

BRIMBANK
CITY COUNCIL

BRIMBANK CITY COUNCIL

LOCAL LAW NO. 1
2009

MEETING PROCEDURE LOCAL LAW

(Adopted 28 July 2009)

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PART 1 - INTRODUCTION

1. Title

This Local Law will be known as the "Meeting Procedure Local Law".

2. Purpose of this Local Law

The purpose of this Local Law is to:

- (a) provide for the election of the Mayor;
 - (b) regulate the use of the common seal;
 - (c) prohibit unauthorised use of the common seal or any device resembling the common seal;
 - (d) provide for the procedures governing the conduct of *Council meetings* and *Special Committee* meetings; and
 - (e) set the rules of behaviour for those participating in or present at *Council meetings* and *Special Committee* meetings.
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3. Authorising Provision

This Local Law is made under section 111(1) of the *Local Government Act 1989*.

4. Commencement and End Dates

This Local Law:

- (a) commences on the day following the day on which notice of the making of this Local Law is published in the *Victoria Government Gazette*, and operates throughout the *municipal district*; and
 - (b) ends on the 10th anniversary of the day on which it commenced operation.
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5. Revocation of Local Law No. 1 of 2006

On the commencement of this Local Law, Council's Meeting Procedure Local Law No. 1 of 2006 is revoked.

6. Definitions and Notes

- (1) In this Local Law:

- "Act" means the *Local Government Act 1989*;
- "Advisory Committee" means an advisory committee established by *Council* under section 86(1) of the *Act*;
- "agenda" means the notice of a meeting setting out the business to be transacted at the meeting;
- "authorised officer" means a member of Council staff who is authorised by *Council* to carry out specific functions under this Local Law;
- "Chair" means the Chairperson of a meeting and includes an acting, a temporary and a substitute Chairperson;
- "Chief Executive Officer" means the Chief Executive Officer of *Council*;
- "common seal" means the common seal of *Council*;
- "Council" means Brimbank City Council;
- "Council meeting" includes a meeting at which the *Mayor* is elected, an *Ordinary meeting* and a *Special meeting*;
- "Mayor" means the Mayor of *Council*;
- "minute book" means the collective record of proceedings of *Council*;
- "municipal district" means the municipal district of *Council*;
- "notice of motion" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;
- "notice of rescission" means a *notice of motion* to rescind a resolution made by *Council*;
- "offence" means an act or default contrary to this Local Law;
- "Ordinary meeting" means any meeting of *Council* which is not a *Special meeting*;
- "penalty units" mean penalty units as prescribed in the *Sentencing Act 1992*;
- "Special Committee" means a special committee established by *Council* under section 86(1) of the *Act*;
- "Special meeting" means a *Special meeting* of *Council* convened and held in accordance with section 84, 84A or 85 of the *Act*;
- "visitor" means any person (other than a Councillor, member of a *Special Committee*, or member of Council staff) who is in attendance at a *Council meeting* or a *Special Committee meeting*; and
- "written" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form.
- (2) Introductions to Parts, headings and notes are explanatory notes and do not form part of this Local Law. They are provided to assist understanding.

PART B - ELECTION OF MAYOR

Introduction: This Part is concerned with the annual election of the *Mayor*. It describes how the *Mayor* is to be elected.

7. Election of the *Mayor*

The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the *Act* and the Councillors Code of Conduct.

8. Method of Voting

The election of the *Mayor* must be carried out by a show of hands.

9. Determining the election of the *Mayor*

- (1) The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.
- (2) Any nominations for the office of *Mayor* must be:
 - (a) in writing and in a form prescribed by the *Chief Executive Officer*, and
 - (b) seconded by another Councillor.
- (3) Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*:
 - (a) if there is only 1 nomination, the candidate nominated is deemed to be elected;
 - (b) if there is more than 1 nomination, the Councillors present at the meeting must vote for 1 of the candidates;
 - (c) in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
 - (d) in the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for 1 of the remaining candidates;
 - (e) if 1 of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until 1 of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;
 - (f) in the event of 2 or more candidates having an equality of votes and 1 of them having to be declared:

- (i) a defeated candidate; and
- (ii) duly elected

the declaration will be determined by lot.

(g) if a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:

- (i) each candidate will draw 1 lot;
- (ii) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if 2 or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
- (iii) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on 1 of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

10. Election of Deputy Mayor and Chairs of Special Committees

Any election for:

- (a) any office of Deputy Mayor; or
- (b) Chair of a *Special Committee*

will be regulated by clauses 7-9 (inclusive) of this Local Law, as if the reference to the:

- (c) *Chief Executive Officer* is a reference to the *Mayor*; and
- (d) *Mayor* is a reference to the Deputy Mayor or the Chair of the *Special Committee* (as the case may be).

PART C - COUNCIL'S COMMON SEAL

Introduction: The common seal is a device which formally and solemnly records the collective will of *Council*. The provisions in this Part are designed to protect the integrity of the common seal, and describe when it may be affixed to a document.

