



**Local Law No. 2 of 2016**

**Council Meeting Procedures  
&  
Common Seal**

*(Adopted by Council 26 July 2016)*

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**LOCAL LAW NO. 2 of 2016**  
**COUNCIL MEETING PROCEDURES & COMMON SEAL**

**PART 1 - PRELIMINARY PROVISIONS**

**1 Title**

- 1.1 This Local Law is known as Local Law No.2 of 2016– Council Meeting Procedures & Common Seal and is referred to below as the ‘Local Law’.

**2 Purpose of Local Law**

The purpose of this Local Law is to facilitate good governance by:

- 2.1 Regulating proceedings for the election of the Mayor;  
2.2 Regulating proceedings of Ordinary and Special meetings of Council;  
2.3 Regulating proceedings of Special Committees and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Local Law are to apply;  
2.4 Promoting and encouraging community participation in the system of Local Government by providing mechanisms within the meeting arrangements for the Council to ascertain the community’s views and expectations;  
2.5 Regulating and controlling the use of Council’s Common Seal; and  
2.6 To repeal Local Law No. 2 of 2011 – Meeting Procedure and Common Seal.

**3 Power for Making this Local Law**

This Local Law:

- 3.1 Is made under Section 91 and Part 5, in particular Section 111 (1) of the *Local Government Act 1989*; and  
3.2 Was prepared following due consideration of the *Charter of Human Rights and Responsibilities Act 2006*.

**4 Revocation**

- 4.1 Local Law No. 2 of 2011 – Meeting Procedure and Common Seal is revoked on the day Local Law No. 2 of 2016 comes into operation, save that any notice or consent given or any business matter or thing commenced, made or done under the repealed local law is not affected.

**5 Sunset Provision**

- 5.1 This Local Law ceases to operate on the tenth anniversary of its commencement, unless earlier revoked.

**6 Commencement**

- 6.1 This Local Law comes into operation on the 1<sup>st</sup> of September 2016.

## 7 Definitions

Unless the contrary intention appears in this Local Law, the following words and phrases are defined to mean:

**'Absolute Majority'** means a number of votes greater than one-half of the total number of ballot papers (excluding ballot-papers which are rejected) and if necessary includes the vote by lot.

**'Act'** means the *Local Government Act 1989* (*'the Act'*).

**'Acting Mayor'** means the Councillor appointed to represent the Mayor in the event of the Mayor and Deputy Mayor's absence or where there is a need to fill the role.

**'Agenda'** means the notice of a meeting setting out the business to be transacted at the meeting

**'Amendment'** means a proposed alteration to the wording of a motion without being contradictory.

**'Authorised Officer'** means a person appointed as such by Council under section 224 of the Act.

**'Chairperson'** means the Chairperson of the meeting and includes acting, temporary and a substitute Chairperson.

**'Chief Executive Officer'** means the Chief Executive Officer of Council, and includes a person acting as Chief Executive Officer.

**'Clause'** means a clause of this Local Law.

**'Common Seal'** means the Common Seal of Council.

**'Council'** means the Surf Coast Shire Council

**'Councillor'** means a Councillor of Council who has taken the oath of office in accordance with Section 63 of the Act

**'Council meeting'** is a meeting at which the Mayor is elected, an Ordinary meeting and a Special meeting of Council.

**'Deliver'** means to hand over or mail to a recipient and includes transmission by facsimile, electronic mail or published on Council's internet site.

**'Deputy Mayor'** means the Councillor appointed to represent the Mayor in the event of the Mayor's absence. Elected in accordance with this Local Law.

**'Formal Motion'** means a motion related to a formal procedure as per Schedule C.

**'Gallery'** means the area set aside in the Council chamber or meeting room for the public.

**'Leave of absence'** means being absent from four (4) consecutive Ordinary meetings of Council.

**'Mayor'** means the Mayor of Council and/or any person acting as Mayor.

**'Meeting'** means an Ordinary or a Special meeting of Council or Special Committee meeting.

**'Minute book'** means the collective record of proceedings of Council.

**'Municipal district'** means the municipal district of Council.

**'Notice of motion'** means a notice in writing, including a Councillor initiative, setting out the text of a motion/item which it is proposed to be moved at the next relevant meeting.

**'Offence'** means an act or default contrary to this Local Law.

**'Ordinary Meeting'** means a meeting of Council at which general business of Council may be transacted.

**'Penalty unit'** means penalty units as prescribed in the *Sentencing Act 1992*.

**'Petition'** means a formal written application, typed or printed without erasure, signed by more than one person whose name and physical address also appears and on which each page of the petition bears the wording of the whole of the petition.

**'Quorum'** means the minimal number of Councillors, at least a majority, who must be present for the valid transaction of business.

**'Resident'** means a person who has a place of residence within the Municipal District.

**'Resolution'** means a formal determination by a meeting of Council or special committee.

**'Special Committee'** means a special committee established by Council under Section 86 of the *Local Government Act 1989*.

**'Special Meeting'** means a meeting of Council convened in accordance with Section 84 of the Act and is a meeting at which business specified in the notice calling the meeting is transacted.

**'Visitor'** means any person (other than a Councillor, or member of Council staff) who is in attendance at a Council meeting or a special committee

**'Written'** includes duplicated, lithographed, photocopied, photographed, printed and typed.

## **PART 2 – THE MAYOR**

*(Pursuant to Section 71 of the Act– Election of Mayor.)*

### **8 Procedure for Election of Mayor**

- 8.1 Any Councillor is eligible for election or re-election to the office of Mayor.
- 8.2 The agenda for the meeting to elect the Mayor may include:
  - 8.2.1 The taking of the oath of office by each Councillor, under Section 63 of the Act;
  - 8.2.2 The fixing of allowances for the Mayor and Councillors under Section 74 of the Act; and
  - 8.2.3 The appointment of Councillor representatives to various bodies.
- 8.3 The Chief Executive Officer will be the temporary Chairperson of the meeting at which the election of Mayor is to be conducted but will have no voting rights.
- 8.4 The meeting to elect the Mayor shall be held in accordance with the Act.
- 8.5 The Chief Executive Officer shall be responsible for the counting of votes.
- 8.6 The election of the Mayor shall be by a show of hands.
- 8.7 The Councillor who receives the majority of votes cast must be declared elected.
- 8.8 For the purposes of this clause the following will apply:
  - 8.8.1 Nominations must be moved and seconded;
  - 8.8.2 Where only one nomination is received, that Councillor must be declared elected; or
  - 8.8.3 Where two nominations are received, the Councillor with an absolute majority of votes cast must be declared elected; or
  - 8.8.4 Where there are more than two nominations received, the Councillor who receives an absolute majority at the first round of votes cast must be declared elected, or if no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a candidate and a further ballot conducted between the remaining candidates. If there are several candidates, this procedure must be repeated until a candidate receives an absolute majority of votes and that candidate shall be declared elected.
  - 8.8.5 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 shall be determined by simple majority vote. If there is an equality of votes with respect to the candidate to be eliminated, the candidate to be eliminated shall then be determined by lot conducted by the Chief Executive Officer in presence of the meeting.

