



Mildura Rural City Council

Local Law No 1 (Conduct of Council Meetings)

November 2015

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PART 1 PRELIMINARY

1. Title

This Local Law will be known as “Local Law No. 1 (Conduct of Council Meetings)”.

2. Purpose

The purpose of this Local Law is to:

- a) Regulate proceedings at all Ordinary and Special Meetings of Council;
- b) Regulate proceedings for the election of Mayor and chairpersons of various Committees;
- c) Provide for the administration of Council powers and functions;
- d) Regulate the use of the Common Seal and prohibit its unauthorised use;
- e) Repeal Local Law No 1 (Conduct of Meetings) of 27 August 2009.

3. Authorising Provision

This Local Law is made under Part 4 Section 91 and Part 5 Section 111, of the *Local Government Act 1989* (the Act).

4. Commencement

This Local Law commences at the beginning of the day on which it is made in accordance with Part 5, Section 121 of the Act.

5. Revision

Local Law No 1 of 27 August 2009 is hereby repealed from the beginning of the day on which the Local Law No. 1 (Conduct of Meetings) is made in accordance with Section 121(1) of the Act.

6. Revocation

This Local Law ceases to operate on the tenth anniversary of its commencement.

7. Notice to Comply

- a) An Authorised Officer may, by serving a notice, direct any relevant person to remedy any situation which constitutes an offence under this Local Law;
- b) Any person who fails to remedy a situation in accordance with this Local Law shall be guilty of an offence.

8. Setting of Fees and Charges

- a) The Council may from time to time by resolution determine the fees and charges to apply under this Local Law which may include an administrative or processing fee or charge and the Council must make public notice of its resolution to set or alter fees and charges;
- b) Council may waive, reduce or alter any fee or charge with or without conditions.

9. Definitions

Unless the contrary intention appears in this Local Law, the following words and phrases are defined for the purposes of this Local Law.

'The Act'	means the <i>Local Government Act 1989</i> (as amended from time to time)
'Agenda'	means the notice of a meeting setting out the business to be transacted at the meeting
'Chairperson'	means the Chairperson of a meeting and includes acting, a temporary and a substitute Chairperson
'Chief Executive Officer'	means the Chief Executive Officer (CEO) of Council, and includes a person acting as Chief Executive Officer
'Clause'	means a clause of this Local Law
'Common seal'	means the common seal of Council
'Council'	means Mildura Rural City Council
'Councillor'	means an elected Councillor of Council
'Councillor Questions'	means questions asked of Council Officers by a Councillor, either verbally or in writing, within or before a Council meeting that may be answered verbally within that Meeting or in writing at the next Ordinary meeting of Council
'Council Meeting'	includes a meeting at which the Mayor is elected, an Ordinary Meeting and a Special Meeting of Council
'Deputation'	means a group of three or more people that have formally requested an opportunity to address Council on a matter under consideration within an Agenda
'Mayor'	means the Mayor of Council and any person acting as Mayor
'Meeting'	means an Ordinary or a Special Meeting of Council
'Minutes'	means the collective record of proceedings of Council

'Motion'	means a proposed resolution before it has been adopted (passed or carried) by the meeting
'Municipal district'	means the area comprising the municipal district of Council
'Notice of Motion'	means the formal intention to move a motion at a future Ordinary Council Meeting. Such notice must be provided to the Chief Executive Officer in such time as to enable its inclusion within the Agenda for that Meeting
'Offence'	means an act or default contrary to this Local Law
'Ordinary Meeting'	means an Ordinary meeting of Council
'Penalty units'	has the meaning ascribed to it in section 110 of the <i>Sentencing Act 1991</i>
'Petition'	means a joint letter or document which is addressed to, or is obviously intended for, the Council and is signed by three or more people.
'Special Meeting'	means a Special meeting of Council
'Written'	includes duplicated, lithographed, photocopied, photographed, emailed, printed and typed

PART 2 COUNCILLOR CODE OF CONDUCT

10. Council's Councillor Code of Conduct Policy (CP051) is to be applied in the conduct of meetings held in accordance with Council's Local Law No. 1 (Conduct of Council Meetings).

The policy specifically outlines:

In carrying out their role as Councillors, Councillors will:

- act with integrity; exercising their responsibilities impartially in the interests of the local community;
- not make improper use of their position to advantage or disadvantage any person;
- avoid conflicts between their public duties as councillors and their personal interests and obligations;
- act honestly and avoid making oral or written statements and avoid actions that may mislead a person;
- treat all persons with respect and will show due respect for the opinions, beliefs, rights and responsibilities of other Councillors, council officers and other people;
- exercise reasonable care and diligence and they will submit to lawful scrutiny that is appropriate to their office;
- try to ensure that public resources are used prudently and solely in the public interest;
- act lawfully and in accordance with the trust placed in them as elected representatives of their community; and
- support and promote these principles by leadership and example so as to ensure the public has confidence in the office of Councillor.

Councillors will treat Council information appropriately, by:

- not using information gained by virtue of our position as a Councillor for any purpose than to exercise our role as a Councillor;
- respecting the Council's policies in relation to public comments and communications with the media;
- not releasing information deemed 'confidential information' in accordance with Section 77 of the Act; and
- recognising the requirements of the *Privacy and Data Protection Act 2014* regarding the access, use and release of personal information.

PART 3
ELECTION OF MAYOR,
DEPUTY MAYOR AND CHAIRPERSONS

11. When Required

The meeting to fill the vacancy of Mayor will be held:

- a) Within two weeks of the declaration of the result of a General Election held in accordance with Section 31 of the Act;
- b) Annually as soon as practicable after the anniversary date of the election;
- c) As soon as practicable if for any other reason there occurs a vacancy in the office of the Mayor.

