

Council Meeting Procedure

GLEN EIRA CITY COUNCIL

COUNCIL MEETING PROCEDURE

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PART 1 - PRELIMINARY PROVISIONS

1. Title

This Local Law is the Glen Eira City Council Meeting Procedure 2019 and is referred to as the “Council Meeting Procedure”.

2. Objective

The objectives of this Council Meeting Procedure are to—

- (a) provide for the peace, order and good government of the Municipal District; and
- (b) provide for the administration of Council's powers and functions; and
- (c) regulate proceedings at meetings of Council or a special committee and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Council Meeting Procedure are to apply; and
- (d) regulate the procedure for the election of the Mayor and Deputy Mayor; and
- (e) promote and encourage local community participation in the system of local government by providing mechanisms within the meeting arrangements for Council to ascertain the local community's views and expectations; and
- (f) regulate the use of the Common Seal; and
- (g) prohibit unauthorised use of the Common Seal or any device resembling the Common Seal; and
- (h) revoke the Glen Eira City Council Local Law 2009.

3. Authorising Provision

This Council Meeting Procedure is made under sections 91 and 111(1) of the **Local Government Act 1989**.

4. Operation Date

This Council Meeting Procedure comes into operation on 7 November 2019.

5. Revocation Date

This Council Meeting Procedure ceases to operate on 7 November 2029, unless revoked earlier.

6. Revocation of earlier Local law

From the commencement of this Council Meeting Procedure, the Glen Eira City Council Local Law 2009 is revoked.

7. Definition of words used in this Council Meeting Procedure

Unless the contrary intention appears in this Council Meeting Procedure—

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- (1) words defined in sections 1A(4) and 3(1) of the **Local Government Act 1989** have that meaning in this Council Meeting Procedure; and
- (2) words defined below have that meaning in this Council Meeting Procedure.

absolute majority of votes, means a number of votes greater than one half of the total number of votes lawfully cast in a poll.

Act, means the **Local Government Act 1989 (Vic)**.

Authorised Officer, means a person appointed by Council to be an Authorised Officer under section 224 of the Act.

Chairperson, means the chairperson of a meeting of Council or of a special committee and includes an acting, a temporary or a substitute chairperson.

Common Seal, means the common seal of Council.

Council, means Glen Eira City Council and where the context permits includes the persons elected to act as Councillors.

General Election, means a general election as described in section 31 of the Act.

Infringement Notice, means an infringement notice issued by Council or an Authorised Officer under this Council Meeting Procedure.

Mayor, means the Councillor elected to be the Mayor of Council in accordance with section 71 of the Act and clause 19 of this Council Meeting Procedure.

Member, refers to-

- (a) in the case of Council, Councillors; and
- (b) in the case of a special committee, all members appointed to the special committee by Council under section 86(2) of the Act.

meeting of Council, means an ordinary council meeting or special council meeting.

Municipal District, means the municipal district under the local government of Council.

ordinary council meeting, means an ordinary council meeting of Council as described in section 83(a) of the Act.

person, includes an individual, a corporation, an association incorporated under the **Associations Incorporation Reform Act 2012**, a partnership and an unincorporated association.

special committee, means a special committee of Council as described in section 86(1) of the Act.

special council meeting, means a special council meeting of Council as described in section 83(b) of the Act.

8. Interpretation

- (1) Headings above each clause do not form part of this Council Meeting Procedure. They are provided for ease of reference only.

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- (2) Notes do not form part of this Council Meeting Procedure. They are provided to assist understanding.

9. Incorporation of documents

Each of the following documents, as adopted or endorsed by Council and published from time to time on Council's website, the titles of which are set out in Table 1 below, are hereby incorporated into this Council Meeting Procedure.

Table 1: Incorporation of Council documents

Title of document
Public Participation at Ordinary Council Meetings
Councillor Questions
Written Public Questions to Council

10. Reference documents

Reference is made to the following documents, as amended from time to time:

Associations Incorporation Reform Act 2012 (Vic)
Infringements Act 2006 (Vic)
Local Government Act 1989 (Vic)

PART 2 - COMMON SEAL

11. Purpose

The purpose of this Part is to regulate the use of the Common Seal and prohibit unauthorised use of the Common Seal or any device resembling the Common Seal as required by section 5(3)(c) of the Act.

