Meeting** of the **Special Committee** ~~of **Advisory Committee**~~ (as appropriate).
 - (b) a **Councillor** is to be read as a reference to a member of the **Special Committee** ~~or **Advisory Committee**~~ (as appropriate); and
 - (c) the **Mayor** is to be read as a reference to the **Chairperson** of the **Special Committee** ~~or **Advisory Committee**~~ (as appropriate).

7576. Application Specifically

If **Council** establishes ~~:-~~

~~_____ (a) a **Special Committee**; ~~or~~~~

~~_____ (b) an **Advisory Committee**,~~

_____ then

- (i) **Council** may; or
- (ii) that **Special Committee** ~~or **Advisory Committee**~~ (as appropriate) may, with the approval of **Council**,

resolve that a provision of Part 4, Division 1 does not apply, whereupon that provision will cease to apply to the **Special Committee** ~~or **Advisory Committee**~~ ~~(as the case may be)~~.

PART 5 – SUPPLY OF INFORMATION

76. Purpose

~~_____ The purpose of this Division is to enable charging of fees for the supply of information.~~

77. Supply of Information

~~_____ Council may set from time to time, fees for the supply of records of Council to members of the public.~~

Resolution for making this Local Law was agreed to by the Knox City **Council** on _____ and

THE COMMON SEAL of the)
 KNOX CITY COUNCIL was)
 hereunto affixed in the presence of:)
)
)
Chief Executive Officer)
)
)
Mayor)
)
)
Councillor)

"I certify that this is a true copy of the Meeting Procedure and Use of Common Seal Local Law [2018](#) made by the Knox City Council on _____ in accordance with the requirements of the Local Government Act 1989.

The notices required to be given by the Act appeared in Government Gazette on _____ and in the [<details of newspaper advertising>](#).

A copy of the Local Law was sent to the Minister for Local Government in a letter dated _____.

The Local Law commenced operation on _____ and will expire on _____ unless revoked earlier."

Chief Executive Officer

Schedule 1

FORMALPROCEDURAL MOTIONS PROCEDURE AND EFFECT

FORMALPROCEDURAL MOTION	FORM	WHO CAN MOVE OR SECONDER	IS A SECONDER REQUIRED?	MATTER IN RESPECT OF WHICH MOTION 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
Adjournment of meeting to later hour/date	That the meeting be adjourned until	Any Councillor	Yes	Any meeting	(a) During the election of the Chairperson (b) When another Councillor is speaking	Meeting adjourns immediately until the stated time (or date)	Debate continues unaffected

FORMAL PROCEDURE MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
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	No	Any matter	During nominations for Chairperson (NB 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

FORMALPROCEDURAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Laying the question on the table	That the matter lie on the table	A Councillor who has not moved, seconded or spoken to the motion or any amendment of it	Yes	Any matter	(a) During the election of the Chairperson (b) During a Meeting which is a call of the Council	Motion and amendments not further discussed or voted on until: (a) Council resolves to take the question from the table at the same Meeting (b) Matter is placed on an Agenda and the Council resolves to take the question from the table	Debate continues unaffected
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 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 formalprocedural 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



Community Impact Statement

Meeting Procedure and Use of Common Seal Local Law 2018

Contents

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1. Introduction

Council's Meeting Procedure and Use of Common Seal Local Law 2008 (the current Local Law) was adopted by Council on 24 June 2008 and commenced on 10 July 2008.

The current Local Law is due to expire (i.e. its 'sunset date') on 10 July 2018.

Council is therefore proposing to make the Meeting Procedure and Use of Common Seal Local Law 2018 (the proposed Local Law) to replace the current Local Law. Council provides the following information to the community in respect of the proposed changes introduced as part of the proposed Local Law.

2. Background

The current Local Law was made consistent with the requirements of Section 91(1) of the Local Government Act 1989 which requires a council to make a local law governing the conduct of Council and Special Committee meetings.

The current Local Law has been generally successful in regulating the election of the Mayor; the use of the common seal; and the conduct of Council and Special Committee Meetings over the past decade.

The proposed Local Law is therefore generally consistent with the current Local Law, with changes that are considered:

- necessary as a consequence of changes to the Local Government Act 1989 and the prospect of that Act being re-made in the near future;
- appropriate to improve the structure and readability of the local law;
- prudent following a review of the operation of the current local law;
- appropriate in the experience of officers or Councillors having regard to the operation of the current Local Law.

Changes have also been made as required to correct grammatical errors, capitalization and italicization, or to ensure cross references are correct.