12. Election of Mayor and Chairs

- a) The Chief Executive Officer will determine the most appropriate time and date for the election of Mayor;
- b) Any Councillor is eligible for election or re-election to the office of Mayor;
- c) All candidates must be moved and seconded;
- d) At any meeting to elect the Mayor, the Chief Executive Officer will act as temporary chair to deal with;
 - i) the receipt of nominations for the election of Mayor;
 - ii) the fixing of allowances payable to the Mayor and Councillors;
 - iii) position description of the Mayor;
 - iv) the election of the Mayor.
- e) In the absence of the Chief Executive Officer another senior officer appointed by the Chief Executive Officer will act as temporary Chair;
- f) The Agenda for the meeting to elect the Mayor may include the Oath of Office as outlined in Part 4 Section 63 and 64 of the Act;
- g) The election of the Mayor will be carried out by a show of hands;
- h) All Councillors shall vote once for the candidate of their choice;
- i) Candidates will be voted for in the order of nominations received;
- j) In determining the election of the Mayor, the following will apply;
 - i) where only one nomination is received, that Councillor must be declared elected;
 - ii) where two nominations are received, the Councillor with the majority of votes cast will be declared elected;

- iii) where there are two or more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot;
 - iv) where there are more than two nominations received and the result has not been determined under paragraphs 11(j)(ii) or 11(j)(iii) the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by lot) and the names of the remaining nominees must be put to the vote again;
 - v) the procedure in paragraph 11(j)(iv) must be repeated until the circumstances in paragraph 11(j)(iii) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with a majority will be declared elected or, if there is an equal division of votes, the election must be determined by lot.
- k) The Mayor must take the Chair at all Council meetings at which he/she is present;
- l) If the Mayor is unable to attend a Council meeting for any reason:
- i) the Deputy Mayor will be acting Chair;
 - ii) if no Deputy Mayor has been elected, an acting Chair may be elected.
- m) If there is a vacancy in the Office of Mayor or the Mayor is absent, incapable of acting, or refusing to act, unless a Deputy Mayor has been elected, the Council must resolve to appoint one of the Councillors to be the acting Mayor;
- n) Any election by Council of a Deputy Mayor or acting Chair of a Council meeting will follow the same procedure as that for an election of the Mayor.

PART 4 COUNCIL MEETINGS

13. Dates and Times of Meetings

The date, time and place of all Council meetings are to be fixed by the Council from time to time and reasonable notice of seven days, unless in urgent or extraordinary circumstances, must be provided to the public.

14. Council may alter Meeting Dates

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

15. Notice of Meeting

- a) A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with and the minutes of the previous Council meeting must be provided to every Councillor:
 - For an Ordinary meeting at least 48 hours before the meeting;
 - For a special meeting at least 24 hours before the meeting; and
- b) The notice or agenda for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent electronically, by post, facsimile or otherwise delivered to each Councillor's place of residence or usual place of business (if applicable) or as otherwise specified by the Councillors;
- c) A notice may be handed personally to a Councillor in any location within the time required, or may be delivered to another destination, provided a written authorisation of the relevant Councillor is held by the Chief Executive Officer.

16. Special Council Meetings

- a) The Mayor or at least three Councillors may by written notice call a special meeting of the Council;
- b) The notice must specify the date and time of the special meeting and the business to be transacted and must be delivered to the Chief Executive Officer in sufficient time to enable reasonable notice to be given to Councillors;
- c) The Chief Executive Officer must call the special meeting as specified in the notice or resolution;
- d) Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice or resolution is to be transacted;
- e) Subject to any resolution providing otherwise, the order of business of any special meeting must be the order in which such business stands in the agenda for the meeting;
- f) In giving such notice, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken.

17. Special (Emergency) Meetings or Postponement of Meetings

- a) In the case of an emergency, the Chief Executive Officer or, in his or her absence, a senior officer, may call or postpone a meeting of the Council, without the necessity to comply with clauses 13 to 15 provided reasonable attempts are made to notify every Councillor;
- b) The Chief Executive Officer or senior officer must submit a full written report of the circumstances requiring his or her action to the next ordinary meeting of the Council.

PART 5 BUSINESS OF MEETINGS

18. Open Meetings

- a) Meetings of Council must normally be open to members of the public;
- b) Council may, however, resolve that its meeting be closed to members of the public to discuss the following;
 - i) personnel matters;
 - ii) the person hardship of any resident or ratepayer;
 - iii) industrial matters;
 - iv) contractual matters;
 - v) proposed developments;
 - vi) legal advice;
 - vii) matters affecting the security of Council property;
 - viii) any other matter which Council considers would prejudice Council or any person; or
 - ix) a resolution to close the meeting to members of the public.

19. The Order of Business

- a) The order of business of Council meetings will be determined by the Chief Executive Officer;
- b) Once an agenda has been sent to Councillors, the order of business for that meeting may only be altered by resolution of Council;
- c) Unless a majority of Councillors present resolves to deal with another matter, no business can be transacted at a Council meeting unless it appears on the Agenda.

20. Manner of Dealing with Order of Business

The following items listed on an agenda must be dealt with in the manner described;

PRESENT

The names and position titles of all Councillors, Council Officers or those attending in an official capacity at the meeting will be recorded in the minutes.

APOLOGIES

Apologies received from Councillors shall be read by the Chairperson, adopted by Council and recorded in the minutes.

CONFIRMATION OF MINUTES

In accordance with Part 8, minutes of any previous meetings will be confirmed at the next Ordinary Council meeting.

NOTIFICATION OF ABSENCE

Any Councillor seeking leave of absence from Council duties must notify Council in advance through the Chief Executive Officer's office in writing of the periods in which they will be unavailable in their official capacity.

A record of the approval will be recorded in the agenda and minutes (which ever is applicable).