12. Authority

Subject to clause 13, the Chief Executive Officer has the power to affix the Common Seal to any document which gives effect to any decision of the Chief Executive Officer, whether taken by or under statute or under an instrument of delegation. The authority to affix the Common Seal in all other cases shall be by resolution of Council.

13. Signatures to accompany Common Seal

Every document to which the Common Seal is affixed must be signed by one Councillor and the Chief Executive Officer.

14. Affixing the Common Seal

The Chief Executive Officer must ensure a Common Seal register is kept that records, for each time the Common Seal is affixed to a document,—

- (1) if authority to affix the Common Seal is given by Council, the date of the authorising Council resolution; and
- (2) the date on which the Common Seal was affixed; and
- (3) a description of the document to which the Common Seal was affixed.

15. Unauthorised use of the Common Seal

A person must not, unless authorised under this Council Meeting Procedure or by Council;

- (1) use or affix the Common Seal or any device resembling the Common Seal to any document; or
- (2) affix any other seal or device to any document with the intent to deceive any other person into believing that it is the Common Seal; or
- (3) sign any document to which the Common Seal or any other seal or device as referred to in subclauses 15(1) or 15(2) is affixed.

Penalty: 10 penalty units

PART 3 - ELECTION OF MAYOR AND DEPUTY MAYOR

16. Purpose

To regulate the procedure for the election of the Mayor in accordance with section 71 of the Act and for the election of the Deputy Mayor.

17. First meeting after a General Election

Following a General Election, the Chief Executive Officer must summon a special council meeting. The special council meeting must take place after the fourth Saturday in October but not later than 30 November.

18. Order of Business of the first meeting after a General Election

- (1) Until the Mayor is elected, the Chief Executive Officer will be the temporary Chairperson of the special council meeting but will have no voting rights.
- (2) Unless Council resolves otherwise in a particular case, the order of business for a special council meeting summoned under subclause 17 must be as follows or as near to follows as may be practicable—
 - (a) acknowledgement of traditional owners;
 - (b) apologies;
 - (c) swearing in new Councillors;
 - (i) oath or affirmation of office – the making of the oath or affirmation of office by each Councillor under section 63 of the Act;
 - (ii) code of conduct – the declaration by each Councillor to observe the Councillor Code of Conduct pursuant to section 76C of the Act;
 - (d) fixing of allowances and expenses – the fixing of allowances for the Mayor and Councillors pursuant to section 74 of the Act;
 - (e) decision of the length of the Mayoral term;
 - (f) election of Mayor and any Deputy Mayor; and
 - (g) Mayoral Address and comments from Councillors.

19. Procedure – election of Mayor

- (1) The Chief Executive Officer will act as the Returning Officer for the election of the Mayor.
- (2) If there is an election for a Deputy Mayor under clause 20, the Chief Executive Officer will act as the Returning Officer for the election for a Deputy Mayor.
- (3) The Returning Officer must call for nominations for the office of Mayor, from those Councillors present.
- (4) Nominations for the office of Mayor do not require a seconder.

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- (5) A Councillor may decline his or her nomination as a candidate.
- (6) If there is only one candidate, the Returning Officer must declare that the candidate nominated is deemed to be elected as Mayor.
- (7) If there is more than one candidate, the Returning Officer must conduct a poll, by show of hands, with voting to take place for each candidate in turn in the order in which his or her nomination was received.
- (8) The Returning Officer must declare elected as Mayor the candidate who receives an absolute majority of votes.
- (9) If no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated and a further poll conducted in accordance with subclause 19(7). If there are several candidates, this procedure must be continued until a candidate receives an absolute majority of votes.
- (10) If, for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated must be determined by lot by the Returning Officer.
- (11) If, where there are two candidates, the vote is tied such that neither candidate receives an absolute majority of votes, the Returning Officer must conduct a further poll to attempt to break the deadlock. If the second vote is also tied, the candidate to be declared as Mayor shall be determined by lot by the Returning Officer.

