



Meeting Procedures

Local Law 1.

June 2006

Bayside City Council

Meeting Procedures Local Law 1.

Table of Contents

	Page No.
Part 1. Preliminary	
1. Title.....	7.
2. Objectives of this Local Law	7.
3. The Power to make this Local Law	8.
4. Commencement and Revocations	8.
5. Definitions	8.
Part 2. Matters to be considered prior to the Council / Committee Meetings	
Division 1. – Council / Committee Meetings – Notice and Agenda	
6. Dates and times of Meetings	11.
7. Council may alter Meeting Dates	11.
8. Council / Committee Meeting Location	11.
9. Special Council Meetings	11.
10. Notice of Meeting	11.
11. Availability of Agenda Papers for members of the public	12.
12. Leave of Absence	12.
13. Admission of Public	12.
14. Order of Business	13.
15. Recording of Meetings	14.
16. Display of Placards and Posters in Council Chambers.....	14.
17. Electronic form of presentations.....	14.
Division 2. - Quorums	
18. Ordinary Council Meetings	15.
19. Special Council Meetings	15.
20. Committee Meetings.....	15.
21. Inability to gain a quorum	15.
22. Inability to maintain a quorum	15.
23. Inability to achieve or maintain a quorum due to disclosure of interests of Councillors	15.

Division 3. – Meetings, Adjourned Meetings & Duration of Meetings

24.	Notice for Adjourned Meeting	16.
25.	Undisposed Business	16.
26.	Change to Order of Business	16.
27.	Chief Executive may include items on an Agenda.....	16.
28.	Disclosures & Declaration Interests	16.
29.	Duration of a Council / Committee Meeting	17.

Division 4. – Notices of Motion

30.	Must be listed on Agenda	18.
31.	Procedure	18.
32.	Signed Notice of Motion	18.
33.	Notice to Chief Executive.....	18.
34.	Listing Notice on Agenda.....	18.
35.	Register of Notices	18.
36.	Requests to speak to Notices of Motions.....	18.
37.	Notice of Motion may be moved by any Councillor and Amended.....	19.
38.	Except for confirmation of previous resolution.....	19.
39.	If lost.....	19.

Division 5. – Notice of Rescission

40.	Procedure	20.
41.	Listing Notice of Agenda	20.
42.	Criteria to Rescind a Motion	20.
43.	If Lost	20.
44.	If not Moved	20.
45.	If not Seconded.....	21.
46.	May be moved by any Councillor / Cannot be amended	21.
47.	When not required	21.
48.	Register of Notices	21.

Part 3. Matters to be considered at the Meeting

Division 1. – Public Question Time

49.	Prescribed Form.....	22.
50.	Receipt of Public Questions	22.
51.	During Meetings	22.
52.	Number of Questions per Questioner	22.
53.	Reading of Question	22.
54.	Where the question is considered inappropriate.....	22.
55.	Grounds for disallowing the question.....	23.
56.	Answering the Question	23.
57.	Attendance of Questioner at the Meeting	23.
58.	No debate on Questions or Answers.....	23.
59.	Recording of Public Questions in the Minutes.....	23.

Division 2. – Petitions

60.	Petitions	24.
61.	Signing of Petitions	24.
62.	Councillor Presenting Petition – Obligation.....	24.
63.	Petitioners Speaking to Petition.....	24.

Division 3. – Requests to be heard

64.	Requests to be heard at Committee Meetings	25.
65.	Requesting to speak at Committee	25.
66.	Request to Speak at Committee on behalf of another individual	25.
67.	Further opportunity to speak if item being considered is deferred by Council / Committee.....	25.
68.	Speakers not present at the time of consideration of the item	25.
69.	Interjecting from other speakers	26.
70.	Speaking Time for requests to be heard at Committee.....	26.
71.	Councillors to ask questions to Speakers	26.
72.	Requests to be heard in accordance with Section 223 of the Local Government Act	26.

Division 4. – Addressing the Meeting

73	Addressing the Meeting.....	27.
74.	Suspension of Standing Orders.....	27.
75.	No motions may be accepted during suspension of Standing Orders.	28.
76.	Interruption for Point of Order	28.

Division 5. – Voting at Meetings

77	By show of hands	29.
78	Casting Vote by the Chair	29.
79.	When a Division is called.....	29.
80.	Procedure for a Division.....	29.
81.	No discussion once declared.....	29.

Division 6. – Minutes of Meeting

82.	Keeping of Minutes	30.
83.	Confirmation of Minutes	30.
84.	Signing of Minutes	30.
85.	No debate on confirmation of minutes	30.
86.	Objection to confirmation of minutes.....	30.
87.	Contents of Minutes.....	31.

Part 4. Other Meeting Procedures

Division 1. – Matters not provided for

88. Matters not provided for 32.

Division 2. – Motions

89. Chairperson’s Duty 32.
90. No discussion prior to motion being moved..... 32.
91. Moving a Motion 32.
92. Right of Reply 33.
93. Moving an amendment 34.
94. Proposing an amendment..... 34.
95. Who may debate an amendment..... 34.
96. No right of reply for amendments 34.
97. How many amendments may be proposed 34.
98. An amendment once carried or lost..... 34.
99. Foreshadowing Motions 35.
100. Withdrawal of motions or amendments..... 35.
101. Separation of motions 35.
102. Chair may separate motions 35.
103. Motions in writing 35.
104. Debate must be relevant to the motion 36.
105. Speaking times..... 36.
106. Extension of Speaking Time..... 36.

Division 3. – Points of Order

107. Chair to decide..... 37.
108. Person/s addressing the meeting..... 37.
109. Chair may adjourn to consider..... 37.
110. Final ruling on a Point of Order..... 37.
111. Procedure for Point of Order 37.
112. Valid Points of Order..... 38.
113. Contradiction of opinion..... 38.
114. Adjournment and resumption of meeting 38.

Division 4. – Formal Motions

115. Formal Motions 39.
116. The Previous Question..... 39.
117. The Closure..... 40.
118. Adjourning the debate 40.

Division 5. – Election of Mayor and other Chairperson

119.	When required	41.
120.	Election of Mayor and Chairperson.....	41.
121.	The Chair’s Duties and Discretions.....	43.

Division 6. – Common Seal

122.	The Council’s Common Seal.....	44.
123.	Enforcements	44.

Part 5. Enforcement and Penalties

124.	Infringement Notices	45.
125.	Payment of Penalty	45.
	Schedule 1. Infringement Notice	46.
	Schedule 2. Penalties Fixed for Infringements	47.
	Schedule 3. Declarations of Interests Form.....	48.
	Schedule 4. Public Question Time Form.....	50.

BAYSIDE CITY COUNCIL

Meeting Procedures Local Law

Local Law No. 1

PART 1 - PRELIMINARY

1. Title

This Local Law is the Council's Meeting Procedures Local Law No. 1 dealing with Meeting Procedures & Common Seal, and referred to below as "this Local Law".

2. Objectives Of This Local Law

The objectives of this Local Law are to:-

- (a) provide a mechanism to facilitate the good government of the Municipal District of the City of Bayside through its formal meeting procedure, to ensure effective and efficient Council decisions;
- (b) provide mechanisms for the Council to ascertain the community's views and expectations;
- (c) provide for the election of Mayor and the Chairperson of any Committees;
- (d) regulate and control the procedures governing the conduct of meetings, including:
 - (i) the notice required for meetings; and
 - (ii) the keeping of minutes.
- (e) regulate and control the use of the Council's Seal;
- (f) provide for the administration of the Council's powers and functions;
- (g) provide generally for the peace, order and good government of the Municipal District.
- (h) facilitate community engagement by providing mechanisms as appropriate within the meeting arrangements for community members to express their views.