MAYORAL MINUTE

The Mayor highlights important issues and attendance at official events during the previous month.

COUNCILLORS' REPORTS

Councillors highlight important issues and attendance at official events during the previous month.

RESPONSES TO COUNCILLORS' QUESTIONS

Responses to the previous meeting's unanswered questions from Councillors will be provided in the next Ordinary Agenda.

QUESTIONS FROM COUNCILLORS

Councillors can ask questions that are either answered at the meeting or a written response provided at the next Ordinary Council meeting.

NOTICES OF MOTION

Intention by a Councillor to move a motion at a Council meeting must be signed by a mover and seconder and provided to the Chief Executive Officer by 5pm on the Tuesday the week prior to the Council Meeting.

PETITIONS

Consideration of Petitions, Joint letters, Submissions or Deputations.

All petitions will be presented to the next available Council Meeting for noting. A report will then subsequently be presented to Council outlining recommended actions to address the petition.

Any person wishing to make a Submission / Deputation must make a written request to the Chief Executive Officer not less than seven days prior to the date of the relevant meeting in order that the request may be placed on the Agenda of that meeting.

The Council shall determine whether to hear a Submission / Deputation and whether it will be heard at that meeting or at the next Ordinary meeting of Council after that at which it has been presented.

Not more than two speakers may talk to a submission and each speaker shall be allowed five minutes to speak.

MANAGEMENT REPORTS

Management shall present their reports to Council in the order in which they appear in the agenda unless determined otherwise by Council resolution.

Councillors who are present at the meeting must make a declaration of any conflicts of interest immediately prior to the item being discussed and must leave the room without taking any part in the debate or vote. If a Councillor realises that a conflict exists during the debate or vote, he or she must make a declaration of the conflict of interest and leave the room immediately.

The relevant General Manager will introduce each report by way of providing a brief explanation to the gallery.

URGENT BUSINESS

A matter of an urgent nature which has arisen since circulation of the Agenda may be considered under Urgent Business. Business must not be admitted as urgent business however unless it:

- a) Relates to or arises out of a matter which has arisen since distribution of the Agenda;
- b) Cannot safely or conveniently be deferred until the next Council Meeting.

A matter of urgent business can only be admitted by resolution of Council.

PUBLIC QUESTION TIME

It is encouraged that public questions be submitted to Council by 5pm on the day prior to the Council meeting. This will maximise the chance of officers being able to answer the question on the night.

Public questions may also be submitted in writing prior to the end of the Council meeting.

Responses to public questions, if unable to be answered at the Council meeting, are to be provided in writing within seven working days and documented in the Council minutes.

Council may summarise any question received from the gallery while ensuring the main subject matter of the question is raised.

CONFIDENTIAL BUSINESS

As per Part 5 Confidential business may be transacted in a meeting which is closed in accordance with the Act. A resolution of Council is required to move into closed Council and back into open Council.

Minutes of Confidential meetings are confirmed in Confidential Business.

Where appropriate an attachment of a report in Open Council may be included in the Confidential Business section of the agenda and minutes when deemed appropriate due to Privacy requirements.

PART 6 QUORUM

21. Ordinary Council Meetings

The quorum required for Ordinary Council meetings is the majority of elected Councillors.

22. Special Council Meetings

The quorum required for special Council meetings will be the same as for an Ordinary meeting.

23. Inability to gain a Quorum

- a) If a quorum is not present within 30 minutes of the time appointed for the commencement of a Council meeting, the meeting shall be deemed to have lapsed;
- b) If a Council meeting lapses, the Mayor must convene another Council meeting and ensure that the agenda for such meeting is identical to the agenda for the meeting which is deemed to have lapsed;
- c) The Chief Executive Officer must give all Councillors notice of the meeting convened by the Mayor.

24. Inability to maintain a Quorum

If, during any meeting, a quorum cannot be achieved and maintained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a senior officer, must adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

25. Inability to achieve or maintain a Quorum due to Conflicts of Interests of Councillors

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

26. Notice of Adjourned Meeting

The Chief Executive Officer may provide written notice of an adjourned meeting. Where this is not practicable, reasonable attempts must be made to contact each member, by telephone, facsimile, in person or by some other means and this will be deemed sufficient.

PART 7 CONDUCT OF MEETINGS

Meetings shall be conducted in the following manner:

27. Motions in Meetings

- a) A motion or an amendment to a motion must:
 - i) be moved and seconded;
 - ii) relate to the powers or functions of Council;
 - iii) be in writing, if requested by the Chairperson; and
 - iv) except in the case of urgent business, be relevant to an item of business on the agenda or the item as admitted to business.
- b) A motion or amendment must not be defamatory or objectionable in language or nature;
- c) A motion or amendment cannot be withdrawn without the consent of the Council;
- d) The procedure upon any motion or amendment is that the mover shall read the motion without speaking to it and shall shortly state its nature and intent;
- e) If a motion or an amendment is moved and seconded:

The Chairperson shall ask;

“Is the motion or amendment opposed?”; and

If no Councillor indicates opposition, the Chairperson shall ask;

“Does any Councillor wish to speak to the motion?”; and

If a Councillor wishes to speak to the motion they will be given three minutes to outline the purpose of the motion. Each Councillor will be provided with the opportunity to address the meeting.

There is no right of reply and no new information can be included.

The Chairperson shall then declare the motion or amendment carried.