20. Procedure – election of Deputy Mayor

- (1) After the election of a Mayor, Councillors may elect a Deputy Mayor at a meeting of the Council that is open to the public.
- (2) Any election for the office of Deputy Mayor will be regulated in the same way as the election for the office of Mayor as set out in clause 19 subject to—
 - (a) the Mayor being ineligible for election to the office of Deputy Mayor; and
 - (b) clause 19 being applied as if the reference to the Mayor is a reference to the Deputy Mayor
- (3) The office of Deputy Mayor becomes vacant in the circumstances set out in relation to a Mayor in section 72(1)(a)-(d) of the Act.
- (4) If the office of Deputy Mayor becomes vacant for any reason prior to the date of the meeting referred to in subclause 17, then Council may at an ordinary council meeting elect a Deputy Mayor in accordance with subclause 20.

21. Mayor to take the Chair

- (1) All meetings of Council must be presided over by a Chairperson.
- (2) After the election of the Mayor, subject to subclauses 21(3) and (4), the Mayor must be the Chairperson.
- (3) If the Mayor is absent from a meeting of Council—

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- (a) the Deputy Mayor, if a Deputy Mayor has been elected in accordance with clause 20, will take the chair; or
 - (b) the Councillor who is the most recent past Mayor present at the meeting of Council will take the chair as temporary Chairperson if a Deputy Mayor has not been elected or if a Deputy Mayor has been elected but is also absent from a meeting of Council.
- (4) If the Mayor and all past Mayors are absent from a meeting of Council, and a Deputy Mayor has not been elected or has been elected but is also absent, then the following procedure must be followed for electing a temporary Chairperson—
 - (a) The Chief Executive Officer must take the chair and invite nominations from the Councillors present for a temporary Chairperson. Nominations do not require a seconder. If there is more than one nomination the Chief Executive Officer will act as Returning Officer for the election of a temporary Chairperson but will have no voting rights.
 - (b) The procedure for electing a temporary Chairperson is to be the same as the procedure under clause 19 for the election of the Mayor.
- (5) A temporary Chairperson has the same rights and duties as the Mayor when he or she sits as Chairperson.

22. Duties of a Chairperson

At a meeting of Council or a special committee meeting, the Chairperson's duties include but are not limited to—

- (1) presiding over and controlling the meeting to ensure, to the best of his or her ability, it is conducted in accordance with this Council Meeting Procedure;
- (2) ascertaining that a quorum is present, and if a quorum is present, formally declaring the meeting open;
- (3) welcoming Councillors and visitors;
- (4) signing minutes of meetings as correct when they have been confirmed in accordance with section 93(5) of the Act;
- (5) calling for disclosure by Councillors of any conflicts of interest or conflicting personal interests in accordance with sections 79 and 79B of the Act;
- (6) presenting any reports for which he or she is responsible;
- (7) ensuring debates are conducted in the correct manner;
- (8) in the case of competition for the right to speak, deciding the order in which the Councillors concerned will be heard;
- (9) declaring the results of all votes;
- (10) giving rulings on points of order and other questions of procedure;
- (11) preserving order; and

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- (12) adjourning (when so resolved) or formally declaring a meeting closed when all business has been concluded.

PART 4 - MEETING PROCEDURES

23. Purpose

The purpose of this Part is to regulate the conduct of the meetings of Council or a special committee, as required by section 91(1) of the Act and provide for other miscellaneous matters.

24. Scope

This Part 4 applies to all meetings of Council or a special committee established at any time by Council or on behalf of Council where Council has resolved that the provisions of this Council Meeting Procedure are to apply.

25. Quorum

A quorum at a meeting of Council or a special committee is a majority of its Members.

26. Public notice of meetings of Council or a special committee

Council may by resolution at a meeting of Council or a special committee determine the day, time and place upon which any future meeting will be held.