### **9 Procedure for Election of Deputy Mayor or Acting Mayor**

- 9.1 Where the Council has resolved to appoint a Deputy or Acting Mayor the provisions contained in Part 8 for the election of the Mayor will apply to the election of the Deputy or Acting Mayor.
- 9.2 The Mayor shall preside over the election of the Deputy or Acting Mayor.

### **10 Mayor to Take Chair**

- 10.1 After the election of the Mayor is determined, the Mayor must take the Chair.10.2. The Mayor must take the chair at all Council meetings at which he or she is present unless precluded from doing so because of a conflict of interest.
- 10.2 In the absence of the Mayor, the Deputy Mayor shall take the chair.
- 10.3 If a Deputy Mayor is not elected and the Mayor is absent, a Councillor shall be elected, in accordance with the Election process in clause 8.

## **PART 3 - COUNCIL MEETINGS**

*The purpose of this Part is to regulate proceedings at all meetings of the Council.*

### **11 Chairperson's Duties & Responsibilities**

The Chairperson's duties and responsibilities are set out below.

- 11.1 Formally declare the meeting open, after ascertaining that a quorum is present and to welcome guest speakers, and other visitors;
- 11.2 At the start of each Council meeting, the Chairperson will recite the Pledge or allocate this role to another Councillor;

- 11.3 Preside over and control the meeting, conduct it impartially and according to this local law and established protocols in order to ensure the smooth passage of the business;
- 11.4 Sign minutes of meetings as correct when they have been confirmed;
- 11.5 Present any reports for which he or she is responsible;
- 11.6 Ensure that debates are conducted in the correct manner;
- 11.7 Declare the results of all votes;
- 11.8 Give rulings on points of order and other questions of procedure;
- 11.9 Preserve order, and, if necessary, "name" offending members; and
- 11.10 Adjourn (when so resolved) or formally declare the meeting closed when all business has been concluded.

## **12 Quorum**

- 12.1 A quorum is a majority of the number of Councillors entitled to be present and to vote at the meeting.
- 12.2 If a quorum is not present within 30 minutes of the time appointed for the commencement of a Council meeting:
  - 12.2.1 The meeting shall deem to have lapsed;
  - 12.2.2 The Mayor must convene another Council meeting and ensure that the agenda for such meeting is identical to the agenda for the meeting which is deemed to have lapsed; and
  - 12.2.3 The Chief Executive Officer must give all Councillors notice of the meeting convened by the Mayor.
- 12.3 If a quorum fails after a Council meeting has begun, the meeting lapses.
- 12.4 If the meeting lapses, the undisposed business must, unless it has already been disposed of at a Special meeting, be included in the agenda for the next Ordinary meeting.

## **13 Call of the Council**

*(Pursuant to Section 85 of the Act)*

- 13.1 If a call of the Council has been required, immediately after the opening of the meeting:
  - 13.1.1 The Chief Executive Officer must call the name of;
    - 13.1.1.1 The Mayor; and
    - 13.1.1.2 Each Councillor in alphabetical order
  - 13.1.2 Each person present must answer to his or her name;
  - 13.1.3 All excuses for absence must be considered;
  - 13.1.4 As to each excuse the question;
 

"Is the excuse of Cr # a reasonable excuse to the satisfaction of Council?" must be put to the vote of the Councillors present at the meeting; and
  - 13.1.5 If the answer to the question described in paragraph 13.1.4 is resolved in the negative, the Chief Executive Officer shall advise the Minister responsible for administering the Act accordingly.

## **14 Attendance & Notice of Meetings**

*(Pursuant to Section 84 of the Act)*

- 14.1 The Chief Executive Officer must give notice to the public of any meeting of the Council by public notice at least seven days prior to the meeting and via Council's website.
- 14.2 The dates, time and place for all Ordinary Council meetings shall be fixed by the Council from time to time.
- 14.3 An electronic agenda will be delivered to Councillors at least 48 hours before an Ordinary meeting.
- 14.4 Where the Councillor has requested this, the Chief Executive Officer must ensure that the agenda for any Ordinary or Special meeting of the Council is delivered to every Councillor's usual place of residence at least 48 hours before the meeting, unless another place is nominated in writing by the Councillor.
- 14.5 Despite Clause 14.3, the Chief Executive Officer may deliver an agenda for a Special meeting to Councillors in less than 48 hours, if the Chief Executive Officer considers that in view of the urgency of the matter(s) this should occur.
- 14.6 Unless all Councillors are present and a majority of Councillors present resolve to deal with another matter as Urgent Business, no business can be transacted at an Ordinary meeting unless it appears on the agenda.
- 14.7 Despite sub-Clause 14.5, an item of business which has:



- 14.7.1 been referred to Council by a Special Committee which has met since the agenda was prepared; or
- 14.7.2 arisen since the preparation of the agenda, and is the subject of a written supplementary report by a member of Council staff; may be considered by Council if it so resolves.
- 14.8 Members of the public will be requested to sign in before entering the meeting area.

## **15 Time Limit for Meetings**

- 15.1 Council meetings must conclude no later than 10pm unless a resolution is carried to extend the meeting (in which case the meeting shall conclude no later than 11pm).
- 15.2 A continuance of a meeting will be in block period of 30 minutes.
- 15.3 After the initial 30 minute extension the meeting must not continue unless a majority of Councillors present vote in favour of its continuance.
- 15.4 In the absence of such continuance, the meeting must stand adjourned to a time, date and place to be then and there announced by the Chairperson.
- 15.5 The Chief Executive Officer must give notice to each Councillor of the date, time and venue to which the meeting stands adjourned and of the business remaining to be considered.

## **PART 4 - BUSINESS: DESCRIPTION & PROCEDURE**

### **16 Conduct of Business**

- 16.1 The order of business will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective process of government.
- 16.2 Once an agenda has been sent to Councillors the order of business for that meeting may only be altered by consent of the Council.
- 16.3 The Chief Executive Officer may include any matter on an agenda, which he or she thinks should be considered by the meeting.

### **17 Disclosure of Conflicts of Interest**

*(Pursuant to Sections 77, 78 & 79 of the Act.)*

A Councillor must disclose any conflicts of interest in accordance with the Act.

- 17.1 In every case where disclosure of a conflict of interest is made at a meeting, the minutes shall record:
  - 17.1.1 The name of the Councillor, that the disclosure was made; and
  - 17.1.2 Whether the interest is direct or indirect; and
  - 17.1.3 If it is indirect, the class of indirect interest; and
  - 17.1.4 The nature of the interest; and
  - 17.1.5 Whether the Councillor left the room prior to discussion of the matter and remained outside while the vote was taken; and
  - 17.1.6 The exact time that the Councillor left the room and then returned.
  - 17.1.7 Councillors will be required to complete a Conflict of Interest Declaration for each conflict of interest declared at a Council meeting (Schedule D).