- f) If any Councillor indicates opposition to a motion:
 - i) The mover must address Council upon it;
 - ii) It is open to debate;
 - iii) The mover must, except in the case of an amendment or a motion which has been amended, be given a right of reply; and
 - iv) The Chairperson must then put it to the vote.
- g) No notice need be given of any amendment;
- h) The mover or seconder of a motion cannot move an amendment to it;
- i) The mover of an amendment has no right of reply;

- j) A second or subsequent amendment cannot be moved until the immediately preceding amendment is disposed of;
- k) The mover must give notice of that intention prior to the right of reply being exercised;
- l) If an amendment is adopted it becomes the substantive motion and, as such, shall be put to the vote by the Chairperson;
- m) A Councillor cannot move more than two amendments in succession on the same matter being debated.

28. Procedural Motions

- a) The form and effect of procedural motions is set out in Schedule 2;
- b) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson;
- c) Procedural motions are not required to be seconded;
- d) A procedural motion cannot be moved by the Chairperson;
- e) Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply;
- f) Unless otherwise provided, a procedural motion cannot be amended;
- g) The Chairperson may request that the mover of a procedural motion provide an explanation for the movement of the procedural motion in question.

29. Formal Motions (Rescissions)

- h) No resolution at any meeting of the Council shall be revoked or altered in any subsequent meeting if the original motion has already been materially effected and unless notice of the intention to propose such revocation or alteration is given to each of the Councillors at least 48 hours before the meeting;
- i) A notice of motion to rescind or alter a previous resolution of Council:
 - i) must be signed by a mover and seconder;
 - ii) must be given to the Chief Executive Officer in sufficient time to enable the Chief Executive Officer to give at least 48 hours notice to all Councillors;
 - iii) shall be deemed to have been withdrawn if not moved at the next meeting at which such business may be transacted; and
 - iv) if it is a second or subsequent notice to revoke or alter an earlier resolution, it must not be accepted by the Chief Executive Officer until a period of one month has elapsed since the date of the meeting at which the first or last motion for revocation or alteration was dealt with; and
 - v) can occur prior to the Chief Executive Officer enacting a motion.

30. Addressing the Meeting

- a) Any person who addresses the meeting must direct all remarks through the Chair;
- b) Any person addressing the Chair should refer to the Chairperson as:
 - i) Madam Mayor; or
 - ii) Mr Mayor;
 - iii) Madam Chairperson; or
 - iv) Mr Chairperson
- c) All Councillors, other than the Mayor, should be addressed as Cr (Family name);
- d) All Officers should be addressed as Mrs, Mr, Miss or Mr (Family name).

31. Time Limit for Meetings

- a) A Council meeting must not continue after 11pm unless a majority of Councillors present vote in favour to continue;
- b) If the meeting is adjourned, the time, date and place of its continuance must be decided by the Chairperson at that meeting;
- c) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered;
- d) Items on the agenda must not be read in full at any Council meeting unless the Council resolves otherwise.

32. Interruptions, Interjections and Relevance

- a) A Councillor must not be interrupted except by the Chairperson or upon a point of order or personal explanation;
- b) If a Councillor is interrupted by the Chairperson or upon a point of order or personal explanation, he or she must remain silent until the Chairperson has ceased speaking, the point of order has been determined or the personal explanation has been given (as appropriate);
- c) A Councillor must not digress from the subject-matter of the motion or business under discussion;
- d) The mover of a motion must not introduce fresh information when exercising any right of reply.

33. Priority of Address

- a) In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard;
- b) Except that the mover of a motion (other than a motion amending another motion) has the right of reply and that any Councillor may take a point of order or offer a personal explanation, no Councillor may speak more than once to the same motion or amendment.

34. Resumption of Adjourned Debate

- a) 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.

35. Time Limits

- a) A Councillor must not speak longer than five minutes unless granted an extension by the Chairperson. Any extension of speaking time must not exceed five minutes.

36. Repeating Motion

- a) Before any matter is put to the vote, a Councillor may require that the question, motion or amendment be read again;
- b) The Chairperson without being so requested may direct the Chief Executive Officer (or other person authorised by the Chief Executive Officer to record the minutes) to read the question, motion or amendment to the meeting before the vote is taken.

37. Vote to be taken in Silence

- a) Except that a Councillor may demand a division, Councillors must remain seated in silence while a vote is being taken;
- b) Voting must be by a show of hands.

38. Recount of Vote

- a) The Chairperson may direct that the vote be re-counted for him or her to satisfy himself or herself of the result;
- b) Subject to Section 90 of the Act, if there is an equal division of votes upon any question, the Mayor or Chairperson (as the case may be) shall, in addition to his or her own vote as a Councillor, have a second or casting vote;
- c) Sub-clause (b) will not apply in the case of any election of the Mayor.

39. Division

- a) Immediately after any motion is put to a meeting and voted on and before the next item of business has commenced, a Councillor may call for a division;
- b) When a division is called for, the vote already taken must be treated as nullified and the division shall decide the motion or amendment;
- c) When a division is called for, the Chairperson must:
 - i) first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one hand. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to record the minutes) must record the names of those Councillors voting in the affirmative;
 - ii) then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one hand. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to record the minutes) must record, the names of those Councillors voting in the negative.

40. Declaration of Vote

- a) The Chairperson must declare the result of the vote or division as soon as it is taken.

41. Recording of Opposition to Resolution

- a) Any Councillor wishing to record their vote of opposition to a resolution must clearly request this through the Chair immediately following the declaration of the vote. It must then be recorded in the minutes of the Council meeting.

42. Points of Order

- a) A point of order is an objection raised by any Councillor that the motion, amendment or statement made is any of the following:
 - i) contrary to the Conduct of Meetings Local Law;
 - ii) defamatory or disloyal;
 - iii) irrelevant, irreverent or obscene; or
 - iv) outside Council's legal powers.
- b) If called on a point of order, a Councillor must remain silent until the point of order is decided unless he or she is requested by the Chairperson to provide an explanation;
- c) The Chairperson may adjourn the meeting to consider a point of order but must otherwise rule upon it as soon as it is taken;
- d) The Chairperson must when ruling on a point of order give reasons for the ruling. The Chairperson's ruling shall be final.