27. Circulation of agendas

- (1) Other than for a special council meeting called under section 84(1) of the Act, the agendas for all meetings of Council or a special committee must be prepared by the Chief Executive Officer or his or her delegate.
- (2) A written notice for a special council meeting must be prepared by the person calling the meeting. The agenda for a special council meeting must be prepared by the Chief Executive Officer or his or her delegate, in consultation with the person calling the meeting.
- (3) A copy of the agenda for all meetings of Council or a special committee, together with a copy of all available reports to be considered at that meeting, must be delivered, posted, conveyed by email, placed on a shared document management system or handed personally to every Member. Other than where a special council meeting is called under section 84(1) of the Act less than 48 hours before the time fixed for the holding of the meeting, such delivery of the agendas must occur not later than 48 hours before the time fixed for the holding of the meeting.
- (4) Agendas must contain the time, date and place of the meeting and the business to be transacted.

28. Responsibility

The Chief Executive Officer is responsible for ensuring that notices, advertising and minuting of meetings of Council or a special committee are in accordance with both this Council Meeting Procedure and statutory requirements.

29. Business of ordinary council meetings

No business may be considered at an ordinary council meeting unless it appears in the agenda or in a report accompanying the agenda, except—

- (1) if a matter of an urgent nature has arisen since the most recent ordinary council meeting and Council resolves to consider the matter as urgent business;

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- (2) if a Member requests that a report be prepared by a member of Council staff, in which case a formal resolution of Council in relation to the preparation of that report must be passed in order for the report to be prepared; or
- (3) if a Member asks a question to a member of Council's staff on a matter which has not been included on the agenda, in which case the question may be taken on notice for answer at a future ordinary council meeting.

30. Business of special committee meetings

No business may be considered at a special committee meeting unless—

- (1) it appears in the agenda or in a report accompanying the agenda; or
- (2) the instrument of delegation to the special committee provides otherwise.

31. Special council meetings

- (1) In accordance with section 84(1) of the Act, the Mayor or at least three (3) Councillors may, by written notice, call a special council meeting.
- (2) The Chief Executive Officer must call the special council meeting as specified in the notice and must distribute an agenda for the special council meeting.
- (3) Unless the meeting decides otherwise, the order of business of a special council meeting must be the order set out in the agenda.
- (4) Where a special council meeting is called under section 84(1) of the Act less than 48 hours before the time fixed for the holding of the meeting, the agenda must be delivered as soon as possible after the written notice calling the meeting is given.

32. Order of business

The order of business of a meeting of Council or a special committee will be as follows, unless resolved otherwise.

- (1) ordinary council meeting—
 1. Acknowledgement of traditional owners.
 2. Apologies.
 3. Reminder of declaration by Members of any direct and indirect conflict of interest or personal interest in any items on the agenda.
 4. Confirmation of minutes of previous meeting or meetings.
 5. Reception and reading of petitions and joint letters.
 6. Reports by delegates appointed by Council to various organisations.
 7. Reports from Committees and records of Assembly.
 8. Officer reports (as listed).
 9. Urgent business.
 10. Ordinary business —
 - 10.1 Request for reports from a member of Council staff
 - 10.2 Right of reply
 - 10.3 Councillor questions
 - 10.4 Written public questions to Council
 11. Confidential items.
- (2) special committee meetings—
 1. Acknowledgement of traditional owners.

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2. Apologies.
3. Reminder of declaration by Members of any direct or indirect conflict of interest or personal interest in any items on the agenda.
4. Confirmation of minutes of previous meeting or meetings.
5. Reports from members of Council staff (as listed).

33. Petitions and Joint Letters

- (1) A petition or joint letter is a document in the nature of a request or prayer that includes the whole of the wording of the request or prayer on every page.
- (2) To be valid, a petition must contain the names, addresses and signatures of five (5) or more people.
- (3) A joint letter is a letter containing a request signed by two (2) or more people. The signatures may be on one page or on multiple pages.
- (4) To be valid, a joint letter must contain the name and address of at least one (1) person (in addition to the requirement that a joint letter is signed by two (2) or more people).
- (5) A petition or joint letter presented to Council must be in writing (other than in pencil), typing or printing.
- (6) To be valid a petition or joint letter must not contain any defamatory, indecent, offensive or abusive language or be objectionable in language or substance.
- (7) A valid petition or joint letter may be considered at an ordinary council meeting in accordance with the order of business.
- (8) The text of the petition or joint letter must be included on the agenda for the next ordinary council meeting if received at least seven (7) days prior to the meeting.
- (9) Council may pass a motion to receive the petition or joint letter and that the petition or joint letter be referred to the relevant member of Council staff for appropriate action with a copy of the petition or joint letter to be circulated to all Councillors.