11. Council's Common Seal

- (1) The *Chief Executive Officer* must ensure the security of *Council's* common seal at all times.

- (2) The affixing of *Council's* common seal to any document must be attested to by the signatures of both:
 - (a) a Councillor; and
 - (b) the *Chief Executive Officer* or, in the absence of the *Chief Executive Officer*, the *Acting Chief Executive Officer* or a member of Council staff delegated this function by *Council*.

PART D - MEETINGS PROCEDURE

Introduction: This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting and the particular circumstances of *Special Committee* and *Advisory Committee* meetings.

DIVISION 1 - NOTICES OF MEETINGS AND DELIVERY OF AGENDAS

12. Dates and Times of Meetings

Council must fix the date, time and place of all *Ordinary meetings*.

13. Council May Alter Ordinary Meeting Dates

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

14. Special Meetings

- (1) The *Mayor* or at least 3 Councillors may by a written notice call a *Special meeting*.
- (2) The notice must specify the date and time of the *Special meeting* and the business to be transacted.
- (3) The *Chief Executive Officer* must convene the *Special meeting* as specified in the notice.
- (4) Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice is to be transacted.
- (5) Subject to any resolution providing otherwise, the order of business of any *Special meeting* must be the order in which such business stands in the *agenda* for the meeting.

Council is also able to call a *Special meeting*. This must be done by resolution. The Chief Executive Officer can call a *Special meeting* within 14 days of the result of the Council election being declared.

Apart from this, the only other type of *Special meeting* that can be convened is a "Call of the Council". This is provided for in section 85 of the Act. It is generally reserved for occasions on which all Councillors are required to attend and remain throughout a Council meeting lest Council be deprived of a quorum and be unable to transact an item of business which has, in the past, not been transacted because of some Councillors absenting themselves from the Chamber and preventing proper consideration of the matter.

15. Notice Of Meeting

- (1) A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for all *Ordinary meetings* at least 48 hours before the meeting.
- (2) A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for any *Special meeting* within a reasonable time of the *Special meeting* being called. Generally, this means that a notice of meeting must be delivered to every Councillor at least 48 hours before the meeting. A period less than 48 hours may, however, be justified if exceptional circumstances exist.
- (3) Notwithstanding sub-clause (1) and (2), a notice of meeting need not be served on 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 during the period of his or her absence.
- (4) Reasonable notice of each *Ordinary* and *Special meeting* must be provided to the public. *Council* may do this:
 - (a) for *Ordinary meetings* by preparing a schedule of meetings annually, twice yearly or from time to time, and arranging publication of such schedule in a local newspaper either at various times throughout the year, or prior to each *Ordinary meeting*; and
 - (b) for any meeting by giving notice:
 - (i) in each of its Customer Service Centres;
 - (ii) in each of its libraries;
 - (iii) in at least one local newspaper or daily metropolitan newspaper if the deadlines for advertising in local newspapers cannot be met; and
 - (iv) on its website.

DIVISION 2 – QUORUMS

16. **Ordinary Meetings**

The quorum for *Ordinary meetings* is the presence of a majority of the Councillors.

17. **Special Meetings**

The quorum for *Special meetings* is the presence of a majority of the Councillors.

18. **Inability To Obtain A Quorum**

If after 30 minutes from the scheduled starting time of any *Ordinary* or *Special meeting*, a quorum cannot be obtained:

- (a) the meeting will be deemed to have lapsed;
 - (b) the *Mayor* must convene another *Ordinary* or *Special meeting* (as the case may be), the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and
 - (c) the *Chief Executive Officer* must give all Councillors notice of the meeting convened by the *Mayor*.
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19. **Inability To Maintain A Quorum**

If during any *Ordinary* or *Special meeting* or any adjournment of the meeting, a quorum cannot be maintained then clause 18 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.

20. **Inability To Achieve Or Maintain A Quorum Due To Conflicts of Interest Of Councillors**

If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by the majority of Councillors, the *Chief Executive Officer*, or, in his or her absence, an *authorised officer*, must adjourn the meeting for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister administering the *Act*.

21. **Adjourned Meetings**

- (1) *Council* may adjourn any meeting to another date or time but cannot adjourn a meeting in session to another place.
- (2) The *Chief Executive Officer* must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

- (3) If it is impracticable for the notice given under sub-clause (2) to be in writing, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

22. Time limits for Meetings

- (1) An *Ordinary* and *Special meeting* must not continue after 10.30 pm unless a majority of Councillors present vote in favour of its continuance.
- (2) A meeting cannot be continued for more than 30 minutes (or a further 30 minutes, if a majority of Councillors has already voted to continue it for 30 minutes).
- (3) In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of clause 21(2) and 21(3) apply.

23. Cancellation or Postponement of a Meeting

- (1) The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone an *Ordinary meeting* or a *Special meeting*.
- (2) The *Chief Executive Officer* must present to the immediately following *Ordinary meeting* a written report on any exercise of the power conferred by sub-clause (1).