3. Objectives

The purpose of the proposed Local Law is to:

- (a) Revoke the Meeting Procedure and Use of Common Seal Local Law 2008;
- (b) Regulate the use and control of the Council's common seal;
- (c) Prohibit unauthorised use of the common seal or any device resembling the common seal;
- (d) Regulate the proceedings for the election of the Mayor;
- (e) Regulate proceedings of Ordinary and Special meetings of Council and Meetings of Special Committees;
- (f) Provide penalties for non-observance of the provisions of this Local Law;
- (g) Generally maintain the peace, order and good government of the municipal district.

The purpose of the proposed Local Law is generally consistent with the current Local Law, however regulating the proceeding of advisory committee meetings is no longer considered an appropriate purpose for the local law. While regard to the proposed Local Law may be useful or informative for the conduct of advisory committee meetings from time to time, application of the proposed Local Law is not necessary for the efficient conduct of such meetings.

Authorising the charging of fees is also no longer a necessary purpose of the local law. Fees and charges are sufficiently regulated by the provisions of the Local Government Act 1989 (the Act) and adopted as part of Council's annual budget process. As such, the regulation of such fees and charges is no longer a necessary part of the local law.

4. Evaluation of the proposed Local Law

An evaluation of the proposed Local Law follows.

Issue	Evaluation
Measures of success	<p>The success of the proposed Local Law will be best measured by:</p> <ol style="list-style-type: none"> 1. The extent to which it provides for and facilitates the orderly, efficient and fair conduct of elections of the Mayor and Deputy Mayor. 2. The extent to which it provides for and facilitates the orderly, efficient, participative and fair conduct of meetings to which it applies. 3. The extent to which it effectively regulates the use of the common seal.
Existing legislation that might be used instead	<p>Existing legislation cannot be used to achieve the objectives of the proposed Local Law on the basis that:</p> <ol style="list-style-type: none"> 1. Section 91 of the Local Government Act 1989 specifically requires a council to make a local law governing the conduct of Council and Special Committee meetings. 2. Section 5 of the <i>Local Government Act 1989</i> provides that Council must have a common seal the use of which must be in accordance with the local laws of the Council.
State legislation more appropriate	<p>There is no State legislation that can achieve the objectives of the proposed Local Law. As indicated above, State legislation specifically requires the making of a local law governing the conduct of Council and Special Committee meetings use of the Council's common seal.</p>
Overlap of existing legislation	<p>There are provisions in the <i>Local Government Act 1989</i> with respect to the conduct of Council and Special Committee meetings.</p> <p>In light of the recent release of an exposure draft of the Local Government Bill which will be considered by Parliament in mid-2018, particular regard has been had to ensuring there is no overlap, duplication or repetition of the Act in the proposed Local Law.</p> <p>To the extent that the proposed Local Law addresses the same subject material as the Act, it does so in a manner which is consistent with the requirements of the legislation and with a view to possible re-making of the act later in 2018.</p>
Overlap of planning scheme	<p>There are no provisions in the proposed Local Law which overlap with the Knox Planning Scheme.</p>

Issue	Evaluation
Risk assessment	As the proposed Local Law is generally consistent with the current Local Law, a specific risk assessment has not been undertaken.
Legislative approach adopted	<p>The proposed Local Law is necessitated by the provisions of the Act.</p> <p><u>Council's Common Seal</u></p> <p>The MPLL2018 adopts a high impact regulatory approach.</p> <p>This approach is considered appropriate as it provides clear accountability for appropriate use and safekeeping of the Council seal.</p> <p><u>Election of the Mayor and Deputy Mayor</u></p> <p>The proposed Local Law adopts a high impact regulatory approach, setting out the procedural aspects of mayoral elections in a highly prescriptive manner. There are no discretionary provisions or processes for the election of the Mayor.</p> <p>This approach is considered appropriate as it provides certainty and transparency to participants and the community, and ensures elections are conducted in fair and equitable manner.</p> <p>The provisions of this Part of the proposed Local Law also extend to the position of Deputy Mayor and the appointment of Chairpersons and Committee members. In these regards, the proposed local law retains an appropriate level of procedural discretion for Council.</p> <p><u>Conduct of meetings</u></p> <p>The proposed Local Law adopts a medium impact regulatory approach.</p> <p>As it prescribes, with a level of detail, the business that can and can't be transacted and the procedures and protocols of participation, the proposed Local Law is an integral part of Council's governance structure. It provides a foundation for the efficient conduct of the decision making process, and the framework for fair and equitable access and participation of Councillors, Committee members, and where appropriate officers and the community.</p> <p>Whilst being largely prescriptive, the proposed Local Law retains a level of discretion that is considered appropriate to facilitate the orderly conduct of meetings, whilst allowing latitude to deal with particular circumstances of the meeting and business at hand.</p>
Restriction of competition	Having regard to the subject matter of the proposed Local Law, no implications are envisaged with respect to the National Competition Policy.