3. The Power To Make This Local Law

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

4. Commencement & Revocations

- (1) This Local Law comes into operation on the day following the day on which notice of its making was published in the *Victoria Government Gazette*.
- (2) This Local Law ceases to operate on 1 June 2015.
- (3) The Council's Meeting Procedure Local Law No. 1 dated March 2004 is revoked.

5. Definitions

In this Local Law, unless inconsistent with the context:

Words	Meanings
Act	Means the Local Government Act 1989.
Agenda	Means the notice of a meeting setting out the business to be transacted at the meeting.
Annual Meeting	Means the annual meeting of the Council held for the purpose of: <ul style="list-style-type: none">• Reporting the result of the election (where applicable);• Recording Oath of Office made by the newly elected Councillors (where appropriate);• Fixing of allowances in accordance with section 74 of the Act;• Electing a Mayor in accordance with section 71 of the Act;• Reviewing appointment of Committees;• Determining the Meeting Cycle of Council and Council Meetings;• Fixing quorums of Council & Committee Meetings and electing Chairperson of the various Committees;• Appointment of Delegates to various organisations;• Appointment of Council representatives on various Advisory Committees and Steering/ Working Groups; and• Appointment of Council's official newspaper (where appropriate).
Authorised Officer	Means an Authorised Officer of Council, Corps of Commissionaire, or security personnel employed by the Council and appointed under Section 224 of the Act or a member of the Victoria Police force.

Civic Centre Precinct	Means Council owned buildings within the Brighton Civic Centre Precinct.
Chair	Refers to the person who chairs a meeting of the Council or Committee of the Council.
Chairperson	Refers to the person who chairs a meeting of the Council or Committee of the Council.
Chief Executive	Means the person appointed by the Council to be Chief Executive Officer or any person acting in that position.
Committee	Means a Committee and / or Special Committee comprising Councillors as established at the Annual Meeting or by Council throughout the year.
Common Seal	Means the Common Seal of the Council.
Council	Means the BAYSIDE CITY COUNCIL.
Council Year	Means the twelve month period commencing from the date of Annual Meeting.
Councillor	Means a person who is an elected member of the Council.
Council Meeting	Includes Ordinary and Special Meetings of the Council.
Deputy Mayor	Means the Deputy Mayor appointed by Council who is authorised to perform any function or exercise any power conferred to the Mayor, in the Mayor's absence.
Division	Means a formal count and record taken of those for and those against a motion.
Formal Motion	Means a motion described in Division 4 of Part 4.
Mayor	Means the Chairperson of the Council.
Meeting	An Ordinary Meeting, Special Meeting of Council, or a Special Committee Meeting
Member of Council	Refers to a person who is entitled to vote at a Committee of the Council.
Minutes	The official record of the proceedings and decisions of a meeting.
Minister	Means the Minister responsible for administering the Act.
Motion	A proposal framed in a way that will result in the opinion of Council being expressed or a Council decision being made.

Notice of Motion	A notice setting out the text of a motion which it is proposed to move at the next Ordinary Meeting.
Offence	An act or default contrary to this local law.
On notice	An item of business which is placed on notice
Ordinary Meeting	An Ordinary Meeting of Council.
Penalty Unit	Means a penalty unit under the Sentencing Act 1991, (which currently fixes the value at \$100 per Penalty Unit).
Petition	Means a formal written application requesting some action by Council. The petition must be typed or printed without erasure, and be received from at least three persons of voting age, signed by those persons whose name and physical address also appears and on which each page of the petition bears the formal petition prayer of the whole of the petition.
Policy	Means a statement of intent.
Procedural motion	Means a motion which relates to a procedural matter only and which is designed to expedite the business of the meeting, but used merely as a formal procedural measure.
Quorum	Means the minimum number of members of the Council or a Committee of the Council required by this Local Law to be present in order to constitute a valid meeting of the Council or the Committee (as the case may be).
Replica	In relation to the Common Seal of the Council, means any representation which purports to be, looks like or is capable of being mistaken for the Common Seal whether fixed to or printed on a document or advertisement or sign and includes any use of a symbol resembling the Common Seal which is capable of misleading a person into believing it is used with the authority of the Council.
Second Vote	Means Casting Vote of the Chairman man <i>person</i> . The casting vote may be exercised contingently in the event of there being an equality of votes cast for and against a motion.
Special Committee	A Special Committee established by Council under Section 86 of the Act.
Special Meeting	A Special Meeting of Council.
Suspension of Standing Orders	Means the suspension of the provisions of this Local Law to facilitate full discussion on an issue without the constraints of formal debate.

PART 2 – MATTERS TO BE CONSIDERED PRIOR TO THE COUNCIL MEETING

DIVISION 1 – COUNCIL MEETING - NOTICES AND AGENDA

6. 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 must be provided to the public.

7. Council May Alter Meeting Dates

The 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.

8. Council/Committee Meeting Location

All Council Meetings of the Council and Committee Meetings will be held in the Council Chamber, or any other building within the Civic Centre Precinct as determined by the Mayor, or another location outside the Civic Centre Precinct by resolution of the Council.

9. Special Council Meetings

- (1) The notice necessary to call a meeting in accordance with Section 84 (SPECIAL MEETINGS) of the Act must be delivered to the Chief Executive in sufficient time to enable reasonable notice to be given to Councillors.
- (2) In giving such notice, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken.

10. Notice Of Meeting

- (1) A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be served on every Councillor:
 - (a) For an Ordinary Meeting of the Council, not less than 2 business days before the meeting; and
 - (b) For a Special Meeting of the Council, not less than 2 business days before the meeting, unless, as a result of the urgency of the circumstances, the Chief Executive considers that a shorter notification period is necessary; and
 - (c) For a Committee meeting, not less than 2 business days before the meeting.

- (2) A notice or agenda under this clause must state the date, time and place of the meeting and the business to be dealt with.
- (3) A notice or agenda is served on a Councillor for the purposes of this clause if it is sent by post, facsimile, electronically or otherwise delivered to:
 - a) the Councillor's place of residence;
 - b) the Councillor's place of business (if applicable); or
 - c) the place specified by the Councillor for delivery of notices of meeting.
- (4)
 - a) A notice sent by post is to be taken as having been served on the Councillor when it would have arrived at its destination in the ordinary course of mail.
 - b) A notice sent by facsimile or electronically is to be taken as having been served on the Councillor when its transmission to the destination is confirmed by a transmission response.

11. Availability Of Agenda Papers For Members Of The Public

Copies of the Agenda papers for Council Meetings and Committee Meetings shall be made available to members of the public by no later than 12 noon 2 business days prior to the meeting.

Copies of Agenda papers may be obtained in person from the Corporate Centre, Royal Avenue Sandringham and the Brighton Branch Library, Wilson Street Brighton, on the basis of one copy per resident. Multiple copies of Agenda papers will not be provided to an individual. Additional copies of agenda papers will be available in the Council Chamber/ meeting venue at the time of the Meeting.

A copy of Agenda papers shall be placed in the Council's other Branch Libraries for public viewing only.

An electronic version of agenda papers will be available to the public via Council's website by no later than 12 noon on the Friday prior to the meeting.

12. Leave Of Absence

It will be unnecessary for a notice of meeting or Agenda to be served on any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive in writing to give notice of any meeting to be held during the period of his or her absence.

13. Admission Of Public

Any Council Meeting or Committee Meeting must be open to members of the public unless the Council or Committee resolves that the meeting be closed to members of the public in accordance with Section 89 (MEETINGS TO BE OPEN TO THE PUBLIC) of the Act.