43. Chairperson

- a) The Chairperson may address a meeting upon any matter under discussion;
- b) The Chairperson may vacate the Chair for the duration of any item under discussion whereupon the Deputy Chairperson shall take the Chair or if a Deputy has not been elected a temporary Chairperson as elected by the meeting shall take the Chair.

44. Chairperson's Duties and Discretions

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

- a) must not accept any motion, question or statement which is derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public;
- b) the Chairperson may decide to put any motion to the vote in separate parts;
- c) must call to order any person who is disruptive or unruly during any meeting;
- d) must allow a personal explanation to be made by a Councillor of any statement wherever made affecting him as a Councillor;
- e) shall not allow a personal explanation to be debated except upon a motion to censure the Councillor who has made it;
- f) may require a Councillor to withdraw any remark which is defamatory, indecent, abusive, offensive, disorderly or objectionable in language or substance;
- g) shall require a Councillor to withdraw a remark immediately, without qualification or explanation;
- h) shall declare any Councillor cited under subsection (f), and having been twice called to order or to withdraw or apologise for such conduct and refusing to do so, to be guilty of an offence;
- i) may suspend from the meeting or for balance of the meeting, any Councillor whose actions have disrupted the business of the Council and impeded its orderly conduct;
- j) may nominate any officer or member of the Police Force to remove from the meeting any person whether Councillor, or member of the public, who has committed an offence under this Local Law;
- k) if the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, he or she may adjourn the meeting to a later time in the same day or to some later day;
- l) nothing herein shall affect or abrogate the rights or remedies available at law to Council in respect of proceedings against any Councillor or municipal officer or visitor under this Local Law.

45. Personal Explanation

- a) A Councillor may, at a time convenient to Council, and as determined appropriate by the Chairperson, make a brief personal explanation in respect of any statement affecting him or her as a Councillor;
- b) A personal explanation arising out of a statement at a Council meeting must be made as soon as possible after the statement is made and if occurring as part the debate in relation to a motion before the Chair, must be undertaken prior to the vote on such matter;
- c) A personal explanation must not be debated except upon a motion to censure the Councillor who has made the statement the subject of the personal explanation;
- d) Any personal explanation can only be made once in relation to the matter at hand.

46. Ordering Withdrawal of Remark

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

47. Criticism of Council Staff

- a) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may address a meeting in respect of any statement made affecting a Council Officer where that comment is made at a Council or Committee meeting or in the media.

48. Suspensions

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

49. Recording Proceedings

- a) A person authorised by the Chief Executive Officer may record the minutes on suitable audio recording equipment all the proceedings of a Council Meeting;
- b) Subject to sub-clause (a), a person must not operate audio tape or other recording equipment at any Council meeting without first obtaining the consent of the CEO, Mayor or Chairperson (as the case may be). Such consent may at any time during the course of such meeting be revoked by the CEO, Mayor or Chairperson (as the case may be);
- c) Councillors will be notified if permission is given for the use of audio recording equipment.

PART 8 MINUTES

50. Keeping of Minutes

The Chief Executive Officer, or a person authorised by the Chief Executive Officer, must record minutes of each meeting, and those minutes shall include;

- a) The date, place, time and nature of the meeting;
- b) The names of Councillors and Council officers present;
- c) The confirmation of previous minutes (if applicable);
- d) The disclosure of interests made by Councillors, and at what point in time they left the room including if they were present and took part in any debate or vote on the matter prior to declaring any conflict of interest;
- e) The time the Councillor/Officer returned to the room;
- f) Arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
- g) Each motion and amendment moved;
- h) The vote cast by each Councillors upon a division/motion/amendment;
- i) Questions from Councillors;
- j) Responses to questions from Councillors answered by officers at that meeting;
- k) The failure to reach a quorum.

51. Confirmation of Minutes

- a) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned;
- b) Council minutes are to be confirmed at the next ordinary Council Meeting, unless there is a motion to the contrary they will be treated as confirmed;
- c) Once the minutes are confirmed they will be signed by the Chairperson;
- d) The minutes of Confidential Council Meetings shall be confirmed in closed Council;
- e) The minutes for open Council meetings shall be available for inspection at all reasonable times by any person free of charge at Council Service Centres and Libraries and is also available for viewing on Council's website.

52. Objection to Confirmation of Minutes

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

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

53. Deferral of Confirmation of Minutes

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

PART 9 SUSPENSION OF LOCAL LAW

- 54.** Any provisions of this Local Law applicable to an Ordinary or Special Council Meeting may be suspended upon the resolution of Council.

PART 10 SCHEDULE OF OFFENCES

- 55.** It is an offence;

- a) for a Councillor to not withdraw an expression which is considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable, and to not satisfactorily apologise when called upon twice by the Chairperson to do so;

Penalty: 10 penalty units

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

Penalty: 10 penalty units

- c) for any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order;

Penalty: 10 penalty units

- d) for a Councillor to refuse to leave the room on suspension;

Penalty: 10 penalty units

- e) for any person to use the Common Seal of Council or any device resembling the Common Seal without the authority of Council.

Penalty: 10 penalty units

- f) for a Councillor to knowingly disregard or not comply with a Council resolution.

Penalty: 10 penalty units.

PART 11 ENFORCEMENT AND PENALTIES

56. Infringement Notices

An authorised officer as defined in the Local Government Act 1989 may issue an infringement notice in the form of the notice in Schedule 3.

The fixed penalty in respect of an infringement is the amount set out in Part 10 Schedule of Offences.