Issue	Evaluation										
Penalties	<p>The proposed Local Law contains a minimal number of offences which are consistent with the current Local Law.</p> <p>The proposed Local Law contains the following maximum penalties (in general terms):</p> <table border="0" data-bbox="389 524 1206 972"> <tr> <td data-bbox="389 524 986 595">Using the common seal without the authority of Council</td> <td data-bbox="1007 524 1206 557">10 penalty units</td> </tr> <tr> <td data-bbox="389 618 986 689">A Councillor failing to withdraw and apologise for offensive or disorderly expression</td> <td data-bbox="1007 618 1206 651">20 penalty units</td> </tr> <tr> <td data-bbox="389 714 986 786">Not leaving the Chamber when requested by the Chairperson to do so</td> <td data-bbox="1007 714 1206 748">20 penalty units</td> </tr> <tr> <td data-bbox="389 810 986 882">Failing to comply with the Chairperson's direction regarding maintenance of order</td> <td data-bbox="1007 810 1206 844">20 penalty units</td> </tr> <tr> <td data-bbox="389 907 986 978">Signing a purported name to a petition or joint letter</td> <td data-bbox="1007 907 1206 940">10 penalty units</td> </tr> </table> <p>Penalties for some offences are relatively high in comparison to local benchmarking, however the penalties are considered reasonable and appropriate having regard to the effectiveness of the local law in regulating the conduct of council meetings.</p> <p>At the time of writing a penalty unit is \$100.</p>	Using the common seal without the authority of Council	10 penalty units	A Councillor failing to withdraw and apologise for offensive or disorderly expression	20 penalty units	Not leaving the Chamber when requested by the Chairperson to do so	20 penalty units	Failing to comply with the Chairperson's direction regarding maintenance of order	20 penalty units	Signing a purported name to a petition or joint letter	10 penalty units
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Not leaving the Chamber when requested by the Chairperson to do so	20 penalty units										
Failing to comply with the Chairperson's direction regarding maintenance of order	20 penalty units										
Signing a purported name to a petition or joint letter	10 penalty units										
Permits	The proposed Local Law does not make provision for the issue of permits.										
Fees	Fees and charges are considered to be sufficiently regulated by the provisions of the Act and therefore not fees are prescribed by the proposed Local Law.										
Performance standards or prescriptive	<p>It is considered appropriate that the proposed Local Law contains prescriptive standards, to the extent that it sets out the procedures to be followed in the conduct of elections, and Council and Special Committee Meetings. The prescriptive nature of many provisions in the proposed Local Law provide procedural certainty for Councillors, staff and the community.</p> <p>The prescriptive nature of the proposed Local Law also contributes to the fair and equitable application of its provisions.</p>										
Comparison with neighbouring and like Councils	<p>A detailed comparison has not been undertaken with the equivalent local laws of neighbouring municipalities.</p> <p>Each Council develops meeting procedures which address their particular needs and approach to meeting procedure. Anecdotally, there is a both a high degree of similarity and difference in meeting procedures across the local government sector.</p>										
Charter of Human Rights	<p>The proposed Local Law has been reviewed for compatibility with the Charter of Human Rights (the Charter).</p> <p>The key points of engagement with the Charter are in the context of the right to freedom of expression and the right to participate in the conduct of public affairs, directly or through freely chosen representatives.</p>										

Issue	Evaluation
	<p>The proposed Local Law is considered to be fully compatible with the Human Rights Charter. Following is a description of key aspects of the proposed Local Law which are considered relevant to any limitations it imposes upon rights protected by the Charter,</p> <p>The proposed Local Law contains a number of provisions requiring notice to Councillors and the community, facilitating participation in public affairs.</p> <p>It includes prescriptive and performance based approaches, for example including minimum notice period for Councillors and requiring "reasonable" notice for the community. Whilst applying different standards, these provisions are reflective of the relative power of these different groups to access information regarding the business of Council.</p> <p>It also contains a number of provisions which restrict the business which may be conducted at Council meetings and the manner in which councillors or committee members can participate.</p> <p>These could be viewed as limiting freedom of expression and the right to participate in public affairs. Whilst imposing procedural limitations, it does so in a manner which is considered proportionate to the purpose and objectives of both the local law and the meetings it regulates. This includes balancing opportunities for participation (eg during debate for Councillors, or during public question time for the community) with the efficient and orderly conduct of the meeting and the business of Council more generally. Procedural limitations also take into consideration opportunities to ensure the transparency of council decision making. Changes to the submission deadlines for notices of motion for example, restrict the business which may be conducted at a meeting, but enhance opportunities for public participation by facilitating greater notice of the business which may be conducted at a meeting.</p> <p>Rulings on procedural limitations are generally determined by the Chairperson however where appropriate it is clear that rulings may be made by resolution of Council. Whilst these procedural limitations engage the freedom of expression and the right to participate in public affairs, the provisions are expressed in discretionary rather than mandatory form. Such discretion allows rulings to be made in a manner that takes appropriate account of Charter rights where applicable to a decision before the Chairperson or the meeting. The inclusion of a new provisions regarding how 'leave of the meeting' is to be determined is also an appropriate safeguard on the powers of the chairperson, providing an objective process for determining whether such leave granted.</p> <p>The proposed Local Law expressly provides for participation by the community in the conduct of Council meetings through Public Question Time.</p> <p>The proposed Local Law regulates that participation with procedural limitations regarding the form, content and processes to be followed and these limitations engage the freedom of expression and the right to participate in public affairs. The provisions do so however, in a manner which is considered proportionate to the purpose and objectives of both local law and the meetings it regulates, including the efficient and orderly conduct of meetings.</p> <p>Whereas the current Local Law mandates a questioner be in the gallery, an amendment has been made giving the chairperson discretion to relax this requirement. This is considered appropriate where the requirement to be in the chamber for a meeting is</p>