DIVISION 3 – BUSINESS OF MEETINGS

24. The Order Of Business

The order of business is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government. At the commencement of this Local Law it will, for *Ordinary meetings*, be:

- (1) Opening (including Welcome to Country);
- (2) Council Prayer;
- (3) Governance Declaration
- (4) Meeting Overview;
- (5) Apologies;
- (6) Disclosure of any Conflict of Interest of any Councillor;
- (7) Designation of Items as Confidential;
- (8) Adoption and Confirmation of the minutes of previous meeting;
- (9) Governance Report
- (10) Public Question Time;

- (11) Presentation of Management/Officer Reports;
- (12) Notice of Motion;
- (13) Rescission Motions;
- (14) Condolences/Congratulations;
- (15) Reports of Committees and Delegates;
- (16) Councillor Conference and Seminar Reports;
- (17) Mayor's Report;
- (18) Documents for sealing
- (19) Petitions and Public Submissions;
- (20) Urgent Business; and
- (21) Confidential Business.

25. Change To Order Of Business

Once an *agenda* has been sent to Councillors, the order of business for that meeting may be altered with the consent of *Council*.

26. Conflicts of Interest

- (1) A Councillor must disclose any conflict of interest which that Councillor has in an item of business at the time specified in the *agenda*.
- (2) Nothing in clause 26(1) derogates from a Councillor's duty under the *Act* to disclose the existence, nature and class of any conflict of interest which that Councillor has in an item of business immediately before the consideration or discussion of that item of business.

Section 77A of the Act defines when a Councillor will have a conflict of interest. Any Councillor who has a conflict of interest must comply with the requirements of section 79 of the Act.

Among these requirements is the requirement to disclose the existence, nature and class of the conflict of interest. This must be done 'immediately' before the consideration or discussion of the item in which the Councillor has a conflict of interest.

So, even if the Councillor has disclosed the conflict of interest earlier in the meeting, the existence and nature of the conflict of interest must again be disclosed immediately before any consideration or discussion of the agenda item occurs.

27. Urgent Business

If the *agenda* for an *Ordinary meeting* makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of *Council* and only then if it:

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

28. Reports of Committees and Delegates

- (1) A Councillor who is:
 - (a) the Chair of an *Advisory Committee*;
 - (b) the Chair of a *Special Committee*, other than a *Special Committee* to which *Council* has delegated a duty, function or power under section 86 of the *Act*; or
 - (c) a delegate, nominee or appointee to an external body, association, group or working party

shall present to *Council* a written report on the deliberations of the *Advisory Committee*, *Special Committee* or external body, association, group or working party (as the case may be).

- (2) In presenting the written report, the Councillor may address *Council* for up to 3 minutes on the contents of the written report or matters arising out of the written report

DIVISION 4 – MOTIONS AND DEBATE

29. Councillors May Propose *Notices Of Motion*

Councillors may ensure that an issue is listed on an *agenda* by lodging a *Notice of Motion*.

30. Notice Of Motion

- (1) A *notice of motion* must be in writing signed by a Councillor and a Secunder, and be lodged with the *Chief Executive Officer* to allow sufficient time for him or her to include the *notice of motion* in agenda papers for a *Council meeting* and to give each Councillor at least 48 hours notice of such *notice of motion*.
- (2) The *Chief Executive Officer* may reject any *notice of motion* which:
 - (a) *(Deleted)*
 - (b) it is beyond *Council's* power to pass; or
 - (c) if passed would result in *Council* otherwise acting invalidly

but must:

- (d) give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - (e) notify in *writing* the Councillor who lodged it of the rejection and reasons for the rejection.
- (3) The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda*.
 - (4) 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.
 - (5) Except by leave of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the notice of motion register.
 - (6) If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
 - (7) If a *notice of motion* is not moved at the meeting at which it is listed, it lapses.

31. Chair's Duty

- (1) Any motion which is determined by the *Chair* to be:
 - (a) defamatory;
 - (b) objectionable in language or nature;
 - (c) vague or unclear in intention;
 - (d) outside the powers of *Council*; or
 - (e) irrelevant to the item of business on the *agenda* and has not been admitted as urgent, or purports to be an amendment but is not,must not be accepted by the *Chair*.
- (2) The *Chair's* determination pursuant to clause 31(1) is subject to the provisions of clause 58.

32. Introducing a Report

- (1) Before a written report is considered by *Council* and any motion moved in relation to such report, a member of *Council* staff may introduce the report by indicating in not more than 2 minutes:
 - (a) its background; or
 - (b) the reasons for any recommendation which appears.

- (2) Unless *Council* resolves otherwise, a member of Council staff need not read any written report to *Council* in full.