### **18 Confirmation of Minutes**

*(Pursuant to Section 93 of the Act)*

At every meeting of Council the minutes of the preceding meeting(s) must be dealt with as set out below:

- 18.1 If the minutes have been delivered to each Councillor at least 48 hours before the meeting, a motion must be put for the confirmation of the minutes.
- 18.2 If the minutes have not been delivered, they must be read and a motion must be put for the confirmation of the minutes.
- 18.3 The minutes must be signed by the Chairperson of the meeting at which they have been confirmed.
- 18.4 The minutes shall record the business of the meeting and in particular:
  - 18.4.1 The date, place, time and nature of the meeting;
  - 18.4.2 The names of the Councillors present and those who have submitted apologies or been granted leave of absence;
  - 18.4.3 The disclosure of conflicts of interest made by a Councillor and the type and nature of such interest;

- 18.4.4 Arrivals and departures (including temporary) of Councillors during the course of the meeting;
- 18.4.5 Each motion and amendment moved and seconded;
- 18.4.6 The vote cast by each Councillor upon a division;
- 18.4.7 The total numbers of Councillors voting for, against and abstaining
- 18.4.8 Questions upon notice;
- 18.4.9 The failure of a quorum;
- 18.4.10 When requested by a Councillor, a record of their opposition to any motion; and
- 18.4.11 Closure of the meeting to members of the public and the reasons for such closure.
- 18.5 No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- 18.6 Council may defer the confirmation of minutes until later in the Council meeting or until the next Council meeting if considered appropriate.
- 18.7 Ordinary Council meeting minutes from meetings that are open to the public will be confirmed in the open section of the agenda. Minutes from closed meetings will be confirmed in the closed section of the meeting.

## **19 Petitions and Joint Letters**

- 19.1 A petition or joint letter must be presented to the next available Ordinary meeting of Council.
- 19.2 A petition or joint letter shall not be presented at a meeting of Council or received by Council unless:
  - 19.2.1 Each page of the petition or joint letter bears the whole of the wording of the petition.
  - 19.2.2 In addition to the signature(s) of the petitioners the name(s) and physical address(es) of all persons who signed the petition are detailed in the petition; and
  - 19.2.3 The petition and any letter or document presented with or accompanying the petition, the name(s) and physical address(es) of the person(s) and/or organisation(s) submitting the petition, letter or document appear on such petition, letter or document.
- 19.3 The Council may, by resolution, resolve to receive a petition or joint letter which does not comply with one or all of sub clauses 19.2.1, 19.2.2, 19.2.3.
- 19.4 When a petition or joint letter presented to a meeting of the Council relates to an item of business on the agenda, the submission is to be considered by Council as part of its deliberations on such item.
- 19.5 Unless Council determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition or joint letter, until the next Ordinary Meeting of Council after that at which the petition or joint letter has been presented.
- 19.6 The Chairperson may disallow any petition or joint letter which is considered to:
  - 19.6.1 Relate to a matter beyond the power or duties of Council;
  - 19.6.2 Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
  - 19.6.3 Be confidential in nature or of legal significance;
  - 19.6.4 Be repetitive of a question already answered (whether at the same or any earlier meeting);
  - 19.6.5 Be aimed to embarrass a Councillor or member of Council staff;
  - 19.6.6 Relate to personnel matters;
  - 19.6.7 Relate to the personal hardship of any resident or ratepayer;
  - 19.6.8 Relate to proposed developments or legal advice;
  - 19.6.9 Relate to matters affecting the security of Council property;
  - 19.6.10 Relate to a matter which has already been acted on; or
  - 19.6.11 Relate to any other matter which Council considers would prejudice the Council or any person.
- 19.7 An officer report pertaining to any petition or joint letter may be required at the next Ordinary Meeting of Council (if the petition has not been dealt with in accordance with the provisions of clauses 19.4 and 19.5)

## **20 Public Question Time**

- 20.1 There shall be a public question time not exceeding thirty minutes at every Ordinary Meeting of Council to enable members of the public to submit questions to Council. Public question time may be extended at the discretion of the Chair.
- 20.2 Questions with notice must be submitted to Council in writing generally in a form approved or permitted by Council (in accordance with Schedule A) stating the name and address of the person submitting the question by 10am on the day of the meeting.
- 20.3 Questions without notice may be asked at the meeting with a written copy of the question to be tabled in a form approved or permitted by Council (in accordance with Schedule A) stating the name and address of the person asking the question.
- 20.4 No person may submit more than two (2) questions at any one (1) meeting.

- 20.5 A question may be disallowed by the Chairperson if it is considered to:
  - 20.5.1 Relate to a matter beyond the power or duties of Council;
  - 20.5.2 Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
  - 20.5.3 Be confidential in nature or of legal significance;
  - 20.5.4 Be repetitive of a question already answered (whether at the same or any earlier meeting);
  - 20.5.5 Be aimed to embarrass a Councillor or member of Council staff;
  - 20.5.6 Relate to personnel matters;
  - 20.5.7 Relate to the personal hardship of any resident or ratepayer;
  - 20.5.8 Relate to proposed developments or legal advice;
  - 20.5.9 Relate to matters affecting the security of Council property; or
  - 20.5.10 Relate to any other matter which Council considers would prejudice the Council or any person.
- 20.6 All questions must be as brief as possible, and no discussion shall be allowed other than for the purposes of clarification.
- 20.7 The Chairperson may nominate a Councillor or member of Council staff to briefly answer a question.
- 20.8 The nominated Councillor or member of Council staff may:
  - 20.8.1 Require a question to be put 'on notice' until the next Ordinary meeting of Council, at which time the question must be briefly answered by that person; or
  - 20.8.2 Elect to submit a written answer to the person asking the question within 5 days.
- 20.9 If the nominated Councillor or member of Council staff advises Council that it is his or her opinion that the reply to a question should be given in a meeting closed to the public, he or she must state briefly the reason why the reply should be given in a closed meeting and, unless Council resolves to the contrary, the reply to such question shall be so given.
- 20.10 The question and the name and suburb address of the person who asked the question shall be read out and recorded in the minutes.
- 20.11 The name of the Councillor or member of Council staff who responded to the question received with notice and their response, if provided at the meeting, shall be recorded in the minutes.