Issue	Evaluation
	<p>an unreasonable limitation on a person's right to participate in the meeting, having regard to their particular circumstances.</p> <p>The proposed Local Law regulates the conduct and behaviors of Councillors, officers and the community. To the extent that it prescribes a standard of behavior that is considered acceptable in the context of Council or committee meetings, it engages both the freedom of expression and right to participate in public affairs. It is considered to do so in a manner which is proportional to the objectives of the local law to provide for the efficient and orderly conduct of meetings.</p> <p>To an extent, the limitations on expression and participation in this section when applied to an individual in context, may also serve to protect the very same rights of another individual. It may also protect their rights to privacy and reputation, and their rights to liberty and security (for example, protection from harassment and threats).</p> <p>The proposed Local Law expands the regulation of recording and broadcasting meetings. While recording and broadcasting can increase the accessibility of meetings and facilitate greater participation, it does so in a way that can impact on a person's right to privacy. New provisions of the proposed Local Law requiring notice of recording or broadcasting provide an appropriate safeguard for attendees concerned for their personal privacy while in attendance at meetings.</p>
Consultation meetings	The amendments proposed to the current Local Law have been developed in consultation with Councillors and Council.
Submissions	<p>Public consultation will be undertaken as part of the process of making the proposed Local Law and anyone interested in making a submission may do so, in accordance with section 223 of the <i>Local Government Act 1989</i>.</p> <p>The written submissions should be addressed to the Chief Executive Officer and should be lodged at or posted to Council's office at 511 Burwood Highway, Wantirna South VIC 3152.</p> <p>Alternatively, submissions may be lodged by email to knoxcc@knox.vic.gov.au or online at Council's website.</p> <p>Written submissions must be received at the Council Offices no later than 5.00pm on Tuesday 3 May 2018.</p> <p>Any person who makes a written submission can ask to be heard by a Council Committee in support of their submission and may be represented by a person (who is specified in their submission), to act on their behalf. The date, time and place of any meeting to hear submissions on the proposed Local Law will be directly notified to those who have asked to be heard.</p> <p>Submitters should note that all submissions received may be made available to the public in full (including any personal information). Submissions may be posted on Council's website. Details from submissions received, including personal information may also be included in the official Council Agenda and Minutes which are permanent public documents and also available on Council's website.</p>



5. Outline of changes introduced by the proposed Local Law

Following is a detailed breakdown of the changes introduced in the Meeting Procedure Local Law 2017, when compared to its predecessor.

The breakdown identifies each section that has been amended, summarising the amendment proposed and providing a brief explanation of the rationale behind the amendment.

This information is provided to assist the community to understand the implications and impact of the differences between the current Local Law and the proposed Local Law.

Summary of changes made to the Meeting Procedure and Use of Common Seal Local Law of 2008

Note: Unless otherwise indicated, references to clause numbers in the following table are to the amended clause numbers in the draft Meeting Procedure and Use of Common Seal Local Law of 2018