34. Signing name of another person on a Petition or Joint Letter

It is an offence for a person to inscribe upon a petition or joint letter a name or signature purporting to be the name or signature of another person.

Penalty: 5 penalty units

35. Public participation

- (1) Members of the public may address—
 - (a) an ordinary council meeting at the discretion, and under direction, of the Chairperson; or
 - (b) meetings of Council as provided in section 223(1)(b) of the Act.
- (2) An address under subclause 35(1)(a) must be in accordance with the incorporated document titled “Public Participation at Ordinary Council Meetings”.

36. Councillor questions

A Councillor may ask a question of another Councillor provided that it is in accordance with the incorporated document titled “Councillor Questions”.

37. Written public questions to Council

Members of the public wishing to submit written questions to Council must submit those questions in accordance with the incorporated document titled “Written Public Questions to Council”.

38. Confirmation of minutes

- (1) No discussion is permitted on the minutes except as to their accuracy as a record of the proceedings of the meeting to which they relate. Once the minutes are confirmed they must be signed by the Chairperson.
- (2) At all reasonable times, the minute book must be open for inspection by any person free of charge.

39. Procedure for moving a motion and conduct of debate

- (1) The procedure to be followed for moving a motion is as follows—
 - (a) The mover of a motion must state the nature of the motion without speaking to it.
 - (b) The Chairperson must call for a seconder to the motion.
 - (c) If there is no seconder, the motion lapses.
 - (d) If there is a seconder, the Chairperson must call the mover to address the meeting.
 - (e) A mover who does not speak when called upon by the Chairperson is deemed to have exercised his or her right to speak.
 - (f) After the mover has, or is deemed to have, addressed the meeting, the seconder may address the meeting.
 - (g) The seconder may, without speaking on the motion, reserve his or her address until later in the debate.
 - (h) After the seconder has addressed the meeting or reserved his or her address until later in the debate, the Chairperson must call upon any Member who wishes to speak against the motion.
 - (i) If no Member speaks against the motion then the Chairperson may put the motion to a vote or call any other Member to speak.
- (2) A Member may only speak once on—
 - (a) a motion (subject to a right of reply in accordance with subclause 39(10)); and
 - (b) any amendment to a motion.

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- (3) A Member, with the exception of the mover and seconder of a motion, may propose a friendly revision to the motion.
- (4) A Member may be permitted by the Chairperson or by resolution to speak more than once to explain that the Member has been misrepresented or misunderstood.
- (5) A Member calling the attention of the Chairperson to a point of order is not regarded as speaking to the motion or the amendment.
- (6) A Member may be permitted by the Chairperson to ask questions pertaining to the subject matter of the motion under discussion.

Friendly revision to motion

- (7) A friendly revision to a motion is to be dealt with as follows—
 - (a) A Member, with the exception of the mover and seconder of the motion, may be permitted by the Chairperson to propose a friendly revision of a motion.
 - (b) A friendly revision of a motion may propose to alter a motion by leaving out, inserting or adding words which complement the motion.
 - (c) A second or subsequent friendly revision to a motion must not be considered until any previous friendly revision is either accepted by both the mover and seconder of the motion or rejected by one or both of the mover and seconder of the motion.
 - (d) If a friendly revision to a motion is accepted by both the mover and seconder of the motion, the substantive motion is revised as proposed by the friendly revision and the debate continues as set out in this clause.
 - (e) If a friendly revision is proposed but not accepted by either the mover or seconder of the motion the debate continues as set out in this clause.
 - (f) If a friendly revision is proposed but not accepted by either the mover or seconder, no Member can subsequently propose a friendly revision in relation to that substantive motion that is materially like the friendly revision that was previously not accepted.