33. Introducing A Motion or an Amendment

The procedure for moving any motion or amendment is:

- (a) the mover must state the motion without speaking to it;
- (b) the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
- (c) if a motion or an amendment is moved and seconded the *Chair* must ask:
"Is the motion or amendment opposed? Does any Councillor wish to speak to the motion or amendment?"
- (d) if no Councillor indicates opposition or a desire to speak to it, the *Chair* may declare the motion or amendment carried without discussion;
- (e) if a Councillor indicates opposition or a desire to speak to it, then the *Chair* must call on the mover to address the meeting;
- (f) after the mover has addressed the meeting, the seconder may address the meeting;
- (g) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
- (h) if, after the mover has addressed the meeting, the *Chair* has invited debate and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.

34. Right Of Reply

- (1) The mover of a motion, including an amendment, has a right of reply to matters raised during debate.
- (2) After the right of reply has been taken but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

35. Moving An Amendment

- (1) Subject to sub-clause (2) a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- (2) A motion to confirm a previous resolution of *Council* cannot be amended.
- (3) An amendment must not be directly opposite to the motion.

36. Who May Propose An Amendment

- (1) An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- (2) Any one Councillor cannot move more than 2 amendments in succession.

37. How Many Amendments May Be Proposed

- (1) Any number of amendments may be proposed to a motion but only 1 amendment may be accepted by the *Chair* at any one time.
- (2) No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

38. An Amendment Once Carried

- (1) If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.
- (2) The mover of the original motion retains the right of reply to that motion.

39. Foreshadowing Motions

- (1) At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) The *Chief Executive Officer* or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- (4)

40. Withdrawal Of Motions

- (1) Before any motion is put to the vote, it may be withdrawn by the mover and seconder with leave of *Council*.
- (2) If the majority of Councillors object to the withdrawal of the motion, it may not be withdrawn.

41. Separation Of Motions

Where a motion contains more than 1 part, a Councillor may request the *Chair* to put the motion to the vote in separate parts.

42. Chair May Separate Motions or Allow Motions to be Moved in Block

- (1) The *Chair* may decide to put any motion to the vote in several parts.
- (2) The *Chair* may allow or request Councillors to move "like items" in block.

43. Priority of address

In the case of competition for the right of speak, the *Chair* must decide the order in which the Councillors concerned will be heard.

44. Motions In Writing

- (1) The *Chair* may require that a complex or detailed motion be in writing.
- (2) *Council* may adjourn the meeting while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

45. Repeating Motion and/or Amendment

The *Chair* may request the person taking the minutes of the meeting to read the motion or amendment to the meeting before the vote is taken.

46. Debate Must Be Relevant To The Motion

- (1) Debate must always be relevant to the motion before the Chair, and, if not, the *Chair* must request the speaker to confine debate to the motion.
- (2) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to be seated and not speak further in respect of the motion then before the Chair.
- (3) A speaker to whom a direction has been given under sub-clause (2) must comply with that direction.

47. Speaking Times

A Councillor must not speak longer than the time set out below, unless granted an extension by the *Chair*.

- (a) the mover of a motion or an amendment which has been opposed: 5 minutes;

- (b) any other Councillor: 3 minutes; and
 - (c) the mover of a motion exercising a right of reply: 2 minutes.
-

48. Addressing the Meeting

If the *Chair* so determines:

- (1) any person addressing the *Chair* must refer to the *Chair* as:
 - (a) Madam Mayor; or
 - (b) Mr Mayor; or
 - (c) Madam Chair; or
 - (d) Mr Chairas the case may be;
 - (2) all Councillors, other than the *Mayor*, must be addressed as
Cr**(name)**.
 - (3) all members of Council staff, must be addressed as Mr or Ms
.....(name) as appropriate or by their official title.
 - (4) Except for the Chairperson, any Councillor or person who addresses a Council meeting must stand and direct all remarks through the Chair unless granted an exemption by the Chairperson.
-

49. Right to Ask Questions

- (a) A Councillor may, when no other Councillor is speaking and through the Chair, ask any question concerning or arising out of the motion or amendment before the Chair.
 - (b) The *Chair* has the right to limit questions and direct that debate be commenced or resumed.
-

DIVISION 5 – PROCEDURAL MOTIONS

50. Procedural Motions

- (1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.
- (2) Procedural motions require a seconder.
- (3) Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the following table:

PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Second	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made for that meeting in accordance with section 85 of the Act; or (d) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes

Procedural Motion	Form	Mover & Second	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

DIVISION 6 – RESCISSION MOTIONS

51. Notice of Rescission

- (1) A Councillor may propose a *notice of rescission* provided:
- (a) it has been signed and dated ;
 - (b) the resolution proposed to be rescinded has not been acted on; and
 - (c) the *notice of rescission* is delivered to the *Chief Executive Officer* by close of business on the day following the meeting at which the resolution was made setting out -
 - (i) the resolution to be rescinded; and
 - (ii) the meeting and date when the resolution was carried.

It should be remembered that a notice of rescission is a form of notice of motion.

Accordingly, all provisions in the Local Law regulating notices of motion equally apply to notices of rescission.

- (2) A resolution will be deemed to have been acted on if:
- (a) its contents have or substance has been formally communicated to a person whose interests are materially affected by it; or
 - (b) a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.
- (3) The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:
- (a) has not acted on; and
 - (b) is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-clause (1)(c).