Clause	Nature of Change	Rationale
1, 2 & 3	Changes to the title and period of operation	Changes reflect the remaking of the Meeting Procedure and Use of Common Seal Local Law of 2008 (the current MPLL) into the Meeting Procedure and Use of Common Seal Local Law of 2018 (MPLL18)
3	Amendments to the purposes of the MPLL18	<p>Reference to regulating Advisory Committees of Council has been removed. The formal meeting procedures in the MPLL18 are not necessarily appropriate to the conduct of Advisory Committees which are typically less formal. While the MPLL18 may be useful or informative for the conduct of advisory committees from time to time, it is not necessary for the MPLL18 to regulate such meetings. It is noted that Council has other appropriate opportunities to require advisory committees to have regard to the MPLL18 if desired, such as in the committee's terms of reference, or in Council policy.</p> <p>Authorising fees and charges has also been removed. Council's power to charge fees for certain documents is established under the Act and fees may be set as part of the Fees and Charges in the annual budget process. As such, this purpose is no longer appropriate to for the MPLL18.</p>
6	Updated definition of "Act"	The definition has been updated to include the successor to the Local Government Act 1989 (the LGA), anticipating it will be remade in the near future.
	New definition of "Amendment"	A definition of "Amendment" will provide greater certainty when applying the provisions of the MPLL18.
	Amended definition of "Authorised Signatory"	The definition has been amended to reflect a change in organisational structure.
	New definition of "Communicated electronically"	The new definition reflects the trend towards digital communication in modern organisations which warrants clear definition of "communicated electronically" to provide certainty in the application of the MPLL18.
	Amended Definition of Council	A grammatical amendment that does not change the substantive effect of the clause.
	New definition of Deputy Mayor	The new definition reflects Council's current practice of appointing a Deputy Mayor and acknowledges the prospect of the role of Deputy Mayor being established in legislation when the LGA is remade.

Summary of changes made to the Meeting Procedure and Use of Common Seal Local Law of 2008

Clause	Nature of Change	Rationale
	Definition of “Formal motion” replaced with “Procedural motion”	The Current MPLL has a schedule of procedural motions which are referred to in the current MPLL as “formal motions”. The change in definition to “procedural motions” is considered clearer drafting.
	Amended definition of Mayor	Council’s practice of appointing a deputy mayor has been reflected where appropriate throughout the MPLL18. Consequently, it is no longer appropriate for the definition of mayor to refer to a person “acting as the Mayor”.
	Change to the definition of “meeting” to remove “Advisory Committees”	While the MPLL18 may be useful or informative for members conducting advisory committees, it is not necessary for the MPLL18 to regulate such meetings.
	Amendment to the definition of Ordinary Meeting by reference to the LGA	Ordinary Meeting is defined under the LGA and the definition has been amended to reference the LGA to avoid duplication and inconsistency.
	A new definition of “reasonable notice” has been inserted	The new definition provides clarity regarding what type of notice will constitute “reasonable notice” for the purposes of the MPLL18.
	A new definition of “recording or broadcasting device” has been included.	The new definition covers any device that is being used to record or broadcast audio or photographs/video of proceedings.
	Amendment to the definition of Special Committee by reference to the LGA	The definition has been updated to remove specific references to the LGA, anticipating it will be remade in the near future.
	Amendment to the definition of Special Meeting by reference to the LGA	Special Meeting is defined under the LGA and the definition has been amended to reference the LGA to avoid duplication and inconsistency.
	Amended definition of “Statutory Meeting”	The definition has been amended to reflect the typical business conducted at Council’s statutory meeting.

Summary of changes made to the Meeting Procedure and Use of Common Seal Local Law of 2008

Clause	Nature of Change	Rationale
	Insertion of a new definition of “Supplementary Report”	The new definition reflects current custom and practice of circulating supplementary reports on occasion.
8	Amendments to provide greater flexibility in the application of Council’s common seal.	The LGA provides, generally that a decision of council is a decision made by Council at an ordinary or special council meeting, a resolution of a Special Committee, and includes an officer exercising a delegation. This amendment ensures documents in each of these categories can be sealed if appropriate.
9	Amendments to the Chief Executive Officer’s duty to safeguard the Common Seal	Where the duty to safeguard the seal is delegated, it will be done by instrument of delegation, consequently the possibility of delegation is not required to be specified in the MPLL18.
Part 3	Heading updated to Election of Mayor and Deputy Mayor	This change reflects the Council’s practice of electing a Mayor and a Deputy Mayor
11	Clarification of provisions regarding the conduct of a Statutory Meeting	<p>References to specific clauses of the Act have been removed in anticipation of the LGA being remade and some references that are no longer correct deleted.</p> <p>Clause 11(1) has been amended to reflect that the Act allows for 2 year mayoral terms.</p> <p>Clause 11(2) has been amended to provide greater clarity regarding the timing of an agenda being distributed for the Statutory meeting.</p> <p>Clause 11(3) has been moved to provide a more logical narrative.</p> <p>Clause 11(4) has been amended to clarify the Chief Executives role in presiding over the meeting until a mayor is elected</p> <p>Clause 11(5) of the MPLL has been deleted as it is considered unnecessary.</p> <p>Clause 11(7) has been amended to remove reference to secret ballots which are no longer permissible under the Act and to refer to the correct chairperson.</p>