14. Order Of Business

Business of Meeting

The business of an Ordinary Meeting of the Council must be conducted in the following order unless otherwise resolved:

The Prayer

Acknowledgment of Original Inhabitants (*in accordance with Council resolution*)

1. Apologies.
2. Declarations of Interest.
3. Confirmation of the Minutes of the previous meetings of Council.
4. Presentations
 - 4.1 Presentation of Community Chests Grants
 - 4.2 Other Presentations
5. Public Question Time
6. Reception of petitions.
7. Reports
 - 7.1 Reports by Committees
 - 7.2 Reports by Officers
 - 7.3 Reports by delegates appointed by the Council to other bodies
8. General Business
9. Supplementary & Urgent Business.
10. Notices of Motions
11. Confidential Business.

Note: Reports by delegates appointed by the Council to other bodies

The duration of any report from a delegate of Council to another body is limited to a maximum period of 3 minutes per report. A report from a Council delegate can be included in the agenda papers if available.

Note: Supplementary & Urgent Business

Business should not be admitted as Supplementary or Urgent Business unless it:

- a) relates to and arises out of a matter which has arisen since the distribution of the agenda; and
- b) cannot safely or conveniently be deferred until the next Ordinary Meeting.

Supplementary & Urgent Business items shall be admitted at the discretion of the Chairperson.

The Order of Business may be changed by the Chief Executive, in the preparation of the Agenda Papers, to facilitate the functioning of the Ordinary Meeting.

Ordinary Meeting

No business may be conducted at an Ordinary Meeting of the Council unless notice of that business has been given either by inclusion in the Agenda or in a notice of motion provided that the Council may resolve to admit (without such notice) an item to be considered in Supplementary and Urgent Business.

Special Meeting

The business of a Special Meeting must be conducted in accordance with Section 84 (SPECIAL MEETINGS) of the Act.

Committee Meetings

A Committee may by resolution have the ability to re-order the items of business for consideration, but may not introduce new items.

15 Recording of Meetings

Council or Committee Meetings must not be recorded by electronic means, such as tape recorder, video camera, mobile phone, Dictaphone etc.

Any unauthorised person who records a meeting is guilty of an offence.

Penalty 2 Penalty Units

16 Display of Placards and Posters in Chambers

A person must not display any placards or posters in the Council Chamber building or in any building where a Council / Committee Meeting is held, other than outside the entrance to the building and even then only if it does not obstruct the entrance to the building.

Any person who displays placard or posters in the Council Chamber or obstructs the entrance to the building shall be guilty of an offence

Penalty 2 Penalty Units

17 Electronic form of Presentations

Any such use of presentations in an electronic form at a Council or Committee Meeting shall be in accordance with the policy developed for the purpose and known as the "Policy for Electronic Presentation".

DIVISION 2 - QUORUMS

18. Ordinary Council Meetings

The Quorum required for Ordinary Meetings of the Council will be five (5) Councillors.

19. Special Council Meetings

The Quorum required for Special Meetings of the Council will be five (5) Councillors.

20. Committee Meetings

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

21. Inability To Gain A Quorum

If a Quorum cannot be obtained within thirty (30) minutes of the scheduled starting time of any meeting or adjournment, those Councillors present, or if there are no Councillors present, the Chief Executive, may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

22. Inability To Maintain A Quorum

Subject to Section 85 (CALL OF THE COUNCIL) of the Act, if, during any meeting or any adjournment of the meeting, a quorum cannot be achieved and maintained, those Councillors present, or if there are no Councillors present, the Chief Executive may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

23. Inability To Achieve Or Maintain A Quorum Due To Disclosure of Interests Of Councillors

If during the course of a meeting it becomes apparent to the Chairperson that it will not be possible to maintain a quorum because one or more of the Councillors present is prohibited from voting on account of declaring an interest in an item of business, that item of business will lie on the table and be considered at the next available meeting when a quorum can be reached.

DIVISION 3 – MEETINGS, ADJOURNED MEETINGS & DURATION OF MEETINGS

24. Notice For Adjourned Meeting

The Chief Executive must provide written notice of an adjourned meeting but where that is not practicable because time does not permit that to occur then, provided a reasonable attempt is made to contact each Member of Council, notice by telephone, facsimile, electronically, in person or by some other means will be sufficient.

25. Undisposed Business

If a Council Meeting lapses the undisposed business will be included on the Agenda for the next meeting of the Council.

26. Change To Order Of Business

Once an Agenda has been sent to Councillors, the order of business for that meeting may only be altered by resolution of the Council.

27. Chief Executive May Include Items On An Agenda

The Chief Executive may include any matter on an Agenda of an Ordinary Meeting of the Council or Special Committee which he or she thinks should be considered by the meeting in consultation with the Chairperson.

28. Disclosure & Declaration Of Interests

Councillors must comply with the conduct and interest provisions outlined in the local Government Act. The onus is on a Councillor to identify any interest, including a direct or indirect pecuniary interest, which he or she may have, and act in accordance with the provisions in the Act and in line with the code of Conduct.

If a Councillor or member of a Special Committee, has an interest under Section 77A, (DISCLOSURE OF INTERESTS) or a Conflict of Interest under Section 77B (CONFLICT OF INTEREST) of the Act in an item on the agenda the Councillor or member must:

- if they intend to be present at the meeting, disclose the nature of the interest at the commencement of the meeting and once again immediately before the consideration or discussion of the item; or

The minutes of the meeting must record the disclosure of the Councillor or member.

Where a Councillor has declared a conflict of interest in an item and has vacated the Chamber / Committee Room while the vote is taken on the matter, the Councillor must be called back into the Chamber / Committee Room before the meeting can advance to the next item of business on the agenda.

29. Duration of a Council / Committee Meeting

That where a Committee / Council Meeting exceeds the time of 11.00pm and the business of the meeting has not been concluded, the meeting be adjourned or an extension of time for a period of 30 minutes be granted if deemed necessary to complete the business of the meeting. If Council / Committee is currently deliberating on an item on the agenda and the 30 minute period has concluded the Meeting can continue discussions or conclude the item which is before the Chair until a resolution has been reached on the item. No further items may then be commenced.

DIVISION 4 - NOTICES OF MOTION

30. Must Be Listed On Agenda

A notice of motion cannot be accepted by the Chairperson unless it has been listed on the Agenda for the Council Meeting at which it is proposed to be moved.

Except by leave of the Council, each Notice of Motion before any meeting must be considered in the order in which they were received and numbered in the Notice of Motion Book.

31. Procedure

A Councillor may give notice of motion on any matter he or she wants discussed at a Council meeting by delivering a notice of motion outlining the subject and the motion proposed for discussion to the Chief Executive.

32. Signed - Notice Of Motion

A notice of motion must be in writing, dated and signed by the intending mover.

33. Notice To Chief Executive

Notices of motion must be lodged with the Chief Executive by no later than 12 noon at least 4 business days before the meeting.

34. Listing Notice On Agenda

Unless the notice specifies a particular meeting date, the Chief Executive must list the notice of motion and, if more than one, in the order they were received, on the next appropriate meeting Agenda.

35. Register Of Notices

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

36. Requests to Speak to Notices of Motions

No member of the public shall speak to a notice of motion when presented at a Council Meeting. Individuals may request to speak to issues associated with the Notice of Motion in the event of a report on the item being considered by the Committee at a later meeting.