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).

In these circumstances, deferring implementation of the resolution would have the effect of

depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Clause 51(3) would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

52. If Lost

If a motion for rescission is lost, a similar motion may not be put before *Council* for at least 3 months from the date it was last lost, unless *Council* resolves that the notice of motion be re-listed at a future meeting.

53. If Not Moved

If a motion for rescission is not moved at the meeting at which it is listed, it lapses.

54. May Be Moved By Any Councillor

A motion for rescission listed on an *agenda* may be moved by any Councillor present but may not be amended.

55. When Not Required

- (1) Unless sub-clause (2) applies, a motion for rescission is not required where *Council* wishes to change policy.
- (2) The following standards should apply if *Council* wishes to change policy:
 - (a) if the policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* must be presented to *Council*, and
 - (b) any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

DIVISION 7 – POINTS OF ORDER

56. Chair To Decide

The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

57. Chair May Adjourn To Consider

- (1) The *Chair* may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- (2) All other questions before *Council* are suspended until the point of order is decided.

58. Dissent From *Chair's* Ruling

- (1) A Councillor may move that the meeting disagree with the *Chair's* ruling on a point of order, by moving:

"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".
- (2) When a motion in accordance with this clause is moved and seconded, the *Chairperson* remains in the Chair but does not maintain the right to a second vote.
- (3) The *Chair* must invite the mover to state the reasons for his or her dissent and the *Chair* may then reply.
- (4) The *Chair* must put the motion in the following form:

"That the *Chair's* ruling be dissented from."
- (5) If the vote is in the negative, the meeting proceeds.
- (6) If the vote is in the affirmative, the *Chair* must then reverse or vary (as the case may be) his or her previous ruling and proceed.
- (7) The defeat of the *Chair's* ruling is in no way a motion of censure or non- confidence in the *Chair*, and should not be so regarded by the meeting.

59. Procedure For Point Of Order

A Councillor raising a point of order must:

- (a) state the point of order; and
- (b) state any section, clause, paragraph or provision relevant to the point of order before resuming his or her seat.

60. Valid Points Of Order

A point of order may be raised in relation to:

- (a) a motion, which, under clause 31, or a question which, under clause 61, should not be accepted by the *Chair*;
- (b) a question of procedure; or

- (c) any act of disorder.

Rising to express a difference of opinion or to contradict a speaker is not a point of order.

DIVISION 8 – PUBLIC QUESTION TIME

61. Question Time

- (1) There must be a public question time at every *Ordinary meeting* to enable members of the public to submit questions to *Council*.
- (2) Sub-clause (1) does not apply during any period when a meeting is closed to members of the public in accordance with section 89(2) of the *Act*.
- (3) Public question time will not exceed in duration any time limit imposed by the Chairperson, in the Chairperson's discretion in order to ensure that Council has sufficient time in which to transact Council business.
- (4) Questions submitted to *Council* must be:
 - (a) in *writing*, state the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*; and
 - (b) placed in the receptacle designated for the purpose at the place of the meeting prior to 5pm on the day of the *Ordinary meeting*, or be lodged electronically at the prescribed email address prior to 5pm on the day of the *Ordinary meeting*.
- (5) No person may submit more than 2 questions at any 1 meeting.
- (6) If a person has submitted 2 questions to a meeting, the second question:
 - (a) may, at the discretion of the *Chair*, be deferred until all other persons who have asked a question have had their questions asked and answered; or
 - (b) may not be asked if the time allotted for public question time has expired.
- (7) The *Chair* or a member of Council staff nominated by the *Chair* may read to those present at the meeting a question which has been submitted in accordance with this clause.
- (8) Notwithstanding sub-clause (6), the *Chair* may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
- (9) A question may be disallowed by the *Chair* if the *Chair* determines that it:
 - (a) relates to a matter outside the duties, functions and powers of *Council*;
 - (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

- (c) deals with a subject matter already answered;
 - (d) is aimed at embarrassing a Councillor or a member of Council staff;
 - (e) relates to personnel matters;
 - (f) relates to the personal hardship of any resident or ratepayer;
 - (g) relates to industrial matters;
 - (h) relates to contractual matters that are commercial in confidence;
 - (i) relates to proposed developments;
 - (j) relates to legal advice;
 - (k) relates to matters affecting the security of *Council* property; or
 - (l) relates to any other matter which *Council* considers would prejudice *Council* or any person.
- (10) Any question which has been disallowed by the *Chair* must be made available to any other Councillor upon request.
 - (11) All questions and answers must be as brief as possible, and no discussion may be allowed other than by *Councillors* for the purposes of clarification.
 - (12) Like questions may be grouped together and a single answer provided.
 - (13) The *Chair* may nominate a Councillor or the *Chief Executive Officer* to respond to a question.
 - (14) A Councillor or the *Chief Executive Officer* may require a question to be put on notice. If a question is put on notice, a *written* copy of the answer will be sent within 14 days to the person who asked the question.
 - (15) A Councillor or the *Chief Executive Officer* may advise *Council* that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or *Chief Executive Officer* (as the case may be) must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the reply to such question must be so given.