57. Payment of Penalty

- a) A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Mildura Rural City Council, PO Box 105, Mildura 3502 or in person at 108-116 Madden Avenue Mildura;
- b) to avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued;
- c) A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

PART 12 COMMON SEAL

58. Authorised Use

- g) The Common Seal of Council is affixed at Schedule 1;
- h) Every document to which the Common Seal is affixed must be signed by two Councillors and the Chief Executive Officer;
- i) It is an offence for any person to use the Common Seal of Council or any device resembling the Common Seal without the authority of Council.

Penalty: 10 penalty units.

59. Keeping of the Common Seal

The Chief Executive Officer must keep Council's Common Seal in safe custody.

PART 13 STANDING ORDERS

60. Suspension of Standing Orders

- a) The provision of this Local Law may be suspended for a particular purpose by resolution of the Council;
- b) The suspension of such provisions (standing orders) should be used to enable full discussion of any issue without the constraints of formal meeting procedure;
- c) The purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed;
- d) It should not be used purely to dispense with the processes and protocol of the government of the Council;
- e) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary.

61. 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 other than the motion for resumption of standing orders.

SCHEDULE 1

The **COMMON SEAL** of the **MILDURA RURAL**)
CITY COUNCIL was affixed hereto by authority)
of the Council in the presence of:)