37. May Be Moved By Any Councillor And Amended

1. A notice of motion listed on a Council meeting agenda, may be moved by any Councillor present.
2. If the motion is not moved when it comes before the meeting, it will lapse.
3. If the motion is moved but not seconded, it will lapse.
4. Except where the notice of motion is to confirm a previous resolution of the Council, the notice of motion may be amended.
5. If the Councillor who is proposing the motion wishes to amend the notice of motion, he or she may do so by seeking leave of the Council to amend the notice of motion prior to it being seconded.
6. Once the notice of motion has been moved and seconded, the mover cannot amend the notice of motion.
7. Notwithstanding subclause 6, another Councillor can put forward an amendment for consideration, which must be dealt with in accordance with clauses 93, 94, 95, 96, 97 & 98 of this Local Law.

38. Except For Confirmation Of Previous Resolution

If a notice of motion to confirm a previous resolution of the Council cannot be carried in its original form, it is lost.

39. If Lost

Unless the Council resolves to re-list at a future meeting a notice of motion which has been lost, a similar motion must not be put before the Council for at least 90 calendar days from the date it was last lost.

DIVISION 5 - NOTICE OF RESCISSION

40. Procedure

- (1) A notice of motion to rescind a decision of the Council requires the signature of 3 Councillors provided:
 - (a) the motion which is proposed to be rescinded has not been acted upon; and
 - (b) a notice is delivered to the Chief Executive outlining:
 - (1) the decision proposed to be rescinded; and
 - (2) the meeting and date when the decision was made.
- (2) A decision will be deemed acted upon once its details have been formally communicated to persons affected by or reliant on the resolution or where a statutory procedure has been carried out as a result of that decision.

41. Listing Notice Of Agenda

Unless the notice specifies a particular meeting date, the Chief Executive must list the notice of rescission and, if more than one, in the order they were received, on the next appropriate meeting Agenda.

42. Criteria To Rescind A Motion

For a decision of the Council to be rescinded, the motion for rescission must be carried by a majority of the whole number of Councillors present at the meeting.

43. If Lost

Unless the Council resolves to re-list at a future meeting a notice to rescind which has been lost, a similar motion must not be put before the Council for at least 90 calendar days from the date it was last considered.

44. If Not Moved

If a notice of rescission is not moved at the meeting for which it is listed, it will lapse and must not be put before the Council again for at least 90 calendar days from the date it was last considered.

45 If Not Seconded

If the notice of rescission is moved and not seconded, it will lapse and must not be put before the Council for at least 90 calendar days from the date it was last considered.

46. May Be Moved By Any Councillor / Cannot Be Amended

A notice of rescission listed on an Agenda may be moved by any Councillor present but cannot be amended.

47. When Not Required

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

48. Register Of Notices

The Chief Executive must cause every notice of rescission received to be sequentially numbered and to be maintained in a register.

Part 3. –MATTERS TO BE CONSIDERED AT THE MEETING

DIVISION 1. – PUBLIC QUESTION TIME

49. Prescribed Form

All such questions must be received in writing on the prescribed form as shown in Schedule 4 or as provided for on Council's website.

50. Receipt of Public Questions

All such questions must be submitted to the Chief Executive no later than 11.00am on the prior business day to the meeting in order for the question to be considered at the meeting.

51. During Meetings

At every Ordinary Meeting of the Council, up to 15 minutes shall be allowed for the answering of questions submitted on the prescribed form.

52. Number Of Questions Per Questioner

Questions are limited to two per individual and the person submitting the question must be in attendance at the meeting for the question and answer to be read out at the meeting.

A question may be split into a maximum of two parts only. If more than two parts to a question are received, only the first two parts will be considered. Similarly, if more than two questions are received, only the first two questions will be considered.

All parts of the question must be relevant to the same subject of enquiry.

53. Reading of Question

Each question of those in attendance at the Council meeting shall be either read to the meeting by the Chief Executive, or at the discretion of the Chief Executive, a summary of the question shall be made after the Chairperson has acquainted him/herself with its contents and determined that the question is appropriate.

54. Where The Question Is Considered Inappropriate

Where the Chairperson of an Ordinary Council Meeting considers the question to be inappropriate, or deals with matters referred to within Section 89(2) (MEETING TO BE CLOSED TO THE PUBLIC) of the Local Government Act 1989, the question will not be answered and the Chairperson shall indicate the reason why the question is disallowed.

55. Grounds For Disallowing The Question

The Chairperson of the Council Meeting may disallow any question on the grounds that it is repetitive of a question previously asked, objectionable, irrelevant, raises an issue of a confidential nature, is asked to embarrass a Councillor or member of Council staff or exceeds the limitation on the number of questions which may be asked by a questioner.

56. Answering the Question

The question will be answered by the Chief Executive or the Chairperson where appropriate. Where the answer to a question cannot be provided at the meeting, the Chief Executive will take the question on notice and provide a written response to the questioner.

57. Attendance of Questioner at the Meeting

Where the questioner is present in the gallery when their name is called by the Chief Executive, the question will be read out at the meeting and he or she will also be provided with a written response. In the event that the questioner is not in attendance at the meeting the question will not be read out but a written response will be provided.

58. No Debate On Questions Or Answers

No debate or discussion of questions or answers is permitted.

59. Recording of Public Questions in the Minutes

The name of the questioner and the subject of the question shall be recorded in the minutes, as an official record of the questions submitted to the meeting.

DIVISION 2. - PETITIONS

60. Petitions

A petition is defined as a formal written application requesting some action by Council. The petition must be typed or printed without erasure, and be received from at least three persons of voting age, signed by those persons whose name and physical address also appears and on which each page of the petition bears the formal petition prayer of the whole of the petition.

The petition prayer shall consist of the following words:

“We the undersigned hereby petition Bayside City Council.....”

In respect of a petition presented to Council during a Council Meeting no motion other than to receive the petition may be accepted by the Chair unless the Council resolves to deal with the matter in another manner.

The only motions that may be moved in relation to petitions set out on the Notice Paper are as follows:

- That the petition be received.
- That the petition be referred to an appropriate Committee for consideration and report.
- That the petition be considered at a specific time or in conjunction with a specific item.

61. Signing Of Petitions

Any person who fraudulently signs a petition which is presented to the Council is guilty of an offence.

Penalty - 2 Penalty Units

62. Councillor Presenting Petition - Obligation

A Councillor may table a petition at the Ordinary Meeting of the Council where it is not listed on the Agenda. The Councillor will be responsible for ensuring that:

- a) he or she is familiar with the contents and purpose of the petition;
- b) he or she has in his or her possession the original petition to be presented to the meeting;
- a) the petition is not derogatory or defamatory;
- b) the number of signatures attached to the petition is stated; and
- c) the petition is read in full or précis form.

63. Petitioners Speaking To Petitions

No member of the public shall speak to the petition when presented at the Ordinary Meeting of the Council. Individuals may request to speak to the petition when any report on the item is considered by the Committee at a later meeting.

DIVISION 3. – REQUESTS TO BE HEARD

64. Requests to be heard at Committee Meetings

Requests to be heard from individuals may only be heard at Committee Meetings in relation to any item listed for consideration at that meeting. No submissions will be heard at Council Meetings.

65. Requesting to Speak at Committee

A person/s wishing to be heard at the Committee Meeting must make a written request to the Chief Executive or his/her nominee by 11.00 am on the day of the appropriate meeting. The request must specify the name, address and contact telephone number of the person requesting to be heard and the item to which he or she wishes to speak. Requests to be heard received after 11.00 am on the day of the meeting will not be considered by the Committee.