Summary of changes made to the Meeting Procedure and Use of Common Seal Local Law of 2008

Clause	Nature of Change	Rationale
12	New Clause regulating the election of the Deputy Mayor, Committee members and chairpersons	Clause 12 provides that the process in Clause 11 for the election of Mayor shall, as nearly as practicable, be used for the election of the Deputy Mayor, Temporary Chairpersons and appointments to Council committees and external committees.
13	Amendments to provisions regarding the Chairperson	<p>Clause 12 has been amended to</p> <ul style="list-style-type: none"> • Clarify the Mayor’s role as Chair of the Statutory Meeting once elected. • Clarify that, unless Council resolves otherwise, the Mayor shall also chair Special Committee meetings at which he or she is present. • Clarify who shall be chairperson in the absence of the Mayor.
15	Amendments to provisions regarding the scheduling of meetings	<p>The changes clarify Council’s power to set the dates of Special Committee meetings.</p> <p>The footnote regarding reasonable notice has been deleted, as this is now a defined term under Clause 6.</p>
16	Amendment of provisions regarding notice of meetings	References to specific clauses of the Act have been removed in anticipation of the LGA being remade. It is noted that references to “reasonable notice”
17	Amendments to provisions regarding agendas	<p>The provisions of Clause 17 set the minimum standard for the distribution of agendas.</p> <p>The minimum standard under the current MPLL is 48 hours’ notice. In the context of Council’s meeting schedule, changes to Clause 17 effectively increase the minimum notice period from the prior Saturday evening to the prior Friday evening. (It is noted that Council has resolved to vary this minimum standard and requires delivery</p> <p>The amendments also reflect the range of modern delivery methods available for the distribution of Agendas. The drafting of Clause 17(2) envisages the method of delivering agendas will be determined on a case-by-case basis with each individual Councillor, in the absence of Council determining the delivery method.</p>

Summary of changes made to the Meeting Procedure and Use of Common Seal Local Law of 2008

Clause	Nature of Change	Rationale
		<p>Clause 17(3) has been amended to be less prescriptive around the delivery of agenda papers to a Councillor who is on a leave of absence.</p> <p>Clause 17(4) of has been amended to clarify it applies only to ordinary Council meetings as the LGA does not give the Chief Executive Officer any discretion to set the agenda for Special Council Meetings. (Special Council Meetings must be called in accordance with the notice or resolution given to the Chief Executive Officer).</p> <p>A new Clause 17(5) has been inserted to provide greater clarity regarding supplementary reports, and the distinction between supplementary reports and urgent business.</p> <p>As previously indicated, the minimum standard for distribution of Agendas under revisions to this clause is the working day prior to the meeting. In the ordinary course of Council's meeting schedule this is the Friday before a Monday meeting, however Council has resolved that agendas be distributed, generally, 7 days before the meeting. Clause 17(5) establishes that supplementary reports may be circulated after an agenda has been circulated, but that any such reports circulated less than 1 working day before the meeting shall be subject considered as Urgent Business according to Clause 22.</p>
18	Consolidation of parts of clauses 18 and 19 of the current MPLL and minor clarifications. Clauses regarding Notices of Motion moved to Clause 19	<p>Clauses 18 and 19 as they are in the current MPLL have been consolidated into a single clause.</p> <p>Clause 18(2)(f)(a) regarding Reports by Councillors has been amended to reflect a broader range of subject matters being reported by Councillors, including attendance at professional development opportunities or conferences. The changes are also reflected at Clause 21.</p>
19	Amendment of provisions regarding notices of motion	<p>Provisions regarding notices of motion have been consolidated into Clause 19.</p> <p>The Victorian Ombudsman's report; <i>Investigation into the transparency of local government decision making December 2016</i> concluded "Where notices of motion are raised without adequate time to be thoroughly researched, they can affect both the quality of decision making and transparency."</p>

Summary of changes made to the Meeting Procedure and Use of Common Seal Local Law of 2008