## **21 Notice of Motion**

- 21.1 A notice of motion must be in writing and signed by a Councillor, or sent electronically, and be lodged with the Chief Executive Officer by 5pm on the seventh working day prior to the date of the meeting to allow sufficient time for the Notice of Motion to be included in the Agenda for the next Council meeting. The Chief Executive Officer will give each Councillor notice of such intention.
- 21.2 A Councillor may attach any supporting documentation to their notice of motion for inclusion in the Agenda.
- 21.3 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- 21.4 Any notice of motion which in the opinion of the Chief Executive Officer or the Chairperson:
  - 21.5.1 Is defamatory; or
  - 21.5.2 Is objectionable in language or nature; or
  - 21.5.3 Is outside the powers of the Council
 must not be accepted by the Chairperson.
- 21.5 Except by resolution of Council, notices of motion before any Council meeting must be considered in the order in which they were recorded in the notice of motion register.
- 21.6 Before a notice of motion at a Council Meeting is moved, the Councillor may introduce it by indicating, in not more than five minutes:
  - 21.7.1 Its intent; and/or
  - 21.7.2 The desired outcome if passed.
- 21.7 If a Councillor who has given a notice of motion:
  - 21.8.1 Is absent from the Council meeting; or
  - 21.8.2 Fails to move the motion when called upon by the Chairperson;
 any other Councillor may himself/herself move the notice of motion.
- 21.8 If a notice of motion is not moved and seconded at the Council meeting in which it was included on the agenda, it lapses.
- 21.9 Before the notice of motion is put to the vote, it may be withdrawn by the Councillor.

## **22 Rescission or Alteration**

- 22.1 A Councillor may propose a motion to amend or rescind a previous resolution of Council provided the notice of motion is signed by a total of three (3) Councillors and delivered to the Chief Executive

Officer no later than 72 hours following the meeting of Council at which the motion proposed to be rescinded or altered was adopted.

- 22.2 Rescission motions are to be lodged on a form provided for this purpose as appearing in Schedule B.
- 22.3 No action will be taken to implement a resolution on which a notice to rescind or alter the resolution has been given pursuant to Clause 22.1.
- 22.4 A notice of motion to rescind or alter a previous resolution of Council shall be deemed to have been withdrawn if not moved at the next meeting at which such business may be transacted.
- 22.5 A Councillor may not propose a motion to rescind or alter a decision of the Council which has been acted upon.
- 22.6 A resolution will be considered as having been acted upon once its details have been formally communicated to persons affected by or reliant on the resolution or where a statutory procedure has commenced or been carried out.

### **23 Formal or Procedural Motions**

- 23.1 Formal or procedural motions, unless otherwise prohibited, may be moved at any time and shall be dealt with in accordance with Schedule C.
- 23.2 Formal or procedural motions require a seconder.
- 23.4 Debate on a formal or procedural motion is not permitted and the mover does not have a right of reply.
- 23.5 A formal motion cannot be amended.

### **24 Urgent Business**

- 24.1 Business must not be admitted as urgent business unless:
  - 24.1.1 It relates to or arises out of a matter which has arisen since distribution of the agenda; and
  - 24.1.2 It cannot safely or conveniently be deferred until the next Ordinary meeting, or
  - 24.1.3 The Council resolves to admit an item considered to be urgent business.

### **25 Reports from Officers**

- 25.1 Any report(s) by Officers to a Council meeting must contain a recommendation and be in the appropriate report style format.
- 25.2 When Officer reports are before a Council meeting:
  - 25.2.1 The Chairperson must ask whether any Councillor has a question pertaining to the report; and
  - 25.2.2 After all Councillors have asked their questions of the report, the Chairperson must then ask a Councillor to move an appropriate motion. If the motion is seconded the motion is dealt with in the normal manner.

### **26 Reports from Committees**

- 26.1 Any report(s) by a Special Committee or an Advisory Committee to a Council meeting must contain a recommendation and must be listed on the next scheduled Council meeting agenda.
- 26.2 When the report(s) of a Committee is before a Council meeting:
  - 26.2.1 The Chairperson must ask whether any Councillor wishes to speak to any report and record the item number of any such report; and
  - 26.2.2 After all Councillors have indicated the reports which they wish to speak to, the Chairperson may ask for a motion to adopt all reports to which no requests to speak have been expressed and proceed to deal with that motion.
  - 26.2.3 The Chairperson of the Audit and Risk Committee may request a report be tabled at any Council meeting.

### **27 Leave of Absence**

*(Pursuant to Section 69(1)(g) of the Act.)*

- 27.1 Any Councillor seeking leave of absence from Council duties must do so at a prior Council meeting or, if this is not practicable, the Councillor must give the Chief Executive Officer written notice of an apology prior to the Council meeting.
- 27.2 Unless there is an emergency, a leave of absence requested during a Council meeting will only be granted at the end of a motion.

- 27.3 Unless there is an emergency, a leave of absence must not be requested or granted during a debate.
- 27.4 It will not be necessary for a notice of meeting, agenda or minutes to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of his or her absence.

## **28 Confidential Reports**

*(Pursuant to Section 89 of the Act.)*

- 28.1 The Chief Executive Officer must ensure that a report is classified as confidential if the Chief Executive Officer considers it has been prepared for consideration in respect of a matter which is expected to be the subject of a resolution under section 89(2) of the Act to close the Council meeting to the public while that report is discussed.
- 28.2 The Chairperson must call for a motion to close the meeting to the public and this motion must be carried prior to commencing any business pertaining to confidential reports. The time of this motion must be recorded in the minutes of the meeting.
- 28.3 The motion must contain the reasons why the meeting is being closed to the public by referencing that it is pursuant to section 89(2) of the Local Government Act and inserting the appropriate clause for each closed item. All confidential reports to be considered must be listed as part of this motion.
- 28.4 The Chairperson must advise those present in the public gallery that an item is required to be considered in a closed meeting and request that they vacate the chamber while the confidential matter(s) is discussed and determined.
- 28.5 The Chairperson must call for a motion to re-open the meeting to the public. This motion must be carried and the time recorded in the minutes of the meeting.
- 28.6 If an item or recommendation is to be moved out of the closed section:
- 28.6.1 The Chairperson must call for a motion to move all or part of the item or items into open Council; and
- 28.6.2 That report or section must be included in the minutes of the Ordinary meeting showing the Council decision that was made in the closed section of the meeting.
- 28.7 All items that are considered confidential pursuant to Section 89 of the Act remain confidential until Council has passed a resolution that the information is no longer confidential.

## **PART 5 - CONDUCT OF DEBATE AND RULES OF SPEAKING**

### **29 Addressing the Council Meeting**

- 29.1 Councillors and any other person addressing the Chair must refer to the Chairperson as:
- 29.1.1 Madam Mayor; or
- 29.1.2 Mr Mayor; or
- 29.1.3 Madam Chair; or
- 29.1.4 Mr Chair
- As the case may be.
- 29.2 All Councillors other than the Mayor must be addressed as Councillor (surname).
- 29.3 All members of Council staff must be addressed as Mr or Ms (surname) as appropriate or by their official title.

### **30 Priority of Address**

- 30.1 In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard.

### **31 Time Limits**

- 31.1 A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:
- 31.1.1 The mover of a motion or an amendment: 5 minutes;
- 31.1.2 Any other Councillor: 3 minutes; and
- 31.1.3 The mover of a motion exercising a right of reply: 2 minutes.