66. Request to Speak at committee on behalf of another individual

An individual may request that another individual speak on their behalf, however the spokesperson will only be allocated one further time slot in addition to any timeslot allocated where the spokesperson is speaking on their own behalf. The spokesperson may only speak once (ie: one time slot) on behalf of others regardless of the number of persons they are representing. The spokesperson will not be listed consecutively (where possible) when speaking on behalf of themselves and other person/s.

67. Further Opportunity To Speak If Item Being Considered Is Deferred By Council / Committee

Where a member of the public has requested to be heard in relation to an item on the Agenda, and has spoken to the item prior to the consideration of the Council / Committee, and the Council / Committee has resolved to defer the matter for further consideration, the speaker shall be afforded the opportunity to speak again when the item is relisted for consideration on the Agenda.

68. Speakers Not Present at the Time of Consideration Of The Item

Where a member of the public has requested to be heard in relation to an item on the agenda, and he or she is not present at the time of calling his or her name to the microphone, and subsequently arrives in the gallery after his or her name has been called or once the debate on the item has commenced, the person previously called shall not be afforded the opportunity to speak to the item.

69. Interjecting From Other Speakers

If members of the public other than the appointed speakers interject or attempt to address the Committee, the Mayor / Chair has the discretion to call for a motion from the floor to terminate or adjourn the submission, and/or if necessary, adjourn the meeting until order has been restored.

70. Speaking Time For Requests to be Heard at Committee

Any person/s wishing to be heard at the Committee Meeting shall be granted a period of up to three (3) minutes to speak. No further extension of time shall be granted. Either a countdown clock or an electronic clock will be displayed for three minutes to assist the speaker, and an audible sound shall be made indicating the 3 minutes have expired.

Any individual speaker shall only address any given item on the Agenda once or subject to the discretion of the Chair of the meeting.

71. Councillors to ask questions to Speakers

Following a speaker's three minute presentation, Councillors may only ask the speaker questions or request clarification of issues raised by the speaker in his/her presentation which may assist in the deliberations prior to the elected body making a decision.

72. Requests to be heard in accordance with Section 223 (RIGHT TO MAKE A SUBMISSION) of the Local Government Act

Where a request to be heard has been received in accordance with Section 223 of the Act, the speaker must be afforded a reasonable opportunity to speak up to a maximum period of 15 minutes, with no further extension of time to be granted.

DIVISION 4. - ADDRESSING THE MEETING

73. Addressing The Meeting

- (1) Except for the Chair, any Councillor who addresses the meeting at an Ordinary Meeting or Special Meeting of the Council, must stand and direct all remarks through the Chair. It shall not be necessary for Councillors to rise when speaking to the Chair at a Committee Meeting or matters considered in a closed meeting of the Council (Confidential Business).
- (2) Despite sub-clause (1), the Chair may permit any Councillor or person to remain seated while addressing the Chair at an Ordinary Meeting of Special Meeting of Council, for reasons of sickness, infirmity, disability or otherwise at his or her discretion.
- (3) Any person addressing the Chair should refer to the Chairperson as:
 - (a) Madam Mayor
 - (b) Mr Mayor
 - (c) Madam Chair; or
 - (d) Mr Chair;as the case may be
- (4) All Councillors, other than the Mayor, should be addressed as Councillor ..(surname).....
- (5) All members of Council staff, should be addressed as Mr., Ms. or by title.
- (6) All members of the public shall be addressed by title.

74. Suspension Of Standing Orders

- (1) The provisions of this Local Law may be suspended for a particular purpose by resolution of the Council.
- (2) The purpose is to enable the formalities of meeting procedure to be temporarily dispensed with while an issue is discussed.
- (3) The provisions of this Local Law may only be suspended to a maximum period of 30 minutes for each item being considered unless extended by a resolution of the Council, to a maximum of 15 minutes.
- (4) Once the discussion has taken place and before any motions can be put, a motion for the resumption of standing orders will be necessary and must be seconded and voted upon.

75. No Motions May Be Accepted During Suspension Of Standing Orders

No motion will be accepted by the Chair during any period of suspension other than a motion to resume standing orders.

76. Interruption For Point Of Order

A Councillor who is addressing the meeting must not be interrupted unless called to order, in which case he or she must sit down (if standing) and remain silent until the Councillor raising the point of order has been heard and the point of order disposed of. A point of order shall also apply to a person/s addressing a Meeting.

DIVISION 5 - VOTING AT MEETINGS

77. By Show Of Hands

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

78. Casting vote by the Chairperson

Where there is an equality of votes on a motion before the Chair, the Chairperson has a second vote known as a Casting Vote, to determine the outcome of the motion.

However where there is an equality of votes on a question arising from the election of Mayor, appointment of Chairperson for a Special Committee, or Acting Chairperson of a Special Committee, the matter is to be determined by lot.

79. When A Division Is Called

- (1) A Division may be called by any Councillor on any motion or amendment.
- (2) The call must be made to the Chair either immediately prior to or immediately after the vote has been taken but cannot be called after the next item of business has commenced.
- (3) When a Division is called for, the vote already taken must be treated as null and avoid. No Councillor is prevented from changing their original vote at the voting on the Division, and the voting achieved as a result of the Division shall decide the question, motion or amendment before the Chair.

80. Procedure For A Division

Once a Division has been called, the Chairperson will call for a show of hands by those Councillors voting for the motion and then the names of those Councillors opposed to the motion and of those Councillors voting for and against the motion shall be recorded in the minutes.

81. No Discussion Once Declared

Once a vote on a motion has been taken no further discussion or questions relating to the motion will be allowed unless the discussion is where a subsequent notice of motion follows a rescission motion.

DIVISION 6. - MINUTES OF MEETINGS

82. Keeping Of Minutes

The Chief Executive is responsible for arranging the keeping of minutes on behalf of the Council.

83. Confirmation Of Minutes

At every meeting of the Council or a Committee the minutes of the preceding meeting must be dealt with as follows:

- (a) If the minutes have been delivered to each Councillor or member of a Committee at least 3 calendar days before the meeting, the putting of a motion for confirmation of the minutes; or
- (b) If the minutes have not been so delivered, the minutes must be read and a motion put for confirmation of the minutes.

84. Signing Of Minutes

Once the Council minutes are confirmed they should be signed by the Chairperson of that meeting where they are to be confirmed.

85. No Debate On Confirmation Of Minutes

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.

86. Objection To Confirmation Of Minutes

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

87. Contents Of Minutes

- (1) In keeping the minutes of any meeting, the Chief Executive must arrange the recording of minutes so as to show:
 - (a) the names of Councillors and whether they are PRESENT, an APOLOGY, on LEAVE OF ABSENCE, etc.
 - (b) the names of members of Council staff IN ATTENDANCE with their organisational titles;
 - (c) a record of the arrival and departure times of Councillors at the meeting and further record if the Councillor is temporarily absent from the chamber when a vote is taken on an item;
 - (d) every motion and amendment moved, including the mover and seconder of any motion or amendment.
 - (e) the outcome of every motion, ie, whether it was put to the vote and the result (if CARRIED, LOST, WITHDRAWN, LAPSED, AMENDED etc.)
 - (f) where a valid Division is called, a table of the names of every Councillor and the way their vote was cast (either FOR or AGAINST);
 - (g) details of a failure to achieve or maintain a quorum and any adjournment (whether as a result or otherwise);
 - (h) the time in relation to any adjournment of the meeting or of any suspension of standing orders;
 - (i) disclosure of the declaration and the nature of any interest or conflict of interest of a Councillor declared at or identified to a meeting in the form of or to the effect of Schedule 3 to this Local Law; and
 - (j) any other matter which the Chief Executive thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.
- (2) In addition, the minutes should:
 - (a) bear the date and time the meeting was commenced, adjourned, resumed and concluded;
 - (b) be consecutively page numbered; and
 - (c) contain consecutive item numbers which are clearly headed with a subject title and, where appropriate, sub-titles.