DIVISION 9 – PETITIONS AND JOINT LETTERS

62. Petitions and Joint Letters

- (1) 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, joint letter, memorial or other like application until the next *Ordinary meeting* after that at which it has been presented.
- (2) It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council* and that the contents do not violate any Local Law.

- (3) Every Councillor presenting a petition or joint letter to *Council* must:
- (a) *(Deleted)*
 - (b) confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request.
- (4) Every petition or joint letter presented to *Council* must be in *writing* (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 12 people.
- (5) Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- (6) Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- (7) Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- (8) If a petition, joint letter, memorial or other like application relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.

DIVISION 10 – DEPUTATIONS

63. Deputation to *Special Committee Meeting*

A deputation wishing to be heard at a designated meeting of a *Special Committee* may make a written request to the *Chief Executive Officer*.

64. Time of Request

The written request must be delivered or sent electronically to the *Chief Executive Officer* at least 5 days before the day of the designated *Special Committee* meeting.

65. Form of Request

A request for a deputation must:

- (1) specify the name and address of a person authorised to receive any notice on behalf of the deputation; and
- (2) summarise what is proposed to be said by the deputation at the *Special Committee* meeting.

66. Limitations upon Speakers

If a *Special Committee* determines to hear from a deputation, it will not hear more than 2 speakers on behalf of any deputation, and may set time limits on the length and address of each speaker.

67. Questions but no discussion permitted

Members of the *Special Committee* and members of Council staff may question the deputation on matters raised by it for purposes of clarification but no discussion will be allowed.

68. Matter to be Determined at a subsequent meeting

No motion must be allowed on any deputation until the next *Special Committee* meeting after the deputation has been heard unless the *Special Committee*, by resolution, decides otherwise.

69. Relaxation of Requirements

Nothing in this Division prevents:

- (1) the *Chief Executive Officer* determining which *Special Committee* meeting will consider the request for the deputation;
- (2) arranging for the deputation to meet with a group of Councillors; or
- (3) *Council* from resolving to hear from a deputation at any time.

DIVISION 11 - VOTING

70. How Motion Determined

To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the meeting.

71. Silence

Voting must take place in silence.

72. Recount

The *Chair* may direct that a vote be recounted to satisfy himself or herself of the result.

73. Casting Vote

In the event of a tied vote, the *Chair* must exercise the casting vote in accordance with the Act.

74. By Show Of Hands

Voting on any matter is by show of hands.

75. Procedure For A Division

- (1) Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.
- (2) When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.
- (3) When a division is called for, the *Chair* must:
 - (a) first ask each Councillor wishing to vote in the affirmative to stand and, upon such request being made, each Councillor wishing to vote in the affirmative must stand. The *Chair* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors voting in the affirmative; and
 - (b) then ask each Councillor wishing to vote in the negative to stand and, upon such request being made, each Councillor wishing to vote in the negative must stand. The *Chair* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors voting in the negative.

76. No Discussion Once Declared

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- (a) a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- (b) foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

For example, clause 76 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, clause 76 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in clause 76(b), to discussion about a positive motion were a resolution has just been rescinded.

DIVISION 12 – MINUTES

77. Confirmation of Minutes

- (1) At every meeting of *Council* the minutes of the preceding meeting(s) must be dealt with as follows:
 - (a) a copy of the minutes must be delivered to each Councillor no later than 48 hours before the next meeting;
 - (b) if no Councillor indicates opposition, the minutes must be declared to be confirmed;
 - (c) if a Councillor indicates opposition to the minutes:
 - (i) he or she must specify the item(s) to which he or she objects;
 - (ii) the objected item(s) must be considered separately and in the order in which they appear in the minutes;
 - (iii) the Councillor objecting must move accordingly without speaking to the motion;
 - (iv) the motion must be seconded;
 - (v) the *Chair* must ask;
"Is the motion opposed?"
 - (vi) if no Councillor indicates opposition, then the *Chair* must declare the motion carried without discussion and then ask the second of the questions described in clause 77(c)(xi);
 - (vii) if a Councillor indicates opposition, then the *Chair* must call on the mover to address the meeting;
 - (viii) after the mover has addressed the meeting, the seconder may address the meeting;
 - (ix) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not

address the meeting), the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;

- (x) if, after the mover has addressed the meeting, the *Chair* invites debate and no Councillor speaks to the motion, the *Chair* must put the motion; and
- (xi) the *Chair* must, after all objections have been dealt with, ultimately ask:
 - "The question is that the minutes be confirmed" or
 - "The question is that the minutes, as amended, be confirmed",and he or she must put the question to the vote accordingly;
- (d) a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed;
- (e) the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively;
- (f) unless otherwise resolved or required by law, minutes of a *Special Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*; and
- (g) the *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must record:
 - (i) the date, place, time and nature of the meeting;
 - (ii) the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
 - (iii) the names of the members of Council staff present;
 - (iv) any disclosure of an interest or a conflict of interest made by a Councillor;
 - (v) arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
 - (vi) each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
 - (vii) the vote cast by each Councillor upon a division;
 - (viii) the vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
 - (ix) questions upon notice;
 - (x) the failure of a quorum;

- (xi) any adjournment of the meeting and the reasons for that adjournment; and
 - (xii) the time at which standing orders were suspended and resumed.
- (2) Unless *Council* resolves otherwise and subject to any contrary requirements imposed by law, the minutes of any meeting of a committee established by *Council* must not be made public unless those minutes have been confirmed by *Council*.