## **32 Debate**

- 32.1 Councillors must stand to address the Chairperson, to move or second a motion or amendment, or to take part in a debate unless otherwise determined by the Chairperson.
- 32.2 The Councillor acknowledged by the Chairperson is to speak and must not be interrupted unless:
  - 32.2.1 He or she is called to order; or
  - 32.2.2 His or her speaking time has expired; or
  - 32.2.3 A point of order is raised; or
  - 32.2.4 A formal motion is moved.
- 32.3 Councillors must designate each other by their official titles during debate and throughout the meeting.

## **33 Conduct of Meetings**

- 33.1 A motion or an amendment must:
  - 33.2 33.2.1 Not be defamatory;
  - 33.2.2 Not be objectionable in language or nature;
  - 33.2.3 Relate to the powers or functions of Council;
  - 33.2.4 Be in writing, if requested by the Chairperson;
  - 33.2.5 Except in the case of urgent business, be relevant to an item of Business on the agenda; and
  - 33.2.6 Be moved and seconded, otherwise it lapses.
- 33.3 A motion, amendment or question must not be defamatory or objectionable in language or nature.
- 33.4 The Chairperson may refuse to accept any motion, amendment or question which contravenes sub-clause 33.2. and 33.3 or which:
  - 33.4.1 Is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or;
  - 33.4.2 Purports to be an amendment but is not.
- 33.5 A motion or amendment cannot be withdrawn without the consent of the meeting.

## **34 Procedures with Respect to Recommendations and Motions**

- 34.1 The Chairperson will summarise the report recommendation and ask if there are any questions from Councillors for the Officers.
- 34.2 Once these have been answered, the Chairperson will call for a mover and seconder.
- 34.3 If there is no mover and/or seconder the motion lapses.
- 34.4 The Chairperson shall ask immediately after a motion is moved and seconded and after the mover has spoken to the motion (or deferred speaking), whether it is opposed. If no opposition is indicated the Chairperson may then put it to the vote, without debate.
- 34.5 The mover of a motion has the right of reply with respect to the debate on his or her motion immediately before the vote is taken, but that right of reply is lost if an amendment to the motion is carried.
- 34.6 Apart from the mover's right of reply referred to in sub-clause 34.2 a Councillor may only speak once on the motion.
- 34.7 The mover of a motion must not introduce a fresh matter when exercising any right of reply.

## **35 Procedures with Respect to Amendments and Foreshadowed Motions**

- 35.1 No notice needs to be given of any amendment.
- 35.2 Amendments must be dealt with one at a time.
- 35.3 An amendment must be relevant to the motion upon which it is moved.
- 35.4 An amendment must not amount to a direct contradiction of the motion.
- 35.5 The mover or seconder of a motion cannot move an amendment to it.
- 35.6 A second or subsequent amendment cannot be moved until the immediately preceding amendment is disposed of, unless both the mover and seconder of the original amendment agree to this.
- 35.7 A Councillor proposing an amendment must first state briefly the nature of the amendment and then move it, without speaking to it.
- 35.8 Chairperson is to ask for seconder.
- 35.9 If the amendment is not seconded the amendment lapses for want of a seconder.
- 35.10 After the amendment has been seconded the Chairperson must call upon the mover of the amendment to speak to the amendment.
- 35.11 After the mover of the amendment has spoken the Chairperson must call upon the seconder to speak to the amendment. The seconder can reserve their right.

- 35.12 After the mover and seconder of the amendment have spoken the Chairperson must call upon any other Councillor who may wish to speak to the amendment.
- 33.13 After any other Councillor has spoken to the amendment or if no Councillor has indicated an intention to speak the Chairperson will put the amendment to the vote.
- 35.14 If the amendment effectively negates the substance of the motion before the Chair, it is ruled to be a foreshadowed motion and shall only be considered in the event that the motion before the Chair is lost.
- 35.15 If an amendment is adopted it becomes the substantive motion and, as such, shall be put to the vote by the Chairperson, or be subject to amendment.
- 35.16 A Councillor cannot move more than two (2) amendments in succession.
- 35.17 With the leave of the Chairperson another amendment or a new motion can be foreshadowed by any Councillor stating in brief terms the nature of it.
- 35.18 A Councillor can only speak once on the amendment.

### **36 Interruptions, Interjections, Questions and Relevance**

- 36.1 A Councillor must not be interrupted except by the Chairperson or upon a point of order or personal explanation.
- 36.2 If a Councillor is interrupted by the Chairperson or upon a point of order or personal explanation, he or she must remain silent until the Chairperson has ceased speaking, the point of order has been determined or the personal explanation has been given (as appropriate).
- 36.3 A Councillor may ask any question concerning or arising out of the motion.
- 36.4 Questions are not to be asked between moving and seconding a motion except to seek clarification on the motion received.
- 36.5 All questions must be directed to the Chairperson or to another Councillor through the Chairperson. The Chairperson may direct any questions to a Council officer as he or she deems necessary.
- 36.6 A Councillor must not digress from the subject matter of the motion or business under discussion.

### **37 Repeating Motion, Amendment or Question**

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

### **38 Adjournment & Resumption of Adjourned Debate**

- 38.1 The Council may by resolution adjourn a meeting to a later time on the day for which the meeting was called or for a period not exceeding seven (7) days.
- 38.2 When a motion to adjourn a meeting is before the Council, the Chairperson must not allow discussion on the motion to adjourn. If the Council fails to pass the motion to adjourn, the Chairperson must resume the meeting at the item of business under consideration.
- 38.3 The Chief Executive Officer must deliver written notice of an adjourned meeting to all Councillors, except when the meeting is adjourned to a later time on the same day, in which case any form of notice may be given to all Councillors.
- 38.4 If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless he or she has already spoken to the motion or amendment.

### **39 Voting**

*(Pursuant to Section 90 of the Act.)*

- 39.1 Except where a Councillor may call for a division, Councillors must remain seated in silence while a vote is being taken.
- 39.2 Unless this Local Law provides otherwise or Council otherwise determines, voting must be by a show of hands.
- 39.3 The Chairperson may direct that the vote be recounted as often as may be necessary for him or her to satisfy himself or herself of the result.
- 39.4 In the event of a tied vote, the Chairperson has a second vote.
- 39.5 A Councillor can abstain from voting however, the decision to do so should not be taken lightly. Not participating in decisions taken by Council could be seen as an abrogation of a Councillor's oath of office and responsibility to represent the community.