Clause	Nature of Change	Rationale
		<p>To allow greater opportunity for Councillors to research and consider any proposed notice of motion, the timeline for submitting notices of motion has been reduced from 1 hour prior to the meeting to 2 working days prior to the meeting.</p> <p>The additional notice period also facilitates greater transparency, with a further amendment proposed requiring notices of motion to be made available to the community through publication in the agenda where time allows, and otherwise through publication on Council's website.</p> <p>Further amendments to clause 19 also clarify how and when a motion may be withdrawn and how a motion must be treated if it is received with insufficient notice.</p>
20	Provisions regarding Notices of Amendment or Rescission have been moved and clarified	<p>Given the significance of notices of rescission and amendment, changes to Clause 20 introduce a requirement that a notice have the support of two Councillors before it can be lodged; and support of a majority of elected Councillors to be passed.</p> <p>Changes to Clause 20(2) and 20(4) also clarify when a notice of amendment of rescission cannot be lodged by reference to circumstances in which a decision is taken to have been "acted upon" and by reference to certain decision types (planning permits, planning scheme amendments and the award of contracts/tenders).</p> <p>The provisions also prevent a notice of motion under Clause 19 in relation to the same matter as a notice of rescission, without the support of a majority of Councillors.</p>
21	Amendments to provisions regarding reports by Councillors	<p>Clause 21(1) has been revised to provide further examples of matter suitable for inclusion in a Councillor Report and to reflect current custom and practice of Councillors making such reports. While the time limit of up to 4 minutes has been retained for reports of ward issues, the limitation of two ward issues per Councillor has been deleted to provide greater flexibility in reporting.</p> <p>Clause 21(2) has been amended to clarify that Councillors may report to Council in either written or verbal form, reflecting Councillors' current custom and practice.</p>

Summary of changes made to the Meeting Procedure and Use of Common Seal Local Law of 2008

Clause	Nature of Change	Rationale
		What was clause 20(2) in the current MPLL has been deleted from Clause 21. That clause provided that Special Committees were not required to report to Council, which is not directly related to Reports by Councillors. It is noted that the reporting requirements upon Special Committees can otherwise be established in the Instruments of Delegation for any such committees as required and need not be specified in the MPLL18.
22	Clarification of processes regarding Urgent Business	<p>Minor amendments have been made to Clauses 22(3)(c), (d) and (f) to improve clarity and readability without changing the substantive effect of these provisions.</p> <p>Clause 22(4) has been deleted in favour of a new Clause 17(5) as previously described, which provides greater clarity regarding supplementary reports, and the distinction between supplementary reports and urgent business.</p>
27	Amendments to clarify matters to be recorded in the Minutes	<p>Clause 27(7) has been amended to require the Minutes to record a Councillor abstaining from voting where a division is called.</p> <p>Clause 27(9) has been amended to remove specific references to provisions of the LGA, in anticipation of the legislation being remade.</p>
29	Amendments to provisions regarding adjournment of meetings	Clause 29(4) has been amended to provide greater certainty regarding the next item of business that must to be transacted immediately after a motion for adjournment of the meeting is defeated.
30	Amendments to provisions regarding failure to raise a quorum	Clause 30(2) has been amended to improve clarity and readability without changing the substantive effect of the clause. References to specific provisions of the LGA have also been deleted in anticipation of the legislation being remade.
32	Amendments to provisions regarding time limits for meeting	Clause 32(5) has been amended to improve clarity and readability without changing the substantive effect of the clause.

Summary of changes made to the Meeting Procedure and Use of Common Seal Local Law of 2008

Clause	Nature of Change	Rationale
35	Amendments to provisions regarding moving motions	<p>Provisions for moving a motion have been separated from the provisions regarding moving an amendment to improve clarity and readability.</p> <p>Changes are also made regarding the order of speakers following the Mover and Seconder. The current MPLL makes it mandatory for the Chairperson to call upon speakers opposed to the motion immediately after the mover and seconder have spoken (should they wish to do so). It goes on to provide that if no Councillor speaks against the motion, the Chairperson may then either put the motion, or call on other Councillors to speak.</p> <p>To better reflect current custom and practice, clauses 35(6) and (7) have been replaced with a provision that affords discretion to the Chairperson once the mover and seconder have spoken, to call on speakers to the motion in alternate sequence speaking for and against.</p> <p>Clause 35(12) has been inserted to ensure the Mayor has discretion to allow a Councillor who has spoken to a motion, to speak again where that motion has been varied with the consent of the mover and seconder.</p>
36	A new clause inserted regarding moving amendments	The provisions of clause 36 in relation to moving amendments, are consistent with processes for moving a motion under clause 35.
37	Amendments to provisions regarding foreshadowed motions	Clause 37(4) has been amended to provide certainty that no foreshadowed motion is required to be included in the Minutes of the meeting.
38	Cross references of clauses regarding withdrawal of motions	Clause 38 has been amended to appropriately cross-reference provisions in Clauses 35 and 36 regarding moving and amending motions.
39	Amendment to the Chairperson's power to separate motions	Clause 39 has been amended to provide flexibility to the Chairperson to separate motions at his or her own discretion, as well as at the request of a Councillor.