It is possible that a Freedom of Information request is made for access to the unconfirmed minutes of a Committee meeting. If so and a decision on access needs to be made before Council can confirm the minutes the exceptions in sub-clause (2) allow access to the unconfirmed minutes to be given. This is an example of a contrary requirement "imposed by law".

78. No Debate on Confirmation Of Minutes

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.

79. Deferral Of Confirmation Of Minutes

Council may defer the confirmation of minutes until later in the meeting or until the next meeting if considered appropriate.

80. Recording Of Meetings

- (1) A person must not, without the prior approval of the *Chair* of the meeting, operate any audio or visual recording equipment at any *Council meeting*.

Penalty: 5 penalty units.

Nothing in sub-clause (1) applies to:

- (a) any member of Council staff operating any recording device for the purpose of preparing draft minutes of the meeting; or
- (b) any security camera installed in any place in which a *Council meeting* is held.

DIVISION 13 - BEHAVIOUR

81. Public Addressing The Meeting

- (1) Members of the public do not have a right to address *Council* and may only do so with the consent of the *Chair* or by prior arrangement.

- (2) Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
- (3) Members of the public present at a *Council meeting* must not interject during the meeting.

82. Chair May Remove

Subject to clause 58, the *Chair* may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction.

It is intended that this power be exercisable by the Chair, without the need for any Council resolution under clause 83. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her authority in chairing the meeting.

83. Suspensions

Council may suspend from a portion of the meeting, or for the balance of the meeting, any Councillor whose actions have disrupted the business of *Council* at that meeting, and have impeded its orderly conduct.

Unlike clause 82, this power of suspension resides in Council. The Chair may, for whatever reason, decline to order the removal of a person whose actions have been disruptive. Council itself can resolve to suspend the person and, in so doing, determine whether the suspension is to continue for the balance of the meeting or some lesser period.

84. Offences

- (1) It is an offence for:
 - (a) a person to use the *common seal* or any device resembling the *common seal* without the authority of *Council*;

Penalty: 10 penalty units

- (b) 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

- (c) a Councillor to not withdraw an expression considered by the *Chair* to be offensive or disorderly, and apologise when called on twice by the *Chair* to do so;

Penalty: 2 penalty units

- (d) any person, not being a Councillor, who is guilty of any improper or disorderly conduct, to not leave the Chamber when requested by the *Chair* to do so;

Penalty: 5 penalty units

- (e) any person to fail to comply with a direction of the *Chair* in relation to the conduct of the meeting and the maintenance of order;

Penalty: 2 penalty units

- (f) a Councillor to refuse to leave the Chamber on suspension.

Penalty: 5 penalty units

The penalty units set out in this sub-clause and elsewhere (eg clause 11(3)) represent the maximum amount which a Court can order a person to pay. Even then, it requires a prosecution to be brought against the person in the Magistrates' Court. An alternative to prosecution is the infringement notice procedure outlined in sub-clause (2).

- (2) An *authorised officer* may, as an alternative to prosecution, issue an infringement notice in accordance with the *Infringements Act 2006* and associated regulations requirements to any person who has committed an offence against this Local Law.
- (3) The fixed penalty in respect of an on the spot infringement is the amount set out in Schedule 1.
- (4) Any infringement notice to issued to a person under this Local Law may be served on or given to the person by:
 - (a) delivering the notice to the person;
 - (b) leaving the notice at his or her usual or last known place of residence or business with a person apparently over the age of 16 years and apparently residing or employed at that place; or
 - (c) sending the document by post addressed to the person at his or her last known place of residence or business.
- (5) The relevant *authorised officer* may withdraw the infringement notice within 28 days after its date by sending a notice to the person on whom the infringement notice was served.
- (6) If the person pays the penalty before the infringement notice is withdrawn, the person is entitled to a refund of the penalty.
- (7) If the person pays the penalty within the time specified in the notice or, if the relevant *authorised officer* allows, before a summons is served on the person in respect of the infringement, the following provisions apply:
 - (a) further proceedings for an offence are not to be taken against the person; and
 - (b) there is to be no conviction recorded against the person for the infringement.