Amendment to motion

- (8) A motion to amend a substantive motion is to be dealt with as follows—
 - (a) Any Member, with the exception of the mover and seconder of the substantive motion, may move or second an amendment to a motion.
 - (b) A motion to amend a substantive motion may propose to alter the motion by leaving out, inserting or adding words which complement the motion.
 - (c) If the motion to amend a substantive motion is carried by a vote of the meeting, the substantive motion is amended by the amendment to the motion.

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- (d) Providing another motion to amend the substantive motion is not immediately proposed, the substantive motion (as revised or amended as the case may be) must be put immediately by the Chairperson to a vote.
- (e) A second or subsequent proposed amendment to a motion must not be considered until the current amendment is decided upon.
- (f) If a proposed amendment is moved but not accepted by a vote of the meeting, no Member can move a subsequent amendment in relation to that substantive motion that is materially like the amendment that was unsuccessfully moved.

Withdrawal of motion

- (9) Before any motion is put to the vote, it may be withdrawn at the request of both the mover and seconder of the motion with leave of the Chairperson.

Right of reply

- (10) Members have a right of reply in relation to a motion as follows—
 - (a) The mover of a substantive motion that has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during the debate but must not raise any new matters.
 - (b) After any right of reply has been taken, the motion (as revised and/or amended as the case may be) must be immediately put to the vote without any further discussion or debate.

Procedure during debate

- (11) Once acknowledged by the Chairperson the Member has the floor and must not be interrupted unless called to order or until his or her time has expired.
- (12) If two (2) or more Members rise or wish to speak at the same time, the Chairperson must decide who is entitled to speak first.
- (13) Motions must be clear and unambiguous and not defamatory or objectionable in language or nature.
- (14) The Chairperson may require motions as stated, revised or amended to be put in writing.
- (15) The Chairperson may address the meeting upon any matter under discussion and will not be deemed to vacate the chair on such occasions, except where subclause 39(16) applies.
- (16) The Chairperson may vacate the chair during any item under discussion whereupon a temporary Chairperson may take the chair in accordance with subclauses 21(3) and (4).

40. Divisions

- (1) If a division is called by a Member the vote must be taken by Members voting in the affirmative by a show of hands and then Members voting in the negative by a show of hands. The Chairperson must declare the result.
- (2) The minute secretary must record in the minutes the names of Members voting on a division and whether they voted in the affirmative or negative or abstained from voting.

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- (3) A division may only be called on a substantive motion or question and not on an amendment to a motion or friendly revision.

41. Points of order

- (1) The Chairperson is the final arbiter of all points of order.
- (2) The Chairperson must give reasons for his or her decision on a point of order.
- (3) A point of order may be taken on the grounds that the matter is—
 - (a) contrary to the Council Meeting Procedure;
 - (b) defamatory;
 - (c) irrelevant;
 - (d) outside Council's or the Committee's power; or
 - (e) improper.
- (4) A Member called to order following a point of order being taken must cease speaking unless permitted to explain by the Chairperson.

42. Time limits

No Member may speak longer than the time set out below unless granted an extension by the meeting:

Speaking by	Minutes
The mover of a motion	Five (5)
The mover of an amendment	Three (3)
Any other Member	Three (3)
The mover of a motion making a final statement	Three (3)

43. Right to make a statement

- (1) Subject to subclause 43(2) a Member or member of Council staff may make a statement in response to comments made or reported as having been made about him or her by a member of the public, a Member or any other party – in any media or forum – which the Member or member of Council staff believes requires correction in order to balance the views the public might otherwise form.
- (2) The statement may be made in writing and included in the agenda for the next ordinary council meeting or may be made at that meeting.
- (3) Notice of the intention to make a statement and the comments to which the statement will respond must be given to all Members by noon on the day of the meeting. If the comments are made after noon on the day of the meeting, notice must be given as soon as practicable
- (4) No debate will be permitted on a statement made under this clause.

44. Close of meeting

- (1) All meetings of Council or a special committee must cease no later than 10:00 pm on the day of the meeting, except where the meeting resolves to extend the time of the meeting to 11:00 pm.

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- (2) If, upon the cessation of the meeting of Council or a special committee under subclause 44(1), the business of the meeting as provided for in the agenda for that meeting has not been completed, the meeting must stand adjourned to a time, date and place announced then and there by the Chairperson. Such a meeting can recommence not earlier than 7:30 am the following day and not later than seven (7) calendar days after the adjournment.