Summary of changes made to the Meeting Procedure and Use of Common Seal Local Law of 2008

Clause	Nature of Change	Rationale
48	Amendment to provisions regarding personal explanations	Clause 49 has been amended to clarify that a personal explanation must not be used as a means to further debate a matter before Council.
49	Amendment to provisions regarding time limits for speaking	<p>Clause 49(1) has been amended in order to achieve consistency with Clause 21 with regard to report by Councillors.</p> <p>Minor amendments have also been made to Clause 49(2) to improve clarity and readability without changing the substantive effect of the clause.</p>
55	Change of name from Formal to Procedural motions	Clause 55 has been amended to reflect a change in language from “Formal Motion” to “Procedural motions” which improves clarity and readability without changing the substantive effect of the clause.
58	Amendment to provisions regarding casting votes	Clause 58 has been amended to clarify that a casting vote may not apply where a lot is required by the MPLL18, in addition to those required by the LGA.
59	Re-drafting of provisions regarding divisions	Clause 59 has been re-drafted to improve clarity and readability without changing the substantive effect of the clause.
60	New provision inserted regarding leave of the meeting	<p>Leave of the meeting is required before certain actions or decisions can be taken including:</p> <ul style="list-style-type: none"> • Withdrawal of certain motions • Variations to motions by the mover and seconder • Allowing visitors to address the meeting <p>The new Clause 60 provides greater certainty where leave is required, by prescribing the process by which leave of the meeting is to be determined. Clause 60 formalises the current custom and practice of outlining the proposed action or decision to the meeting and asking Councillors present to indicate if they object. The threshold for leave of the meeting is that there is no opposition from any Councillor.</p>

Summary of changes made to the Meeting Procedure and Use of Common Seal Local Law of 2008

Clause	Nature of Change	Rationale
61	Re-numbering of provisions regarding public question time	<p>Clause 61 has been re-numbered for consistency and clarity without changing the substantive effect of the clause.</p> <p>Clause 61(1)(a) has been amended to provide certainty and clarity of the 3 methods for submitting public questions; online; in person at Council's Offices; and in person at the meeting. It also sets appropriate deadlines for each method of submission to ensure that staff have sufficient notice of the questions received by the various methods in order to cause them to be presented at the meeting.</p> <p>Clause 61(1)(e) has been amended to reflect the trend towards digital communication in modern organisations and ensure correspondence with questioners via email will satisfy the requirements of the MPLL18.</p> <p>Clause 61(1)(g) has been amended to provide clarity and certainty that where a questioner is not in the public gallery, that their question will receive a response in writing but will not be read at the meeting, or included in the minutes of the meeting. A caveat has been included giving the Chairperson discretion to vary this approach, which may be appropriate. Such discretion might be exercised for example, in situations where requiring a person to be in attendance at the meeting constitutes an unreasonable imposition on their human rights.</p> <p>Clause 61(2) which relates to visitors has been deleted and appropriate amendments made to Clause 62 Addressing the Council).</p>
62	Amendments to provisions regarding visitors addressing meetings	<p>Amendments have been made to provide discretion to the Chairperson (subject to leave of the meeting) to allow persons other than Councillors and officers to address a meeting. It is not considered necessary to stipulate this provision applies to Special Committee meetings or advisory committees. This is appropriately addressed in Division 3 of the MPLL18 (Division 3 - Other Committees)</p>
64	Amendment to provisions regarding recording of meetings	<p>Clause 64 has been amended to ensure the MPLL18 regulates both recording and broadcasting of Council meetings.</p>

Summary of changes made to the Meeting Procedure and Use of Common Seal Local Law of 2008

Clause	Nature of Change	Rationale
		<p>The reference to the newly defined “recording or broadcasting device” provides broad coverage of the possible devices which may be used to record or broadcast proceedings. The amendments also clarify the decision to record / broadcast meetings may be made by the Mayor / Chairperson or by resolution of Council.</p> <p>A new Clause 64(2) has been inserted which authorises Council staff to record the meetings the purpose of production of the minutes of the meeting or keeping a record of the Council Meeting.</p> <p>Where a meeting is to be recorded under this Clause, a new Clause 64(4) requires the Mayor to provide notice to those in attendance of that recording.</p> <p>References to Advisory Committees have also been removed from the Clause.</p>
71	Amendment to provisions regarding Submissions under Section 223	Clause 71 has been amended to specifically reference Section 223 of the Local Government Act 1989. While such specific references have otherwise been removed from the MPLL18, it is anticipated that the Act, when remade, will not include an equivalent of Section 223.
74, 75 & 76	Amendment of provision regarding other committees	Clauses 74, 75 and 76 have been amended to remove reference to advisory committees.
Part 5 76 & 77	Deletion of Part 5 regarding supply of information.	Part 5 provides that Council may charge fees for the supply of information. Council’s power to charge fees for certain documents is established under the Act and fees may be set as part of the Fees and Charges in the annual budget process. As such, these provisions are considered to no longer be required.