..... **COUNCILLOR**

..... **COUNCILLOR**

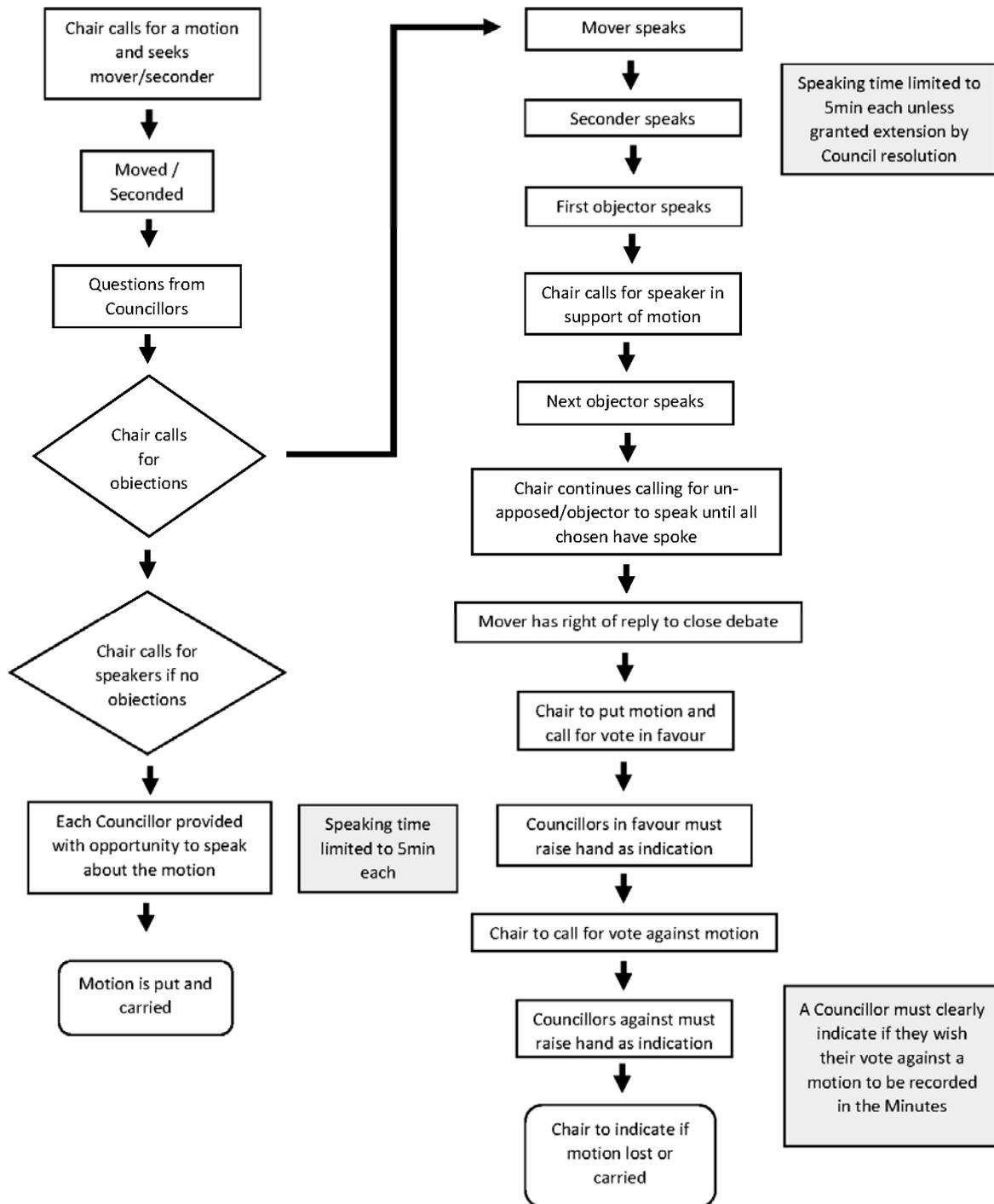
..... **CHIEF EXECUTIVE OFFICER**

..... **DATE**

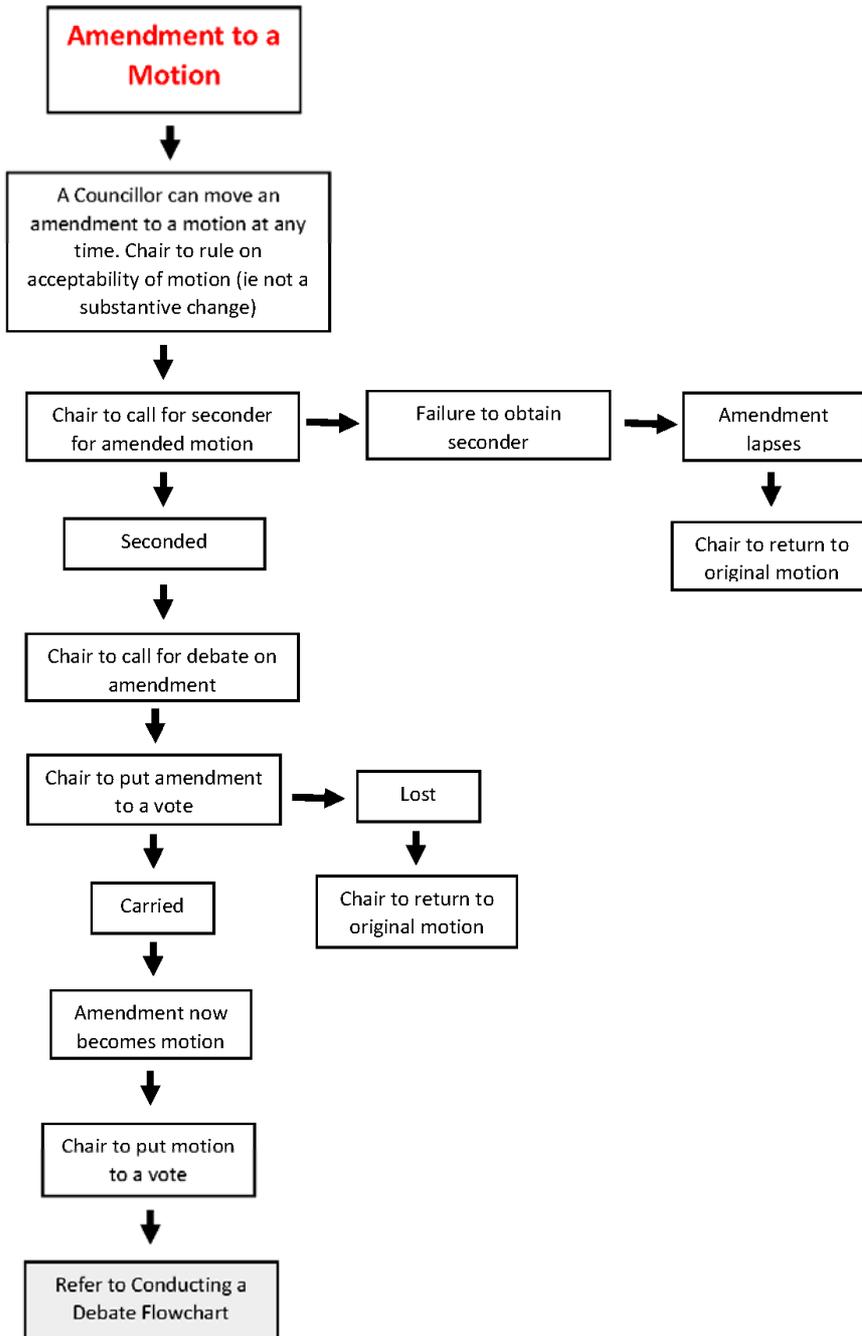
SCHEDULE 2**PROCEDURAL MOTIONS**

	PROCEDURAL MOTIONS	FORM	WHEN MOTION IS PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
1	Adjournment of debate to later hour and/or date	That this matter be adjourned to am/pm and/or date	a) During the election of a chairperson b) When another Councillor is speaking	Motion and amendments postponed to the stated time and/or date	Debate continues unaffected
2	Adjournment of debate indefinitely	That this matter be adjourned until further notice	a) During the election of a chairperson b) When another Councillor is speaking c) When the matter is on in respect of which a call of the council has been made.	Motion and any amendment postponed but may be resumed at any later meeting if on agenda	Debate continues unaffected
3	Adjournment of meeting to later hour or date	That the meeting be adjourned to am/pm and/or date	a) During the election of a chairperson b) When another Councillor is speaking	Meeting adjourns immediately until the stated time and/or date	Debate continues unaffected
4	Adjournment of meeting indefinitely	That this meeting be adjourned until further notice	a) During the election of a chairperson b) When another Councillor is speaking c) During a meeting which is a call of the council	Meeting adjourns until an agenda is delivered under clause 10	Debate continues unaffected
5	The closure	That the motion now be put	During the election of a chairperson; also the chairperson may reject the motion if the motion upon which it is proposed has not been sufficiently debated	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion	Debate continues unaffected
6	Laying the question on the table	That the question lie on the table	a) During the election of a 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 from the table at the same meeting b) the matter is placed on an agenda and council resolves to take the question from the table	Debate continues unaffected
7	Previous question	That the question be not now put	a) During the election of a chairperson b) When another Councillor is speaking c) During a meeting which is a call of the council d) When an amendment is before the meeting Also the chairperson has the discretion to reject a motion for the previous question if the matter is contentious by nature or has not been adequately debated	a) No further vote or further discussion on the motion until it is placed on an agenda for a later meeting. b) Proceed to next business	Motion (as amended up to that time) is put immediately without further amendment or debate
8	Proceeding to next business	That the meeting proceed to the next business	a) During the election of a chairperson b) When another Councillor is speaking c) During a meeting which is a call of the council	If carried in respect of: a) an amendment, the meeting considers the motion without reference to the amendment, or b) motion, no vote or further discussion on the motion until it is placed on an agenda for a later meeting	Debate continues unaffected