- (8) A penalty paid under this clause must be applied as if the person who paid it was convicted of the infringement in a Magistrates' Court on the information of a person authorised by *Council* to bring proceedings on its behalf.
- (9) If a person served with an infringement notice has not paid the penalty within the time specified in the notice or any extension of that time or if an infringement notice is not withdrawn proceedings may still be taken or continued to prosecute the alleged.
- (10) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (11) A person issued with an infringement notice is entitled to disregard the infringement notice and defend any prosecution in court.

85. Chair may adjourn disorderly meeting

If the *Chair* 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. In that event, the provisions of clause 21(2) and 21(3) apply.

86. Removal from Chamber

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Local Law and whom the *Chair* has ordered to be removed from the gallery under clause 82 of this Local Law or whom *Council* has suspended under clause 83 of this Local Law.

DIVISION 14 – ADDITIONAL DUTIES OF CHAIR

87. The Chair's Duties And Discretions

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

- (a) must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and
- (b) must call to order any person who is disruptive or unruly during any meeting.

DIVISION 15 – SUSPENSION OF STANDING ORDERS

88. Suspension of Standing Orders

- (1) To expedite the business of a meeting, *Council* may suspend standing orders.

The suspension of standing orders should be used to enable full discussion of any issue

without the constraints of formal meeting procedure.

Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

- (2) The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:

"That standing order be suspended to enable discussion on....."

- (3) No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.

- (4) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

DIVISION 16 – MISCELLANEOUS

89. Procedure not provided in Local Law

In all cases not specifically provided for by this Local Law, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to *Council* proceedings).

90. Criticism of members of Council staff

- (1) The *Chief Executive Officer* may make a brief statement at a *Council meeting* in respect of any statement by a Councillor made at the *Council meeting* criticising him or her or any member of Council staff.
- (2) A statement under clause 90(1) must be made by the *Chief Executive Officer*, through the *Chair*, as soon as it practicable after the Councillor who made the statement has resumed his or her seat.

DIVISION 17 - SPECIAL AND ADVISORY COMMITTEES

91. Application to *Special Committees* Generally

- (3) If *Council* establishes a *Special Committee* composed solely of Councillors, all of the provisions of Divisions 1-16 of this Local Law apply to meetings of the *Special Committee*.
- (4) For the purposes of clause 91(3), a reference in Division 1-16 of this Local Law to:
- (a) a *Council meeting* is to be read as a reference to a meeting of the *Special Committee*;

- (b) a Councillor is to be read as a reference to a member of the *Special Committee*; and
- (c) the *Mayor* is to be read as a reference to the *Chair* of the *Special Committee*.

92. Application to *Special Committees* Specifically

Notwithstanding clause 91, if *Council* establishes a *Special Committee* composed solely of Councillors:

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

resolve that any provision(s) of Divisions 1-16 is or are (as appropriate) not to apply, whereupon that provision or those provisions will not apply until *Council* resolves, or the *Special Committee* with the approval of *Council* resolves, otherwise.

93. Application to *Advisory Committees* Generally

- (1) If *Council* establishes an *Advisory Committee*, all of the provisions of Divisions 1-16 of this Local Law apply to meetings of the *Advisory Committee*.
- (2) For the purposes of clause 93(1), a reference in Division 1-16 of this Local Law to:
 - (a) a *Council meeting* is to be read as a reference to a meeting of the *Advisory Committee*;
 - (b) a Councillor is to be read as a reference to a member of the *Advisory Committee*; and
 - (c) the *Mayor* is to be read as a reference to the *Chair* of the *Advisory Committee*.

94. Application to *Advisory Committees* Specifically

Notwithstanding clause 93, if *Council* establishes an *Advisory Committee*:

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

resolve that any provision(s) of Divisions 1-16 is or are (as appropriate) not to apply, whereupon that provision or those provisions will not apply until *Council* resolves, or the *Advisory Committee* with the approval of *Council* resolves, otherwise.

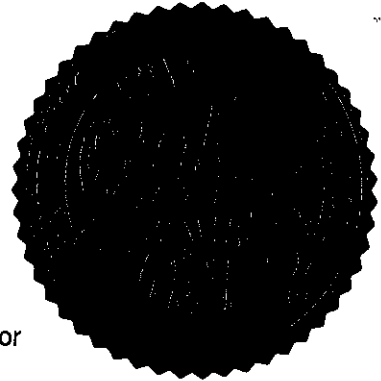
95.

Adoption of Recommendation

If a recommendation of an *Advisory Committee* or a *Special Committee* is adopted by *Council*, what has been recommended becomes a resolution of *Council*.

The Common Seal of Brimbank City Council
was hereunto affixed in the presence of:

)
)
)



[Handwritten signature]
.....

Mayor/Councillor

[Handwritten signature]
.....

Chief Executive Officer

Schedule 1

Meeting Procedure Local Law No. # Penalties Fixed for On the Spot Infringements

Local Law Provision	Offence	Penalty Units
84(1)(a)	Using the Common Seal or replica without authority	10
84(1)(b)	Fraudulently signing a petition or joint letter	5
84(1)(c), (d), (e) and (f)	Call to Order – Failing to comply with a direction of the Chair	2