## **40 Division**

- 40.1 Immediately after any motion, amendment or question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.
- 40.2 When a division is called, the Chairperson must:
  - 40.2.1 First ask each Councillor wishing to vote for the motion to stand. The Chairperson must then state, and the Chief Executive Officer (or person authorised by the Chief Executive Officer to take the minutes of the meeting) must record the names of those Councillors voting for the motion;
  - 40.2.2 Then ask each Councillor wishing to vote against the motion to stand. The Chairperson must then state, and the Chief Executive Officer (or person authorised by the Chief Executive Officer to take the minutes of the meeting) must record the names of those Councillors voting against the motion.
  - 40.2.3 Then if not all Councillors have declared either for or against the motion, ask each Councillor wishing to abstain to stand. The Chairperson must then state, and the Chief Executive Officer (or person authorised by the Chief Executive Officer to take the minutes of the meeting) must record the names of those Councillors abstaining from voting.
  - 40.2.4 Subject to the Act, the Chairperson must use a casting (second) vote if there is an equality of votes recorded on any motion, except when electing Mayor.
- 40.3 The Chairperson must declare the result of the vote or division as soon as it is taken.

## **41 Recording of Opposition to Motion**

- 41.1 Any Councillor may ask that his or her opposition to a motion adopted by the meeting be recorded. It must then be recorded in the minutes of the Council meeting.

## **42 Recording of Proceedings**

- 42.1 Council will record the proceedings at each Council meeting unless there is a specific resolution not to do so. This will take whatever form the Council has decided.
- 43.2 Except where Council conducts the recording, no video or audio recording of proceedings of Council meetings shall be permitted without specific approval by resolution of the meeting.
- 43.3 Council will make the recording of open Council meetings available to the public.

## **43 Points of Order**

- 43.1 A point of order is an objection that the motion, amendment or statement made is:
  - 43.1.1 Contrary to this Local Law;
  - 43.1.2 Defamatory;
  - 43.1.3 Irrelevant;
  - 43.1.4 Improper; or
  - 43.1.5 Outside Council's legal powersand may be made despite the fact that the Councillor or Chairperson is speaking at the time.
- 43.2 A point of order must be taken by stating:
  - 43.2.1 The matter complained of; and
  - 43.2.2 The reason constituting the point of order;
- 43.3 The Chairperson may raise a point of order without it having been made by a Councillor.
- 43.4 When called to order, a Councillor must remain silent until the point of order is decided unless he or she is requested by the Chairperson to provide an explanation.
- 43.5 The Chairperson may adjourn the meeting to consider a point of order but must otherwise rule upon it as soon as it is taken.
- 43.6 The Chairperson must, when ruling on a point of order, give reasons for the ruling.
- 43.7 The Chairperson's ruling shall be final unless the majority of Councillors present at the meeting vote in favour of a motion of dissent that is moved and seconded immediately after the Chairperson's ruling is given.
- 43.8 A motion of dissent must state the provision or practice in substitution for the Chairperson's ruling.
- 43.9 A motion of dissent that is carried must be acted upon by the Chairperson.
- 43.10 Only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of reply.
- 43.11 The Chairperson is not required to vacate the chair.



#### **44 Suspension of Standing Orders**

- 44.1 The provisions of this Local Law, except the quorum requirements applying under clause 12, may be suspended for any part of a meeting.
- 44.2 A suspension should only occur to enable full discussion of any issue without the constraints of formal meeting procedure.
- 44.3 No motion, except one which proposes the resumption of standing orders, may be accepted by the Chairperson or be lawfully dealt with during any suspension of standing orders.

#### **45 Chairperson's Right to Speak**

- 45.1 The Chairperson may address a meeting upon any matter under discussion, following presentations by all Councillors, and is not deemed to have left the Chair on such occasions. The Chairperson may physically 'step away' from the Chair to make their point in a discussion in which case they are not deemed to have left the Chair.
- 45.2 The Chairperson may choose to vacate the Chair for the duration of any item under discussion whereupon a temporary Chairperson (usually the Deputy Mayor) or other Councillor elected by the meeting shall take the Chair until such item has been disposed of.

#### **46 Clarification by Chief Executive Officer or another member of Council staff**

- 46.1 With the prior consent, or at the request of the Chairperson, the Chief Executive Officer or a member of Council staff may address any item to clarify a statement made by a Councillor during the course of debate.

#### **47 Ordering Withdrawal of Remark**

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

#### **48 Suspension**

*(Pursuant to Section 66 of the Act)*

- 48.1 Council may by resolution suspend from a meeting, and for the balance of the meeting, any Councillor whose actions have disrupted the business of Council, and have impeded its orderly conduct, provided the Councillor in question has received an initial warning from the Chairperson that his/her conduct is, in the Chairperson's opinion, impeding the orderly conduct of the meeting.

#### **49 Chairperson may Adjourn Disorderly Meeting**

- 49.1 If the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper.

#### **50 Public Behaviour**

- 50.1 Any member of the public addressing Council must extend courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.

#### **51 Removal from Chamber or Meeting Room**

- 51.1 The Chairperson, may ask any Authorised Officer, member of the Police Force or person appointed by Council to maintain security, to remove from the Chamber or meeting room any person who acts in breach of this Local Law.

## **PART 6 - COMMITTEES**

*The purpose of this Division is to regulate proceedings at Committee meetings.  
(Pursuant to Section 86 of the Act.)*

### **Part 1 – Special Committees**

#### **52 Application Generally**

- 52.1 Except as provided in this Part, if Council establishes a Special Committee, all of the provisions of this Local Law shall apply with any necessary modifications.
- 52.2 For the purposes of Clause 52.1, a reference to:
  - 52.2.1 A Council Meeting is to be read as a reference to a meeting of the Special Committee; and
  - 52.2.2 The Mayor is to be read as a reference to the Chairperson of the Special Committee.
- 53.3 The following provisions of this local law do not apply to Special Committees:
  - 53.3.1 All of Part 2
  - 53.3.2 Part 3, Clause 13 (Call of the Council)
  - 53.3.3 Part 4, Clauses 19 and 20 (Petitions and Public Question Time)
- 54.4 Public participation in a meeting of a Special Committee shall be permitted in accordance with guidelines and policies adopted by Council from time to time.

#### **53 Quorum**

- 53.1 The quorum of a meeting of a Special Committee is the number fixed by Council, being at least a majority, or if no number has been fixed, a majority of the number of members of the Committee.

#### **54 Addressing a Special Committee Meeting**

- 54.1 It is not necessary for a Member to rise when addressing a Special Committee meeting.

#### **55 Application Specifically**

- 55.1 Despite Clause 52.1 if Council establishes a Special Committee, Council may resolve that provisions contained within this Local Law do not apply.

### **Part 2 – Advisory Committees**

#### **56 Application Specifically**

- 56.1 If Council establishes an Advisory Committee, Council may resolve that various provisions of this Local Law apply to that Advisory Committee with any necessary modifications.

## **PART 7 - SUSPENSION OF LOCAL LAW**

#### **57 Suspension of Procedure**

- 57.1 Any provisions of this Local Law applicable to a Council meeting, Special Council meeting and a Special Committee meeting may be suspended upon the affirmative vote of the majority of members present.