45. Adjournment of meetings

- (1) A meeting of Council or of a special committee may be adjourned by the moving and passing of a motion to adjourn, except where subclause 44(2) or 45(3) applies.
- (2) If a meeting of Council or a special committee is adjourned for any reason under subclause 45(1), the motion must, subject to subclause 44(1), be to reconvene within half an hour of the adjournment or to another day. The meeting of Council or a special committee cannot be adjourned for more than seven (7) calendar days.
- (3) Subject to subclause 44(1), the Chairperson may adjourn a meeting for up to one (1) hour, if that meeting is excessively disorderly and he or she is unable to restore order. Under this subclause, the meeting cannot be adjourned to another day.

46. Voting

The procedure for voting at a meeting of Council or a special committee is as follows—

- (1) Voting is by a show of hands or other such method, as approved by the Chairperson from time to time, by which a Member may express their voting intention.
- (2) All Members may vote unless prohibited from doing so in accordance with the Act.
- (3) Subject to the Act, the Chairperson may exercise a casting vote.
- (4) A Chairperson may declare a vote as unanimous if it appears to him or her that there is no opposition.

47. Conflict of interest

The conduct of Members and conflicts of interests of such persons are regulated under Part 4 Division 1A of the Act.

48. Maintaining a quorum

If during the course of a meeting of Council or special committee it becomes apparent to the Chairperson that it will not be possible to maintain a quorum because one or more of the Members present is prohibited from voting on account of having a conflict of interest or a conflicting personal interest in an item of business, that item of business will lie on the table.

49. Direction to leave a meeting

- (1) The Chairperson or an Authorised Officer may direct any person (other than a Member) who has, during a meeting of Council or a special committee, behaved in an improper or disorderly manner or interrupted the orderly and lawful process of the meeting to leave the meeting room for the remainder of the meeting.
- (2) A person to whom a direction is given under subclause 49(1) must comply with that direction.

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- (3) Any person who fails to comply with a direction given under subclause 49(1) is guilty of an offence.

Penalty: 5 penalty units.

50. Offence by Member

Any Member who, during a meeting of Council or a special committee,—

- (1) uses defamatory, indecent, abusive, offensive, disorderly or objectionable language; and
- (2) has been twice called to order by the Chairperson and apologise for such conduct by the Chairperson; and
- (3) refuses to come to order and apologise for such conduct—

is guilty of an offence.

Penalty: 5 penalty units.

51. Direction to Member to leave a meeting

- (1) The Chairperson may direct a Member who has, during a meeting of Council or a special committee, behaved in an improper or disorderly manner or interrupted the orderly and lawful process of the meeting to leave the meeting room for the remainder of the meeting.
- (2) A Member to whom a direction is given under subclause 51(1) must comply with that direction.
- (3) Any Member who fails to comply with a direction given under subclause 51(1) is guilty of an offence.

Penalty: 5 penalty units.

PART 5 - INFRINGEMENT NOTICES

52. Infringement Notices

Introduction This Part provides a means for enforcing this Council Meeting Procedure by Infringement Notices.

53. Offences

A person who contravenes or fails to comply with any penalty provision under this Council Meeting Procedure is guilty of an offence and is liable to the penalty stated under the provision in this Council Meeting Procedure.

54. Persons who may issue an Infringement Notice

As an alternative to prosecution, an Authorised Officer may serve an Infringement Notice or any other notice under this Council Meeting Procedure on a person who has or is reasonably suspected of having committed an offence requiring the person—

- (1) in the case of an Infringement Notice, to pay the infringement penalty (or comply with other conditions) for that offence within the period specified in the Infringement Notice, being a period not less than the number of days set out in section 14 of the Infringements Act 2006 after an infringement notice has been served; or
- (2) in the case of any other notice, to comply with the conditions within any other nominated period.

55. Infringement Notice Penalty

The amount of penalty indicated on the Infringement Notice will be the greater of—

- (1) 25% of the maximum penalty stated under a provision in this Council Meeting Procedure for the offence to which the Infringement Notice relates; and
- (2) \$50.00.