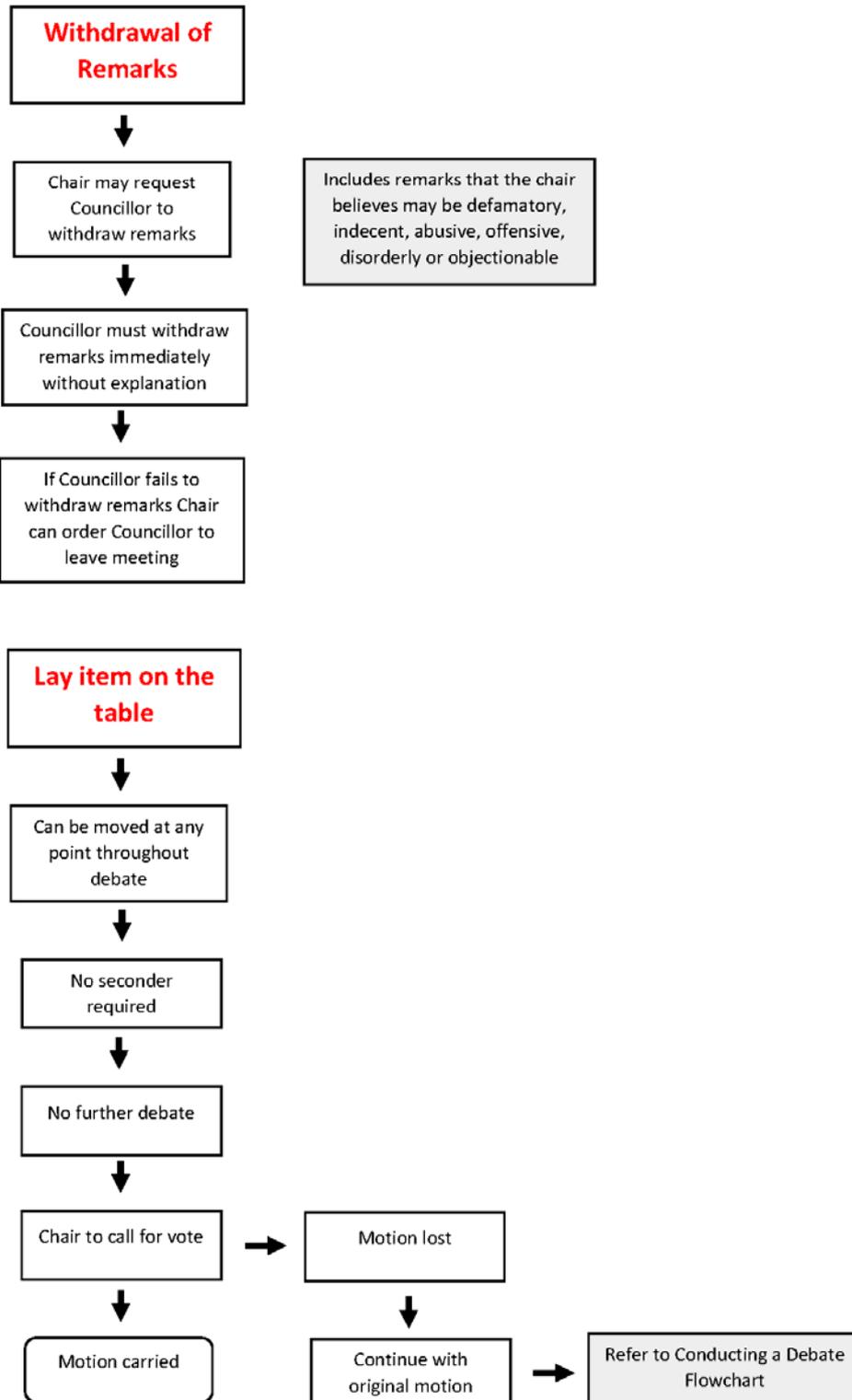
Conducting a Debate



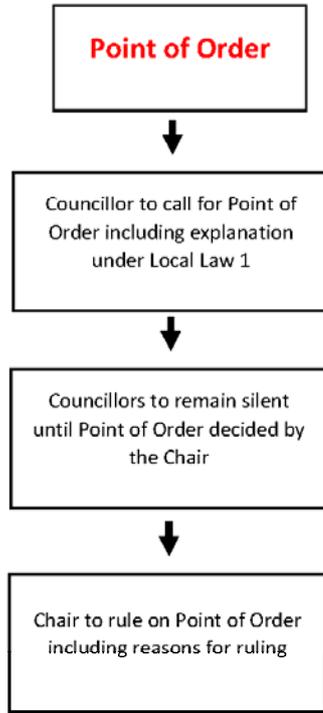
Motions



Motions *cont*



Motions *cont*



Local Law 1 – Section 42

A Point of Order is an objection raised by any Councillor that the motion, amendment or statement made is any of the following:

- i. contrary to the Conduct of Meetings Local Law;
- ii. defamatory or disloyal;
- iii. irrelevant, irreverent or obscene; or
- iv. outside of Council’s legal powers

SCHEDULE 3**INFRINGEMENT NOTICE**

Mildura Rural City Council

Date:

Notice No.

(Computer generated)

To: (name and address)

I, (name of authorised officer) have reason to believe that you have committed an offence against the Processes of Municipal Government Local Law 2003 of the Mildura Rural City Council, as indicated below:

Date	Time	Clause of Local Law	Penalty

Description of the offence:

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Location of the offence:

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If you pay the penalty indicated within 28 days from the date of this notice to the:
 Mildura Rural City Council
 PO Box 105
 Mildura Vic 3502
 (108-116 Madden Avenue, Mildura)

By cheque, cash, money order or by using the provided EFT facilities for the full amount this matter will not be brought to court and no conviction will be recorded.

You are entitled to disregard this infringement notice and defend the prosecution for the offence in Court.

Should you wish to make any submission concerning this infringement notice contact should be made with the Council's Authorised Officer.

 (Signed by Authorised Person)