## **PART 8 – COMMON SEAL**

*The purpose of this Part is to regulate the use of the Common Seal, which is a device which formally and solemnly records the collective will of the Council. The purpose of this Part is to prohibit the use of the Common Seal or any device resembling the Common Seal, as required by Section 5 (3)(b) and (c) of the Act.*

#### **58 Common Seal**

- 58.1 The Council must authorise by resolution the use of the Common Seal.

58.2 The common seal and words to be used accompanying it on any document to which it is affixed are as follows:

Signed on behalf of the Surf Coast Shire Council )  
by the Chief Executive Officer )  
pursuant to the instrument of delegation )  
dated [insert date] in the presence of: )

\_\_\_\_\_  
Witness

- 58.3 The Chief Executive Officer must sign every document to which the Common Seal is affixed. The common seal may only be used to sign, seal, issue, revoke or cancel any notice, document, order or agreement pursuant to a decision of Council.
- 58.4 It is an offence for a person to use the Common Seal or any device or representation resembling the Common Seal without authority given by resolution of the Council.
- 58.5 The Chief Executive Officer must keep the Common Seal in safe custody at all times.

## PART 9 – OFFENCES AND PENALTIES

### 59 Offences

It is an offence:

- 59.1 For a Councillor to not withdraw an expression which is considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable, and to not satisfactorily apologise when called upon twice by the Chairperson to do so.  
*Infringement Notice Penalty: 2 units*  
*Penalty: 5 penalty units*
- 59.2 For any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so.  
*Infringement Notice Penalty: 2 units*  
*Penalty: 5 penalty units*
- 59.3 For any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order.  
*Infringement Notice Penalty: 2 units*  
*Penalty: 5 Penalty Units*
- 59.4 For a Councillor to refuse to leave the chamber on suspension.  
*Infringement Notice Penalty: 2 units*  
*Penalty: 5 Penalty Units*
- 59.5 For any person to use the common seal of Council or any device resembling the common seal without the authority of Council.  
*Infringement Notice Penalty: 10 units*  
*Penalty: 20 penalty units*

### 60 Infringement Penalties

- 60.1 If an offence is committed against this Local Law, the Chairperson shall request the Chief Executive Officer to issue to the offender an infringement notice in a form approved by Council for the amount of two penalty units as an alternative to a prosecution for the offence.
- 60.2 A person to whom an infringement notice has been issued must pay to Council the amount specified in the notice within 28 days.

This Local Law was made by resolution of the Surf Coast Shire Council on 26 July 2016.

Signed on behalf of the Surf Coast Shire Council )  
by Keith Baillie, the Chief Executive Officer )  
pursuant to the instrument of delegation )

dated 24 July 2013 in the presence of: )

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Witness

Council provided notice to the public of the intention to make this Local Law which was duly advertised in the Victoria Government Gazette and Surf Coast Times on 12 May 2016.

Council resolved to adopt this Local Law at its meeting held on 26 July 2016 and this was duly advertised in the Victoria Government Gazette and The Surf Coast Times on {insert date}.

**SCHEDULE A - PUBLIC QUESTION TIME FORM**

## Public Question Time Council Meeting

**Questions must be written and be received at Council by 10am on the day of the meeting.**  
 Questions can be emailed to [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au), faxed to 5261 0525 or hand delivered to Customer Service, Council Offices, 1 Merrijig Drive, Torquay.

Information			
Date			
Surname		First Name	
Postal address			
Suburb		Post Code	
Phone		Mobile	
Email			
Suburb to be disclosed	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>IMPORTANT INFORMATION:</b> Please note that as required by Council's Local Law, your name and address will be read out in a public meeting and form part of the minutes of the Council meeting. If you wish only your name and not your address to be called, please indicate this above.			

Questions	
Date of Council meeting	
Subject	
Question(s)	<i>(NB: There is a limit of two questions per person, per meeting.)</i>
<input type="checkbox"/>	By ticking this box, I acknowledge that Surf Coast Shire Council will accept this communication as containing my electronic signature for the purpose of signing this document to identify me in accordance with the Electronic Transactions (Victoria) Act 2000.
Electronic signature <i>(please type your name)</i>	

1 Merrijig Drive / P.O. Box 350, TORQUAY, VIC, 3228  
 Ph: 03 5261 0600 / 1300 610 600 / Fax: 5261 0525  
 Email: [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)



### Notes for persons intending to participate in Public Questions Time

The purpose of this session is to enable public participation in Council Meetings. Public question time gives any member of the public the opportunity to freely ask a question on any Council related matter.

#### Questions must be written and be received by 10am of the day of the meeting.

Questions can be emailed to [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au), faxed to 5261 0525 or hand delivered to Customer Service, Council Offices, 1 Merrijig Drive, Torquay.

Question time is specifically available for questions. It is not an opportunity to make statements or to present a case on a particular issue. You are asked to respect this and promptly direct your question to the Mayor. Written questions, together with name, address and contact details should be tabled.

Asking the question is easy and members of the public are encouraged to ask any questions they have. Question Time is limited to 30 minutes.

A question will only be read to the meeting if the Mayor or other Chairperson has determined that the question:

1. Does not relate to a matter of the type described in Section 89(2) of the Act (refer below).
2. Does not relate to a matter in respect of which Council has no power to act.
3. Is not defamatory, indecent, abusive or objectionable in language or substance.
4. Is not repetitive of a question already answered (whether at the same or an earlier meeting).
5. Is not asked to embarrass a Councillor or council officer.

If the Mayor or Chairperson has determined that the question shall not be read to the meeting:

1. He or she must advise the meeting accordingly; and
2. The question shall be available to councillors upon request.

Answers to questions shall be given immediately, if possible, or taken 'on notice' if an on the spot answer is not available. (Where a question is taken 'on notice' a reply shall be mailed within five (5) business days).

#### What to do?

The Mayor/Chairperson shall formally invite questions from the public.

The member of the public then

- Stands up and moves to the table;
- States clearly his or her name, and
- Asks his or her question(s). (Please ask your question clearly and as briefly as possible);

The Mayor shall then answer questions or refer the matter to the Chief Executive, General Manager or a Councillor.

#### DEFINITIONS:

##### Section 89 Local Government Act:

(2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following:

- a) Personnel matters;
- b) The personal hardship of any resident or ratepayer;
- c) Industrial matters;
- d) Contractual matters;
- e) Proposed developments;
- f) Legal advice;
- g) Matters affecting the security of Council property;
- h) Any other matter which the Council or special committee considers would prejudice the Council or any person;
- i) A resolution to close the meeting to members of the public.

(3) If a Council or special committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting.