PART 4. - OTHER MEETING PROCEDURES

DIVISION 1 - MATTERS NOT PROVIDED FOR

88. Matters Not Provided For

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

DIVISION 2 - MOTIONS

89. The Chairperson's Duty

Any motion or amendment which in the opinion of the Chair is:

- (a) defamatory; or
- (b) objectionable in language or nature; or
- (c) outside the powers of the Council; or
- (d) not relevant to the item of business on the Agenda and has not been admitted as general business; or
- (e) purporting to be an amendment but is not,

may not be accepted.

90. No Discussion Prior To Motion Being Moved

No discussion on the item being considered shall take place until such time as a motion is before the Chair. Questions of clarification may be asked of the Chairperson or Council Officers.

91. Moving a Motion

The procedure for any motion is:

- (a) The mover must state the nature of the motion.
- (b) The Chair must call for a seconder unless the motion is a call to enforce a point of order or is a formal motion.
- (c) If there is no seconder, the motion will lapse for want of a seconder.
- (d) If there is a seconder then the Chair must call the mover to address the meeting.
- (e) After the mover has addressed the meeting the seconder may address the meeting or may reserve their right to speak.
- (f) After the seconder has addressed the meeting or reserved their right to speak (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must call upon any Councillor who wishes to speak against the motion or to address a particular aspect of the motion.
- (g) If a Councillor speaks in opposition to a motion the Chair must permit any other Councillor to address the motion.
- (h) If no Councillor indicates they wish to speak in opposition or address a particular aspect of the motion before the Chair, the Chair then puts the motion to the vote.
- (i) The Chair must ask for a show of hands in favour of the motion and then those against the motion.

92. Right Of Reply

- (1) The mover of an original motion, incorporating all amendments which have been carried, may, once debate has been exhausted, have the right of reply to matters raised during debate.
- (2) After the right of reply has been taken, (the debate has closed), the motion must be immediately put to the vote without any further discussion or debate or questions.
- (3) Except for the mover of a motion who has the right of reply, all other Councillors can only speak once to the motion before the Chair.

93. Moving An Amendment

A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole, but must not be a direct negative to the motion before the Chair.

94. Proposing An Amendment

An amendment may be proposed or seconded by any Councillor, other than the mover or seconder of the original motion, and must be seconded.

95. Who May Debate An Amendment

The procedure to debate an amendment shall be in accordance with clause 91.
A Councillor may address the meeting once on any amendment, whether or not he or she has spoken to the original motion but debate must be confined to the terms of the amendment.

96. No Right Of Reply For Amendments

No right of reply is available where an amendment is before the Council.

97. How Many Amendments May Be Proposed

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

98. An Amendment Once Carried or Lost

- (1) If the amendment is carried, it then becomes the motion before the Chair.
- (2) If the amendment is lost, the original motion is then dealt with, and the debate if previously commenced shall continue.

A Councillor cannot move more than two amendments in succession without the consent of the Chairperson.

99. Foreshadowing Motions

- (1) At any time during debate, a Councillor may foreshadow a motion to inform the 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) It is not a requirement of the meeting for a Councillor to foreshadow a motion, if it is anticipated the motion before the Chair may not be resolved in a certain way, however a foreshadowed motion may assist the flow of the meeting.
- (3) 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.
- (4) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- (5) The Chief Executive is not required to have foreshadowed motions recorded in the minutes until the foreshadowed motion is formally moved.

100. Withdrawal Of Motions Or Amendments

Before any motion or amendment is put to the vote, a mover or seconder may, with the leave of the Chair, withdraw his or her support of a motion, in which case, the Chair must call for a substitute mover or seconder and, if no such substitute is forthcoming, the motion will lapse.

101. Separation Of Motions

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

102. The Chair May Separate Motions

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

103. Motions In Writing

- (1) The Chairperson may require any motion to be submitted in writing where it is lengthy or unclear, or for any other reason.
- (2) The Chairperson may suspend the meeting while the motion is being written or may request the Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

104. Debate Must Be Relevant To The Motion

- (1) Debate must always be relevant to the motion before the Chair, and, if not, the Chair may request the speaker to confine debate to the subject motion.
- (2) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to desist and not speak further in respect of the matter then before the Chair.

105. Speaking Times

Unless a motion for an extension of time has been granted by the meeting, the maximum speaking times will be:

- (a) the mover of a motion - five minutes
- (b) the seconder of a motion – four minutes
- (b) any other Councillor - four minutes
- (c) the mover of a motion when exercising his or her right of reply - two minutes
- (d) a Councillor's answer to a question by a Councillor- one minute
- (e) clarification or personal explanation by a Councillor - one minute.

All speakers shall be timed, and a warning signal will sound indicating 30 seconds of the allocated time is remaining.

106 Extension of Speaking Time

- (1) An extension of speaking time may be granted by resolution of the meeting but only one extension is permitted for each speaker to each motion.
- (2) A motion for an extension of speaking time must be seconded and must be proposed after the speaker's time to speak has expired.
- (3) Any extension of speaking time must not exceed one minute.

DIVISION 3 - POINTS OF ORDER

107. Chairperson To Decide

The Chairperson will decide upon all points of order, by stating the provisions, rule, practice or precedent which he or she considers applicable to the point raised, without entering into any discussion or comment.

108. Person/s Addressing The Meeting

A point of order shall also apply to the person/s addressing the meeting, and they must cease speaking immediately if a Councillor calls a point of order.

109. Chairperson May Adjourn To Consider

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

110. Final Ruling On A Point Of Order

- (1) The decision of the Chair in respect to a point raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present successfully move a dissent motion.
- (2) A motion of dissent on a point of order must contain the provision, rule, practice or precedent relied upon in substitution for the Chair's ruling.
- (3) A motion of dissent in relation to a point of order is not a motion of dissent in the Chair, and the Chairperson, must at all times remain in the Chair and he or she will maintain his or her right to a second vote.
- (4) A motion of dissent on a point of order will take precedence over all other business and, if carried, must be acted on instead of the ruling given by the Chair.

111. Procedure For Point Of Order

A Councillor raising a point of order must:

- (a) state the point of order; and
- (b) the provision, rule, practice or precedent relied upon in support of the point of order (refer to clause 112 of this Local Law).

before the point of order will be considered by the Chair.

112. Valid Points Of Order

A point of order may be raised in relation to something being:

- (a) contrary to this Local Law
- (b) irrelevant to the matter being discussed
- (c) outside the powers of Council
- (d) improper behaviour
- (e) an offensive use of words
- (f) a tedious repetition of arguments
- (g) any act of disorder
- (h) evidence that a Councillor is or appears to be out of order

113. Contradiction Of Opinion

Raising a mere difference of opinion or contradicting a speaker will not be treated as a point of order.

114. Adjournment And Resumption Of Meeting

- (1) The Council may adjourn any meeting until a time and place to be determined at the time of the adjournment.
- (2) A motion to adjourn a meeting may be debated, and can only be amended as to the time, date and place.
- (3) All motions must be moved and seconded.
- (4) The Council must put forward a motion to resume the meeting following an adjournment prior to any business being considered at the resumed meeting.

DIVISION 4. - FORMAL MOTIONS

115. Formal Motions

A debate on a particular matter may be interrupted owing to a formal motion being proposed. The following are formal motions, which may be proposed without notice:

- a) The Previous Question
 - b) The Closure
 - c) Adjourning the debate
- (1) Unless otherwise prohibited, a Formal Motion may be moved at any time and must be dealt with immediately by the Chair.
 - (2) Formal Motions are NOT required to be seconded.
 - (3) The mover of a Formal Motion must not have moved, seconded or spoken to the matter before the Chair or any amendment of it.
 - (4) A Formal Motion cannot be moved by the Chair.
 - (5) Debate on a Formal Motion is NOT permitted.

116. The Previous Question

- (1) A motion may be moved “That the question now not be put”.
- (2) The motion in sub-clause (1):
 - (a) is a Formal Motion which cannot be moved while there is an amendment before the Chair or during the election of a Chair; and
 - (b) if carried, prevents the original motion to which it relates being dealt with at that meeting or any adjournment of it; and
 - (c) if lost, requires that the original or substantive motion to which it relates be put to the vote immediately without any further debate or amendment.
- (3) The Chair has the discretion to reject a motion for the previous question if the matter is contentious by nature or has not been adequately debated.
- (4) Adequate debate arises when every Councillor who wishes to put a view has had an opportunity to do so.

117. The Closure

- (1) A motion may be moved “That the motion or amendment now be put”.
- (2) The motion in sub-clause (1):
 - (a) is a Formal Motion which, if carried in respect to an original motion, requires that the original motion must be put to the vote immediately without any further debate, discussion or amendment;
 - (b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and
 - (c) if lost, allows debate to continue unaffected.
- (3) The Chair has the discretion to reject such a motion for closure if the motion or amendment upon which it is proposed has not been sufficiently debated, is an abuse of procedure, or is moved for the purpose of obstructing business.
- (4) Sufficient debate arises when those possessing different views have been given an opportunity to state them.

118. Adjourning The Debate

- (1) A motion may be moved “That the motion and amendments now before the meeting be adjourned until”.
- (2) The motion in sub-clause (1) :
 - (a) is a Formal Motion which cannot be moved while any person is speaking or during the election of a Chair;
 - (b) may not be debated but may only be amended in relation to the time, date and place of the proposed adjournment; and
 - (c) should provide a date or time to which the adjournment is sought but if no date or time is included, it may be re-listed at the discretion of the Chief Executive or upon a subsequent resolution of the Council.

DIVISION 5. – ELECTION OF MAYOR AND OTHER CHAIRPERSON

119. When Required

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

- (a) if the Council conducts elections, as soon as possible after the declaration of the result of the election but no later than the second Friday after the declaration of the poll;
- (b) where no election has been held, no later than the second Friday after the date on which an election would have been held if it was an election year; or
- (c) where the position of Mayor otherwise becomes vacant, as soon as practicable after the vacancy has occurred but in any event no later than 14 days after the vacancy occurs.

120. Election Of Mayor And Chairperson

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

- (a) no later than the second Friday after the declaration of the poll in an election year or the second Friday after the date on which an election would have been held if it was an election year at the Annual Meeting; or
- (b) where the position of Mayor otherwise becomes vacant, as soon as practicable after the vacancy has occurred but in any event no later than 14 days after the vacancy occurs.

(2) At any meeting to elect the Mayor, the Chief Executive shall be appointed as a Chairperson Pro-tem to deal with the:

- (a) reporting of the results of the election (where applicable);
- (b) administering of Oath of Office;
- (c) fixing of allowances payable to the Mayor and Councillors in accordance with Section 74 (COUNCILLOR & MAYORAL ALLOWANCES) of the Act;
- (d) receipt of nominations for the election of Mayor; and
- (e) election of the Mayor.

Once the Mayor has been elected the Mayor must take the Chair for the balance of the meeting, when the following matters are to be dealt with:

- (a) Appointment of Committees, including fixing of quorums and electing the Chair of the various Committees;
- (b) Determining the Meeting Cycle of Council and Committee meetings;
- (c) Appointment of Delegates to various external organisations;
- (d) Appointment of Council representatives on various Advisory Committees and Steering/Working Groups.
- (e) Appointment of Council's official newspaper.

- (3) The election of the Mayor will be carried out by show of hands unless the Council resolves that it be carried out by secret ballot.
- (4) In determining the election of the Mayor, the following will apply:
 - (a) nominations for the election of Mayor do not require a seconder.
 - (b) where only one nomination is received, that Councillor must be declared elected;
 - (c) where two nominations are received, their names shall be put to the meeting in succession and the one obtaining the greater number of votes shall be declared elected. If both receive an equal number of votes, the Chief Executive will adjourn the meeting for 30 minutes after which the vote must be put a second time. If the number of votes for each candidate remains equal, the matter shall be determined by lot administered by the Chief Executive.
 - (d) where there are more than two candidates, and if no candidate receives an absolute majority, the candidate receiving the least number of votes shall be eliminated and the names of the remaining candidates again put to the Council, and so on, until one candidate receives an absolute majority of votes when such candidate shall be declared elected.
 - (e) if at any stage the remaining candidates receive an equal number of votes, the Chief Executive will adjourn the meeting for 30 minutes after which the vote must be put a second time. If the number of votes for each candidate remains equal, the matter shall be determined by lot by the Chief Executive.
- (5) The same procedure for the election of Mayor shall be followed for the election of any Chair of a Committee, if not appointed at the time of the establishment of the Committee at the Annual Meeting.
- (6) If Council determines to elect a Deputy Mayor, Council must follow the procedure for the election of Mayor with such adaptations as necessary.
- (7) If the Mayor or Deputy Mayor is unable to attend a Council meeting for any reason, the Chief Executive must take the Chair and invite nominations from the Councillors present for a temporary Chair. If there is only one (1) nomination (any nomination need not be seconded), the candidate nominated is deemed to have been duly elected.

If there is more than one (1) nomination, the Councillors present at the meeting must vote for one of the candidates by a show of hands (or by such other method as the Council determines).

In the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected.

In the event of no candidate receiving an absolute majority of the votes, the provisions of subclause (4)(d) and (e) shall apply.

- (8) Councillors voting for the election of Mayor, Deputy Mayor or temporary Chairperson, are not required to declare a pecuniary interest with respect to any benefit attached to the office of Mayor. (refer to Section 78 (1) (PECUNIARY INTERESTS) of the Act).

Note In accordance with Section 73 (PRECEDENCE OF MAYOR) of the Local Government Act, a Deputy Mayor may perform any function or exercise any power conferred on the Mayor. Therefore in the absence of the Mayor at an Ordinary or Special Meeting of Council, the Deputy Mayor shall chair the meeting.

121. The Chairperson's Duties And Discretions

In addition to other duties and discretions provided in this Local Law, the Chairpersons role is to facilitate efficient formal meeting procedures to provide a democratic decision process for the Council. The Chairperson should also encourage informed and relevant discussion and robust debate amongst Councillors to ensure that all views are exhausted prior to a motion before the meeting being put to the vote.

During the meeting the Chairpoerson:-

- (a) must not accept any motion, question or statement which appears to the Chair to be derogatory, defamatory or embarrassing to any Councillor, member of Council staff, ratepayer or member of the public;
- (b) may demand retraction of any inappropriate statements or unsubstantiated allegations;
- (c) must call to order any person who is disruptive or unruly during any meeting;
- (d) must ensure silence is preserved in the visitors' gallery during any meeting;
- (e) must call to order any member of the public gallery who approaches the Council / Committee table during the meeting; and-
- (f) may, in the event of unruly behaviour by members of the gallery or Councillors, adjourn the meeting until such time as decorum has resumed in the Chamber.

A person who disrupts a meeting or behaves in an unruly manner, and who fails to come to order when called to order, is guilty of an offence.

(Penalty – 2 Penalty Unit).