*Surf Coast Shire Council considers that the responsible handling of personal information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy. Council will comply with the Information Privacy Principles as set out in the Privacy and Data Protection Act 2014. The information will be used for the primary purpose it was collected or any related purpose for which the individual would reasonably expect Council to use or disclose the information. The information will not be disclosed to any other party unless Council is required to do so by law.*

1 Merrijig Drive / P.O. Box 350, TORQUAY, VIC, 3228  
Ph: 03 5261 0600 / 1300 610 600 / Fax: 5261 0525  
Email: [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)



**SCHEDULE B - RESCISSION MOTIONS**

The following guidelines apply for the lodgment of a notice of intention to move that a resolution passed by Council be rescinded or amended:

1 Notices of rescission must be in the correct format, namely:

It is the intention of Councillor \_\_\_\_\_ to move at the Ordinary/Special Meeting of Council to be held on / /20 :

That the motion of Council passed on / /20 , namely:

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be rescinded or amended and subject to that motion being carried in its place, Cr \_\_\_\_\_ proposes to move:

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\_\_\_\_\_  
Councillor    Councillor    Councillor

This notice was received by me at \_\_\_\_\_ am/pm on \_\_\_\_\_

CHIEF EXECUTIVE OFFICER

**SCHEDULE C - FORMAL MOTIONS PROCEDURE AND EFFECT**

<b>FORMAL MOTION</b>	<b>FORM</b>	<b>WHO CAN MOVE OR SECOND</b>	<b>IS A SECONDER REQUIRED</b>	<b>MATTERS IN RESPECT OF WHICH MOTION MAY BE MOVED</b>	<b>EFFECT IF CARRIED</b>	<b>EFFECT IF LOST</b>	<b>WHEN MOTION PROHIBITED</b>
Adjournment of debate to later hour/date	That this matter be adjourned until.....	Any Councillor	Yes	Any matter except where prohibited	Motion and amendments postponed to the stated time/date.	Debate continues unaffected	(a) During the election of the Chairperson (b) When another Councillor is speaking
Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor	Yes	Any matter except where prohibited	Motion and amendments postponed but may be resumed:  (a) At the same meeting upon motion to resume  (b) At any later meeting if on the Agenda.	Debate continues unaffected.	(a) During the election of the Chairperson  (b) when another Councillor is speaking  (c) when the matter is one in respect of which a call of Council has been made  (d) When a motion would have the effect of causing Council to be in breach of a legislative requirement
Adjournment of meeting to later hour/date	That this meeting be adjourned until..	Any Councillor	Yes	Any matter except where prohibited	As per adjournment of debate	Debate continues unaffected	As for adjournment of debate
Adjournment of meeting indefinitely	That this meeting be adjourned until further notice	Any Councillor	Yes	Any matter except where prohibited	Meeting adjourns until further notice.	Debate continues unaffected	(a) During the election of the Chairperson  (b) when another Councillor is speaking  (c) During a meeting which is a call of the Council.



**SCHEDULE C (Cont)**

<b>FORMAL MOTION</b>	<b>FORM</b>	<b>WHO CAN MOVE OR SECOND</b>	<b>IS A SECONDER REQUIRED</b>	<b>MATTERS IN RESPECT OF WHICH MOTION MAY BE MOVED</b>	<b>WHEN MOTION PROHIBITED</b>	<b>EFFECT IF CARRIED</b>	<b>EFFECT IF LOST</b>
The closure	That the question be now put	A Councillor who has not moved, seconded or spoken to the motion or any amendment of it	Yes	Any matter except where prohibited	During nominations for Chairperson (A closure motion shall not be accepted by the Chairperson unless the Chairperson considers there has been sufficient debate for and against the original motion or amendment)	Motion or amendment in respect of which the closure carried is put to the vote immediately, without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected
Proceeding to the next item of business	That the meeting proceed to the next item of business	A Councillor who has not moved, seconded or spoken to the motion or any amendment of it	Yes	Any matter except where prohibited	(a) During the election of the Chairperson  (b) When another Councillor is speaking  (c) During a meeting which is a call of the Council  (d) When a motion would have the effect of causing Council to be in breach of a legislative requirement	(a) If carried in respect to a formal motion, its effect is to remove that motion from consideration – no vote or further discussion on the motion until it is placed on an Agenda for a later Council Meeting  (b) If carried in respect to an amendment, its effect is to dispose of the amendment and debate resumes upon the motion.	Debate resumed at point of interruption and continues unaffected

# SCHEDULE D – CONFLICT OF INTEREST DISCLOSURE



## STATEMENT OF DISCLOSURE - CONFLICT OF INTEREST

(Sections 77A – 80A of the Local Government Act 1989)

**Section A** - To be completed by Councillor /Committee/ staff member making statement and submitted to the Chief Executive Officer or their delegate before the meeting (where possible).

- 1. Name of Councillor/ Committee/ Staff Member: .....
- 2. Name of Meeting: .....
- 3. Date of Council /Committee Meeting: ...../...../.....
- 4. Date of Disclosure (if different to above) ...../...../.....
- 5. Agenda Item No: .....
- 6. Agenda Item Description .....
- 7. Description of conflict of interest **or** conflicting personal interest in item:  
Conflict of Interest (s. 77A):  **Direct** Interest  **Indirect** Interest  
*If Indirect please indicate*
  - close association (s 78)
  - indirect financial interest (s 78A)
  - conflicting duty (s 78B)
  - receipt of applicable gift (s 78C)
  - interested party (s 78D)
  - impact on residential amenity (s 78E)

Conflicting personal interest (s.79B):  *NOTE: Exemption from voting in this case can only be obtained with approval of Council or Special Committee*

- 8. Nature of conflict of interest or conflicting personal interest: (please provide description)  
.....  
.....

Signature : .....  
*(Councillor / Committee/ Staff Member)*

**NOTE:** Section 79(6) of the Act requires that while the matter is being considered, or any vote is taken, the Councillor or Committee or Staff member **must:**  
(a) **leave the room and notify** the Mayor or Chairperson that he or she is doing so; and  
(b) **remain outside** the room and any gallery or other area **in view or hearing** of the room.

**Section B** - to be completed by the officer responsible for Council or Committee Minutes

- 1. Was a vote taken on the item? Yes  No
- 2. Did Councillor / Committee or Staff Member exit meeting before discussion of, and not vote on, item? Yes  No

Time left meeting: .....	Time returned to meeting: .....
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Print Name: ..... Signature : .....  
*(Responsible Officer)*

Privacy and Data Protection Act 2014 Statement  
The personal information requested on this form is being collected by Council for the purpose of recording Disclosures of Interest by, Councillors, members of Special Committees and persons engaged under a contract to provide advice or services to the Council or a special committee, as required by division 1A of the *Local Government Act 1989*. The personal information will be used solely by Council for that primary purpose or directly related purposes. Council may be required to disclose this information to the public in the minutes of a meeting and through access to written records of assemblies of Councillors in accordance with the Act. If this information is not collected the Councillor, member of a Special Committee or the organisation may fail in the discharging of their obligations under the Act. Application may be made to Council for access to and/or amendment of the information. Requests for access and or correction should be made to the Chief Executive Officer.