An Authorised Officer must, if directed to do so by the Chair, remove from a meeting any Councillor or other person who has committed such an offence.

In the absence of an Authorised Officer the Chair may cause to be removed from a meeting any Councillor or other person who has committed such an offence.

DIVISION 6. - COMMON SEAL

122. The Council's Common Seal

- (1) The Common Seal is the corporate signature of Council, and exists in the form of a stamp and a press. It evidences Council's corporate will, and authenticates decisions taken and acts performed by Council.
- (2) The Chief Executive must ensure the security of the Council's Common Seal at all times.
- (3) The Common Seal may be used only on the authority of the Council.
- (4) Where Council authorises the use of the Common Seal, the affixing of the Common Seal to any document must be witnessed by not less than three (3) people comprising :
 - 1) The Mayor or any Councillor
 - 2) A Councillor
 - 3) The Chief Executive Officer or his/her nominee
- (5) Where the Council authorises the Common Seal to be affixed to any document, the Chief Executive must:
 - 1) cause the sealed document to be allocated a seal register number; and
 - 2) ensure that a description of the document sealed is entered into the seal register.
- (6) Where the Common Seal is affixed to a document on the authority of the Council, the sealing clause must contain the following words:

**The Common Seal of BAYSIDE CITY COUNCIL
was affixed this ...(No: of Day)..... Day of(Month)..... Year
in the presence of:**

..... **Mayor / Councillor**

..... **Councillor**

..... **Chief Executive Officer**

or such other words as the Council resolves.

123. Enforcements

Any person who uses the Common Seal without authority is guilty of an offence:

Penalty - 10 penalty units

Any person who uses any Replica of the Common Seal without authority is guilty of an offence.

Penalty - 10 penalty units

Part 5 - ENFORCEMENT AND PENALTIES

124. Infringement Notices

- (1) An Authorised Officer may issue an Infringement Notice in the form of the notice in Schedule 1 to this Local Law.
- (2) The fixed penalty in respect of an infringement is the amount set out in Schedule 2 to this Local Law.

125. Payment Of Penalty

- (1) A person issued with an Infringement Notice must pay the Penalty indicated to the Chief Executive, BAYSIDE CITY COUNCIL, 76 Royal Avenue, Sandringham.
- (2) To avoid prosecution, the Penalty indicated must be paid within 28 days after the day on which the Infringement Notice is issued.
- (3) A person issued with an Infringement Notice is entitled to disregard the notice and defend the prosecution in court.

Schedule 1 - Infringement Notice

MEETING PROCEDURE & COMMON SEAL LOCAL LAW

BAYSIDE CITY COUNCIL

SCHEDULE 1

INFRINGEMENT NOTICE

Date of Notice _____ No. of Notice _____

To: Surname of _____

Organisation _____

Other Names _____

Address _____

State _____

I, _____ being a duly authorised officer
(full name of authorised officer)

of the above Council have reason to believe that you have committed an offence against the local laws of the Council. The nature of the alleged offence and the amount of the penalty is indicated by the ticked box below:

Local Law Number	Clause Number	Nature of Infringement	Applicable * Penalty Units
()			
()			

Other particulars of alleged offence:

Date: _____ Time: _____ Location: _____

If you pay the penalty indicated within 28 days from the date of this notice to BAYSIDE CITY COUNCIL:

by CHEQUE or MONEY ORDER for the FULL AMOUNT posted to PO Box 27, Sandringham, 3191.

by CHEQUE, MONEY ORDER or CASH to Corporate Centre at 76 Royal Avenue, Sandringham, 3191.

the 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 within
28 days.

(Signed by Authorised Officer)

Schedule 2 - Penalties Fixed for Infringements

Provision	Offence	Penalty
15	Recording of Meetings	2 Penalty Units
16	Display of Placards and Posters in Chambers	2 Penalty Units
61	Fraudulently Signing of Petition	2 Penalty Unit
121	Disruptive & Unruly Behaviour	2 Penalty Units
123	Using the Common Seal without authority	10 Penalty Units
123	Using a replica of the Common Seal without authority	10 Penalty Units

Schedule 3 - Declaration of Interests

SCHEDULE 3 - PAGE 1.

**LOCAL GOVERNMENT ACT SECTION 77A, 77B,78 & 79
PECUNIARY / CONFLICT OF INTEREST OF COUNCILLORS
RECORD OF STATEMENT OF PECUNIARY / CONFLICT INTEREST**

COUNCILLOR: _____

MEETING: _____

DATE: _____

NATURE OF INTEREST: Pecuniary Interest

Conflict of Interest

An interest

(Please circle one of the above to show which interest is applicable)

Meeting item to be identified by reference to Council /Committee Agenda.

Set out a brief description of subject and agenda reference, e.g., Council correspondence number or clause number.

Nature of interest to be stated:

Signed: _____ Date: _____

SCHEDULE 3 - PAGE 2.

- NB: This return is to be lodged:
- (a) At the time of notification to the Chair of interest and withdrawal from the meeting.
 - (b) Before the meeting is held if it is intended to be present at the meeting and the Councillor is aware that a matter in which he has an interest is discussed.
-

Office Use Only

Stage at which the Councillor withdrew from the meeting, e.g., before consideration - during consideration - after consideration - before vote taken.



PUBLIC QUESTION TIME AT THE ORDINARY MEETING OF COUNCIL

A maximum of 15 minutes has been allocated for the answering of questions in accordance with local Law No: 1 Members of the public are requested to submit their questions in writing on the form provided.

Questions are limited to two per person and each question may be split into a maximum of two parts per question. Questions are to be submitted to the Chief Executive Officer at the Corporate Centre (Fax 9521-6417 or 9598-4474) no later than **11.00am on the prior business day to the meeting.**

Each question shall be read to the meeting after the Chairperson has acquainted him/herself with its contents and determined that the question is appropriate. Where the Chairperson considers the question to be inappropriate, he/she will read to the meeting the name of the person submitting the question and indicate that he/she does not consider the question to be appropriate. The Chairperson may disallow any question on the grounds that it is repetitive of a question already asked, objectionable, irrelevant, raises an issue of a confidential nature, is asked to embarrass either a Councillor or Council Officer or, exceeds the limitation on the number of questions which may be asked by a questioner.

No debate or discussion of questions or answers is permitted in the Council Chamber.

The Chairperson/Chief Executive Officer may take a question on notice in which case he or she will provide an answer by letter. A written response will be forwarded to all questioners.

The Chairperson may, at his or her discretion, seek additional information to assist in the answering of a question at the meeting from a Council employee.

Name:
(Given Name) (Surname)

Address:
.....

Date of Council Meeting:

Question (one question per form)
.....
.....
.....
.....
.....

Signature: **Date:**

Privacy Collection Statement

“Council collects your personal information for the purpose of processing your request and for internal research purposes. If you do not provide your information to Council, we will be unable to process your request. If you have any queries or wish to gain access to your information, please contact Council’s privacy officer on 9599-4444 or at privacy@bayside.vic.gov.au.”

Resolution for the making of this Local Law was agreed to by the Council on the
..... Day of, 2006.

The Common Seal of BAYSIDE CITY COUNCIL

was affixed this.

in the presence of:

..... **Mayor**

..... **Councillor**

..... **Chief Executive Officer**

Notices of the proposal to make and of the making of this Local Law were included in the
Victorian Government Gazette dated the2006 and 2006, respectively.

Public Notices of the proposal to make and confirmation of the making of this Local Law were
inserted in the Age Newspaper on 2006, and 2006.

A copy of this Local Law was sent to the Minister for Local Government on Day of,
2006.